



Appeal Decisions

Site visit made on 4 September 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Appeal A Ref: APP/J0405/W/20/3252194

Cromwell House, Church Street, Marsh Gibbon OX27 0ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Connell against Buckinghamshire Council.
 - The application Ref 20/00345/APP is dated 28 January 2020.
 - The development proposed is works of demolition, extension, internal and external alteration and conversion and alteration of outbuildings to form ancillary accommodation and garaging.
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Appeal B Ref: APP/J0405/Y/20/3252192

Cromwell House, Church Street, Marsh Gibbon OX27 0ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr & Mrs Connell against Buckinghamshire Council.
 - The application Ref 20/00346/ALB is dated 28 January 2020.
 - The works proposed are works of demolition, extension, internal and external alteration and conversion and alteration of outbuildings to form ancillary accommodation and garaging.
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Decisions

Appeal A Ref: APP/J0405/W/20/3252194

1. The appeal is dismissed insofar as it relates to the proposed extension and timber privacy screen and is allowed and planning permission is granted insofar as it relates to internal alterations to the house and the conversion and alteration of outbuildings to form ancillary accommodation and garaging at Cromwell House, Church Street, Marsh Gibbon OX27 0ET in accordance with the terms of the application, Ref 20/00345/APP, dated 28 January 2020, subject to the conditions set out in the attached schedule.

Appeal B Ref: APP/J0405/Y/20/3252192

2. The appeal is dismissed insofar as it relates to the proposed extension and timber privacy screen and is allowed and listed building consent is granted insofar as it relates to internal alterations to the house and the conversion and alteration of outbuildings to form ancillary accommodation and garaging at Cromwell House, Church Street, Marsh Gibbon OX27 0ET in accordance with

the terms of the application, Ref 20/00346/ALB, dated 28 January 2020 and the plans submitted with it so far as relevant to the part of the works hereby permitted, subject to the conditions set out in the attached schedule.

Procedural Matters

3. At the time that the applications were submitted, the site fell within the jurisdiction of Aylesbury Vale District Council. However, on 1 April 2020 the four district councils in Buckinghamshire together with Buckinghamshire County Council became one unitary council representing the entire county. The Council is now known as Buckinghamshire Council and is the local planning authority for the area. I have determined the appeals accordingly.
4. The draft Vale of Aylesbury Local Plan (VALP) was submitted for examination in 2018 and main modifications to the VALP were consulted on late in 2019. Although the VALP is not yet adopted, having regard to its advanced stage in the examination process, I have had regard to and given moderate weight to relevant policies identified by the Council in the emerging VALP.
5. The description of development and works used in the headings above have been taken from the application forms. In partially allowing the appeals, I have altered the descriptions slightly in order to identify and distinguish between the different elements of the proposals that have been allowed and dismissed.

Background and Main Issues

6. The Council did not issue decisions within the prescribed period or within an agreed extension of time period. The appellants exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the applications.
7. A statement has been submitted by the Council in response to the appeals and this concludes that had the Council determined the applications, it would have refused them both due to concerns regarding the impact of the proposals on the Listed Building and in respect of the planning application, due to concerns regarding the impact on the Conservation Area.
8. Having regard to the background to the appeals, the main issues for both appeals are whether the proposals would preserve:
 - Cromwell House, a Grade II Listed Building, and any features of special architectural or historic interest it possesses;
 - the character and appearance of Marsh Gibbon Conservation Area

Reasons

Special Interest and Significance

9. Located in a prominent roadside position along Church Street in the Marsh Gibbon Conservation Area, Cromwell House is included on the Statutory List at Grade II. It is described in the List Description as a house, circa 1600 constructed from coursed rubble stone, timber lintels to openings and thatched roof containing upper windows in small gables with thatch swept round.

10. Cromwell House has a simple and modest rectangular plan form which together with the low eaves level of the thatched roof give the building a strong horizontal emphasis and squat appearance. In addition, the solidity and integrity of the traditional materials palette used in the construction of the building combined with the modest scale and irregular and infrequent positioning of the timber framed, side hung casement windows result in a high solid to void ratio and gives Cromwell House a robust, vernacular character.
11. Insofar as is relevant to the appeal proposals, the significance and special interest of the building derives from the particular architectural composition and construction described above. The building's form, prominent siting and materials together with its age mean that it makes a positive contribution to the character and appearance of the Conservation Area.

The proposals

12. The proposals are for a single storey extension to the rear of Cromwell House. It would replace two existing single storey outbuildings positioned close to the rear of the building, one of which is linked to it by a corrugated lean-to roof. In addition, internal and external alterations are proposed to two outbuildings located on land to the rear of the house to form ancillary accommodation and garaging and internal alterations are proposed within the ground floor of the house to form a cloakroom. Finally, a timber privacy screen is proposed to the rear elevation of the house.

The effect of the proposals – extension and privacy screen

13. The proposed extension is large in scale when compared to the footprint of the existing house and its length, height and position mean that it would obscure a large part of the ground floor rear elevation of the Listed Building and interrupt its simple form and appearance. Consequently, it would not be a subservient addition to Cromwell House. Although I note that the presence of glazing on the front and rear of the extension may technically allow views through it to the rear elevation of the Listed Building, in reality this view is likely to be obscured to some degree by internal fixtures and fittings within the extension with views being further interrupted by the solid roof of the extension.
14. Unlike the existing house which is constructed from traditional materials and has a very traditional, vernacular form, the proposed extension would be of a flat roofed, contemporary design incorporating Corten steel panels and large areas of vertical floor to ceiling glazing generally arranged symmetrically. Whilst the extension would be subservient in height and would be offset from the Listed Building by a narrow glazed link section separating old and new, its particular architectural form and composition would be at odds with and would appear visually jarring in the context of its host building. Moreover, the timber privacy screen to the rear of the building would similarly fail to relate to the special interest of the host building in terms of design or proportions. Due to their scale, position and incongruous appearance, the proposed extension and timber privacy screen would be clearly visible from public vantage points and would be at variance with the character and appearance of the Conservation Area.
15. I note that the Council raises no objections to the demolition of the outbuildings to the rear of the house, which would be necessary to make way for the proposed extension and related interventions. I also concur with the

Council's view that those outbuildings detract from the setting of Cromwell House. Nevertheless, the appeal scheme's positive aspects in these regards would clearly be outweighed by the proposed extension and privacy screen's harmful effects.

16. Consequently, mindful of the duties arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude that the appeal scheme would fail to preserve Cromwell House, its special interest, and the character and appearance of the Conservation Area.

The effect of the proposals – cloakroom and barns

17. The formation of a cloakroom on the ground floor of the house would require the construction of new partition walling within the existing utility room (described as the western room in the Heritage Statement). At my visit I noted that the proposed walling would be positioned to one end of the room and that the affected walls of the host building appear to have a modern plaster finish. The proposed internal alterations which are modest in scale and require limited intervention to existing fabric would preserve the special interest of the building. I note that the Council raised no objections to this aspect of the proposals.
18. Alterations to two outbuildings to the rear of Cromwell House also form part of the appeal proposals. Barn 2 is a brick built single storey pitched roof building with a slate roof. It contains a number of existing window and door openings and concrete block animal pens internally. In the main, the existing window and door openings are to be retained and existing timberwork either repaired or replaced. However, new double timber garage doors are proposed within one of the gable ends of the barn to replace an existing timber door and inward opening window. Although this would necessitate the removal of a large amount of brickwork from the gable end and would therefore involve the loss of historic fabric, the barn would retain its agricultural character meaning that the proposed alterations to Barn 2 would not adversely affect the significance of Cromwell House. No objections are raised by the Council to the removal of the internal pens as these are considered to be of limited historic interest and I concur with this view.
19. A number of alterations are also proposed to Barn 1 including the demolition of a flat roofed element and internal alterations. The front elevation of this barn is much altered and the proposed alterations to it would utilise existing openings and would not be harmful to its appearance. The vernacular character and appearance of the barn would be retained and the changes proposed to it would not adversely affect the significance of Cromwell House.
20. Taking the above matters together with the duties provided by the Act, I conclude that Cromwell House, its special interest and the character and appearance of the Conservation Area would be preserved by the internal alterations to the house and the conversion and alteration of outbuildings to form ancillary accommodation and garaging and in the case of the external alterations to Barn 1, the Conservation Area would be enhanced.

Other Matters

21. The proposals would provide private benefits by improving living conditions for current and future occupiers of the house. They would also provide some visual benefits to the setting and significance of the Listed Building and Conservation Area resulting from the demolition of a number of unsympathetic structures on the site and from external alterations to Barn 1. Though these benefits would be public benefits, they are of no more than moderate weight given the scale and nature of the demolition and alterations proposed. Moreover, it has not been demonstrated that the appeal schemes would be necessary to secure a continued use of the building consistent with its conservation. It has not therefore been established that the appeal scheme would be necessary to secure the optimum viable use of the building.
22. Reference has been made by the appellants to the fact that the appointed architects have designed a number of award winning schemes. However, though this is noted, the schemes referred to do not appear to be directly comparable to the schemes before me and in any event, I must determine the proposals on their own merits. For the reasons stated above, the proposed extension and privacy screen would be harmful to the designated heritage assets.
23. Reference has also been made to the fact that the proposals raise no issues with regard to living conditions, drainage, flooding and highways, access and parking. However, this is not a benefit of the appeal schemes, but rather a neutral factor that weighs neither for nor against the proposals in the planning balance.

Planning Balance

24. The National Planning Policy Framework (the Framework) anticipates that once a finding of harm to the significance of a heritage asset, such as a listed building or conservation area, has been reached, then the magnitude of that harm should be assessed. In this case, I conclude that the proposal would cause less than substantial harm to the significance of the Grade II Listed Cromwell House and the Conservation Area. Nevertheless, at paragraph 193 the Framework sets out that great weight should be given to a heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Moreover, at paragraph 196 the Framework states that the harm should be weighed against the public benefits of a proposal. Such benefits could include circumstances where a proposal would secure the optimal viable use of a building.
25. For the reasons given above, the proposals would not result in the optimum viable use of the building. Moreover, the public benefits of the appeal schemes would be moderate and would not be of a sufficient weight to tip the overall planning balance in their favour when set against the great weight and importance I attach to the harm which would be caused by the proposed extension and timber privacy screen to the significance of the heritage assets. The lack of harm to the significance of the Listed Building and Conservation Area that would result from the proposed internal alterations to the house or the alterations to the Barn 2 is not a positive benefit of the schemes and would have only a neutral effect on the balance. In any event, the implementation of

the internal alterations and interventions to the barns is not dependant on the construction of the proposed extension and privacy screen.

26. For these reasons, the proposed extension and privacy screen conflict with the Framework insofar as, amongst other things, it requires heritage assets to be conserved in a manner appropriate to their significance. For the same reasons these aspects of the proposals would conflict with policies GP9, GP35 and GP53 of the Aylesbury Vale District Local Plan Part 1 January 2004, Policy MG1 of the Marsh Gibbon Neighbourhood Development Plan and policies S1, BE1 and BE2 of the VALP. These policies seek, amongst other things, to ensure that proposals are well designed, that they respect the host building and surrounding area and conserve heritage assets.
27. However, for the reasons stated above, the proposed internal alterations to the house and alterations to the barns would preserve the Listed Building and its special interest and overall would enhance the character and appearance of the Conservation Area. They would not therefore harm the significance of the heritage assets and would not conflict with the Framework or with the relevant development plan policies outlined above. Accordingly, as these aspects of the appeal schemes are clearly severable from the extension and privacy screen proposals, I consider that a split decision is justified in this case.

Conditions

28. In allowing the appeals insofar as they relate to the internal alterations to the house and alterations to the barns, I have had regard to the conditions suggested by the Council. Where imposed, I have in some cases made alterations to their wording in the interests of clarity and reasonableness. Although not suggested by the Council, I have imposed a condition specifying the approved plans on the planning permission in order to provide certainty. An approved plans condition is not required on the listed building consent as carrying out the works in accordance with the submitted plans is part of the formal decision.
29. I have imposed the Council's suggested conditions on the listed building consent that relate to matters such as recording of details prior to demolition, materials samples, working drawings of windows and doors and joinery details, details of flooring and service routing and finally alterations to external and internal surfaces. However, I have amended the wording of the surface finishes condition to acknowledge the fact that other surfaces may be permitted by the materials sample condition that do not match existing and to add a timeframe for compliance. A number of the conditions require pre-commencement compliance and this is justified in this case due to the listed status of the host building and the desirability of preserving its special interest. I have not imposed the suggested materials condition on the planning permission as it is not necessary as a similar condition has been imposed on the listed building consent.

Conclusion

30. For the above reasons and having regard to all matters raised, I conclude that the appeals should be dismissed insofar as they relate to the proposed extension and privacy screen and allowed insofar as they relate to the proposed internal alterations to the house and alterations to the barns.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A Ref: APP/J0405/W/20/3252194

- 1) The development shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans insofar as they relate to internal alterations to the house and the conversion and alteration of outbuildings to form ancillary accommodation and garaging:

1849 (PL) 100, 101, 112, 114, 200, 201, 202, 400 and 401

1849 (SU) 100, 200, 201 and 400

Appeal B Ref: APP/J0405/Y/20/3252192

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No works to the barns shall take place until the applicant has secured the making of a detailed record/implementation of a scheme of recording of the building(s) concerned, in accordance with Level 3-4 'Understanding Historic Buildings: A Guide to Good Recording Practice' (published by Historic England, 24 May 2016). This must be carried out in accordance with a written scheme of investigation which shall first be submitted to and agreed in writing by the Local Planning Authority.
- 3) No work permitted by this consent shall commence until details/samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved details/samples.
- 4) No work permitted by this consent shall take place until working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing:
 - all proposed internal and external windows and doors; and
 - all proposed internal and external joineryhave been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved drawings.
- 5) No work permitted by this consent shall take place until details of the proposed flooring to be used in the dwelling has been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details.
- 6) Prior to the installation of the cloakroom hereby permitted at ground floor level of the dwelling, full details of service routing to the cloakroom shall be

submitted to and approved to the Local Planning Authority. The works shall only be carried out in accordance with the approved details.

- 7) Within 3 months of the completion of the works authorised by this consent, all new or altered external and internal surfaces shall be finished or made good to match those of the existing unless as otherwise agreed by another condition attached to this consent.