



Appeal Decision

Site visit made on 29 September 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/K0235/D/20/3256940

Courtyard Barn, The Drive, Church Lane, Oakley, Bedford MK43 7ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr George Powell against the decision of Bedford Borough Council.
 - The application Ref 19/02677/FUL, dated 2 December 2019, was refused by notice dated 19 May 2020.
 - The development proposed is described as: 'Single storey extension to existing dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have inserted 'Bedford' to the address in the banner heading above as it is listed on the appeal form.
3. Whilst not cited on the Council's decision notice, the appellant has cited the Oakley Neighbourhood Plan 2020 (ONP) in his submission, quoting ONP Policies DH1 and DH2. Both parties have had the opportunity to provide comments in respect of this matter and I have taken the responses received into account in the determination of this appeal.
4. There has been reference to a previous appeal decision¹ in relation to the Costs application. Therefore, I have had regard to this previous decision in the determination of this appeal and will not prejudice any party in taking this approach. However, as it was issued prior to the first version of the National Planning Policy Framework (the Framework) 2012, I find it to have little implication surrounding a non-designated heritage asset. I have dealt with the appeal on this basis.

Application for Costs

5. An application for costs was made by Mr George Powell against Bedford Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues of this appeal are:
 - i. whether the proposal would affect the character, appearance and significance of a non-designated heritage asset; and,

¹ APP/W0205/A/08/2070965

- ii. the effect on the setting of 'The Mallows' (TM), which is Grade II listed.

Reasons

7. The appeal property is a modest dwelling dating back to the 19th Century, accessed via a shared driveway from 'The Drive', which is a private road. It is located in the open countryside, but close to the village of Oakley. Adjacent to the dwelling is a parking area for a number of cars, a detached garage and a series of stables formerly of 'Oakley House'² (OH). Directly to the west of the site is TM³, which is a 18th Century listed cottage and once formed part of former OH stables. The listing confirms that it was included for group value. It is common ground between the main parties that the host dwelling is not individually listed or curtilage listed. On the evidence before me, I have little reason to disagree with the main parties on these issues. Although, I do note that part of the western flank wall to the host dwelling forms part of the historic shared boundary wall with TM.
8. The host dwelling is mostly constructed from brick with a Flemish bond, corbelled brick eaves and a slate roof with 2no. roof lights on the front elevation and 1no. roof light on the rear elevation. The host dwelling has a single forward facing aspect with no other windows or openings on any of its other elevations, apart from the roof light on the rear roof slope. The front elevation of the host dwelling comprises timber boarding with a window and a door sited close to the western boundary wall that partially forms the side elevation of the host dwelling. The remainder of the front elevation comprises a series of full-length glazing panels/door.
9. The Council has identified the host dwelling as a non-designated heritage asset and its significance, through its historical association to TM and OH. In support of this the Council has provided the consultation responses from its Conservation and Historic Buildings Officer⁴. The National Planning Policy Framework⁵ (the Framework) requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
10. Furthermore, although the Framework and Planning Practice Guidance (PPG) advises that it is important that all non-designated heritage assets are clearly identified as such, the PPG also advises that the local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications⁶. In light of the above reasons and irrespective of the host dwelling not being identified on a Council Local List⁷, in accordance with the Framework and the PPG, for the reasons that follow, I find the host dwelling has a degree of significance meriting consideration in this decision.
11. The Framework⁸ says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the

² Grade II* Listed on 7 May 1952

³ Grade II Listed on 7 May 1952

⁴ Memo dated 27 January 2020 and 30 March 2020

⁵ Paragraph 190

⁶ Paragraph: 040 Reference ID: 18a-040-20190723

⁷ Appendix 6 - Historic Environment Record

⁸ Paragraph 197

application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The host dwelling is directly adjacent to TM and within the original grounds of OH, with a very simple form. I also find the host dwelling to have similar characteristics to the other outbuildings in proximity to the site, thus retaining the historic interest and relevance to its wider surroundings. I consider that the significance of the host dwelling derives from the character and appearance of the building and its historic association with TM and OH.

12. The proposed extension would create a dwelling with a combined floor space of 160m². However, when compared to the host dwelling the proposed development would be notable. I do not consider the principle of a contemporary extension to the host dwelling to necessarily be harmful, although I do have concerns surrounding the proposed development in this instance, particularly surrounding the amount of development proposed. I find that the proposed development would significantly reduce the important sense of space around the host dwelling and despite the linked design, it would dominate its original shape and form. The resultant appearance of the proposed development would be unsympathetic and distinctly at odds with the host dwelling, thus forming an incongruous feature.
13. Whilst acknowledging the proposed development would include features, such as following the line of the eastern boundary of the site, a lower roof height when compared against the host dwelling, construction materials comprising patinated zinc roof with structural steel facias painted slate grey, dark stained vertical timber boarding on its elevations and a notable amount of glazing. Whilst the proposed development would be Biophilic in its design, I am not convinced that the structure would not represent a strident feature with proportions out of keeping with the prevailing character of the host dwelling.
14. I accept that views of the site from areas within the public realm are limited, the visual misgivings of a detached double garage adjacent to the site access and the overall plot size of the site. However, I find these matters are of little consequence to provide sufficient mitigation against the adverse effect of the proposed development identified in this instance. Additionally, whilst not physically attached, I still find that the proposed development falls within the setting of TM due to its proximity from within the site.
15. I have a statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires me to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. I consider the proposal fails to accord with this duty. Additionally, the proposed development would not conserve the heritage assets in a manner appropriate to their significance in line with the Framework. I find that the proposed development would result in "less than substantial" harm to the setting of TM for the purposes of the Framework⁹. The proposed development would result in some limited economic and social benefits. However, as public benefits, these would not outweigh the less than substantial harm to the setting of TM.

⁹ Paragraph 196

16. For the reasons given above, I therefore conclude that the proposed development would have a harmful effect on the character, appearance and significance of a non-designated heritage asset and the setting of TM. Consequently, the proposed development would fail to accord with the heritage, design, character and appearance aims of Policies 28S, 29, 30, 41S and 66 of the Council's Allocations and Designations Local Plan 2013, ONP Policies DH1 and DH2 and guidance contained within E1, E2 and E3 of the Council's Residential Extensions, New Dwellings and Small Infill Developments 2000. Additionally, the proposed development would not conserve the heritage assets in a manner appropriate to their significance in line with the Framework.
17. Section 16 of the Act has been cited on the Council's decision notice. However, this section of the Act relates to listed building consent and therefore I find it is not directly applicable to the case before me.

Other Matters

18. I have also had regard to various other matters raised by the appellant, including his need to develop the host dwelling due to its existing size, the removal of permitted development rights on the property, his desire to work from home and the proposed eco credentials resulting in a low carbon footprint, but on the evidence before me these are not reasons to grant permission in the face of the harm identified.
19. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

20. Whilst I accept the absence of other harm arising from the proposed development and the social and economic benefits that would occur from the appellant homeworking and the construction phase of the development, amongst other things, these factors, for the reasons described, do not outweigh my assessment of the main issues.
21. Given my findings above, the proposed development would conflict with part of the environmental objective set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development.
22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR