



Appeal Decisions

Site visit made on 17 November 2020

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal A: APP/J0405/W/20/3255963

The Cottage, Gibraltar, Dinton, HP17 8TY

- 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 Mrs Patricia Murray against the decision of Aylesbury Vale District Council.
 - The application Ref 19/03602/APP, dated 5 September 2019, was refused by notice dated 29 April 2020.
 - The development proposed is a single storey rear extension.
-

Appeal B: APP/J0405/Y/20/3255964

The Cottage, Gibraltar, Dinton, HP17 8TY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Patricia Murray against the decision of Aylesbury Vale District Council.
 - The application Ref 19/03603/ALB, dated 5 September 2019, was refused by notice dated 29 April 2020.
 - The works proposed are a single storey rear extension.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Although the reason for refusal does not refer to the Dinton, Westlington Upton and Gibraltar Conservation Area, I nevertheless have a statutory duty to consider the potential effects under the terms of the Act and these appeals have been determined accordingly.
 4. The listing description provided by the Council differs from Historic England's official listing entry. In the interests of clarity and consistency I have relied on Historic England's listing description in my decision, including in relation to the building's reference number.
-

5. What appear to be footings have been excavated on site in the position of the proposed extension and the Council's description of the development refers to it as being 'part retrospective'. However, since the development has not progressed beyond these works I will continue to refer to the scheme as a proposal.

Main Issues

6. The main issues are:

- whether the proposal would preserve a grade II listed building, Gibraltar Cottage (Ref: 1118302) and any of the features of special architectural or historic interest that it possesses; and
- whether it would preserve or enhance the character or appearance of the Dinton, Westlington Upton and Gibraltar Conservation Area.

Reasons

The listed building and the conservation area

7. The listing description indicates that the two storey house was formerly two cottages and dates from the early eighteenth century. Constructed of witchert on a rubble plinth the attractive building is colour washed and rendered. It has a thatched roof with half hipped gables which also encapsulates the building's single storey element on its north side. These simple rectangular elements attest to the modest vernacular design and proportions of its historic form.
8. The appeal site has seen some alterations, including the conversion and extension of a detached garage building in the garden and its later attachment to the house via a link building. Whilst the resultant annex is attached to the historic building, and is within its curtilage, all its components are much later additions to the site and are of different materials and construction to the house. As such, this modern phasing development contributes little to the special interest of the building.
9. The appeal property retains a relatively modest building form and has maintained its integrity and authenticity as a traditionally constructed cottage incorporating uncomplicated detailing. Overall, the historic form of the listed building is still legible and it remains an attractive rural dwelling typical of local vernacular building construction techniques. Given the above, from the listing description and the evidence before me, I find the special interest of the listed property, insofar as it relates to these appeals, to comprise its modest scale and proportions as well as its traditional rural design.
10. The Dinton, Westlington Upton and Gibraltar Conservation Area takes in this cluster of small rural settlements which are surrounded by agricultural land. The appeal site is within the Gibraltar Lane Identity Area which contains a small group of houses that sit along Gibraltar Lane just off the main A148. The buildings here make up the historic core of the small hamlet of Gibraltar which is thought to have been originally part of a single farm complex that has been divided up over time.
11. The conservation area's historic and architectural significance is derived from Gibraltar's history and development as a rural settlement. There is some variety in building style and scale in Gibraltar Lane where the appeal building is

an attractive component of the lane and adds to the richness of the conservation area. It is a surviving example of thatched housing using traditional materials typical of surrounding rural area. As such, the authenticity and historic charm of the appeal building contributes positively to the character and appearance of the conservation area and its significance as a heritage asset in relation to these appeals.

The effect of the proposal on the listed building

12. Planning permission was granted to extend and convert an existing garage on the site to provide annexed residential accommodation in 1997. The detached garage building was converted to create a bedroom and a larger extension was added to the east of the garage building to provide a lounge area. In 2011 a single storey link extension to join the annex building to the main cottage was approved. These three single storey buildings are attached to each other and to the main house and provide an annex. They run at right angles to the house along the site's northern boundary and are finished in render with red tile roofs.
13. This collection of more recent buildings maintains the appearance of short range of functional outbuildings ancillary to the main residential use of the house. They are seen as a low-key collection of ad-hoc additions that have created a hierarchy of buildings stretching away from the house. I accept that the annex comprises more modern additions and as is capable in principle of accommodating greater change than the main historic part of the building.
14. The proposal concerns the former garage building which is the final section of the attached annex sited towards the end of the garden away from the house. It currently appears as a much smaller building in relation to the adjacent taller and wider garage extension. It is set a good distance down from that adjacent building's roof ridge and, at about half its depth, is set well back from its front elevation.
15. The proposal would see the modest former garage building enlarged with an extension that would effectively wrap around it on its south and west elevations. It would infill the inset section of the building and extend it southwards to almost align with the front of the adjacent larger garage extension building. It would also extend it westwards by some 1.9 metres and increase the height of its pitched roof to some 4.15 metres. The resultant building would be finished in lime render with clay roof tiles to match the existing buildings.
16. Whilst in itself the proposal would not be particularly large, the modest host property has already been significantly extended rearwards with the creation of the substantial attached annex. Although I accept that the Council found the previous additions to be sympathetic to the main building, it is nevertheless concerned about the scale of the proposal when taken in conjunction with them. The proposal would provide another enlargement to the annex building that would result in it being more than double the footprint of the main house. It would also elongate the property's L shaped floorplan and increase again the floorspace of the traditional dwelling that would historically have been much smaller, compartmentalised and linear in form.
17. The proposal would be set down some 0.4 metres below the ridge line of the adjacent building. It would also be set back slightly from its front elevation.

- However, these distances would not be great. In practical terms the roof would be only marginally lower than that of the adjoining building, and the front elevation would be almost flush with the adjoining building's front wall. The existing former garage building would also be increased in width to be almost as wide as the adjacent building. As a result, the proposal would add to the range of buildings that make up the annex and make the final section much bigger. This would be to the extent that it would be similar in size and form to the larger adjacent building which makes up the middle section of the annex.
18. As things stand, despite their different ages, physical connection to the main house and residential use, the existing structures making up the annex appear generally as a range of modest outbuildings typical of the rural area. Their different sizes, relationship to each other, variations in roof heights and building lines means that they read overall as ancillary buildings to the main cottage and retain their sense of subservience to that historic building.
 19. In contrast, by increasing the bulk and prominence of the former garage building at the end of the row furthest from the house, the appeal proposal would unbalance the sequence and hierarchy of the buildings that make up the annex. Moreover, the annex would effectively appear as a long and continuous extension to the main house with little differentiation in built form being evident. As such, its sense of it being a range of former outbuildings would be lost and its overall scale would be considerable and dominant in relation to the historic core of the proposal. Thus the proposal would significantly erode its historic legibility.
 20. Three glazed bi-fold door panels are proposed to the south elevation. They would be raised in height such that it would break the line of the eaves. In addition two windows and a high level triangular window are proposed to the rear elevation in the gable end. I note the appellant's reference to two local Design Award schemes for modern extensions to listed buildings incorporating fenestration with a clear juxtaposition between old and new. I am not aware of the circumstances that led to those developments and so cannot be sure that they are the same as in the case before me or that the schemes are directly comparable to the appeal proposal.
 21. Nevertheless, in this instance, although the glazing proposed would be modern in design, I am mindful that the annex is a later phasing to the building. These features would be on a more recent addition and would not be read in direct visual connection with the main house (since they would be at right angles to its main elevation and at the far end of the garden). In this context I am not persuaded that they would in themselves detract from the historic form and features of the historic core of the building or erode its prominence. However, the neutral effect of the proposed fenestration does not alter my other concerns relating to the proposal as described above.
 22. The proposal would be to the rear of the building, and would not be prominent in any public views. Nevertheless, the fact that the rear of the building is not widely visible does not affect my findings on this matter. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
 23. Taking all these factors into account, I consider that the proposal would be an unacceptably bulky and over-dominant addition that would add significantly to the existing annex, and, in combination with the existing buildings there, would

challenge the visual dominance of the main house and overwhelm it. Its massing would increase the status of the annex and make it unduly prominent. In doing so it would further erode the scale and simplicity of the historic building and undermine its modest vernacular form and limited proportions thus detracting from its authenticity. As a consequence, the proposal would seriously impair the main house's historic legibility and fail to preserve its special interest.

24. In coming to this view, I am aware that the proposal would not be attached to the main part of the building but to the later buildings and would not be directly adjacent to the listed building's historic core or affect its historic fabric. However, my concern is for the building as a whole and its historic legibility as a modest vernacular building.

The effect of the proposal on the conservation area

25. The proposal would be to the rear of the building and would have no impact on its front elevation. Unlike listed buildings, the significance which a conservation area is dependent upon is more widely experienced. Case law¹ has established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence.
26. The main house is built up to the highway and for the most part screens the rear of the site. Although some views of the proposal would be visible from certain viewpoints on the lane these would be few and due to its siting at the far end of the annex, the proposal would not be prominent from the public realm. It would also have only limited prominence in private views from neighbouring properties. As such, even though the proposal would cause harm to the listed building for the reasons set out above, I am satisfied that it would not be detrimental to the character and appearance of the conservation area and thus would preserve its significance.

Conclusion on the main issues

27. I therefore conclude on the main issues that whilst the proposal would preserve the significance of the conservation area, it would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of these appeals.
28. The proposal would be contrary to Policy GP9 of the Aylesbury Vale District Local Plan (Local Plan) which is permissive of extensions to dwellings where (amongst other things) they respect the appearance of the dwelling and its setting and other buildings in the locality (b). It would also conflict with Local Plan Policy GP35 which expects the design of new development to respect and complement (amongst other things) the physical characteristics of the site and the surroundings (a), the building tradition, ordering, form and materials of the locality (b), and the historic scale and context of the setting (c). It would also be at odds with the Council's Guide for Residential Extensions which places particular weight on retaining the identity, appearance, character and special interest of listed buildings.
29. The decision notice also cites emerging policies BE1 and BE2 of the Vale of Aylesbury District Local Plan which is currently being examined. Policy BE1

¹ South Oxfordshire DC v SSE and J Donaldson [1991] CO/1440/89

requires all development to conserve heritage assets in a manner appropriate to their significance and Policy BE2 requires all development to respect and complement the physical characteristics of the site and its surroundings. The Council and the appellant do not agree as to what weight should be afforded to these emerging policies. However, whilst I consider that the proposal would be contrary to these emerging policies, given its conflict with the adopted development plan, whether the weight given to this conflict is moderate or limited is not determinative in this appeal.

Planning Balance

30. The National Planning Policy Framework (the Framework) advises at paragraph 193 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I consider that the harm in this case, although serious, would be less than substantial in the terms meant by the Framework. Paragraph 196 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
31. It has not been put to me that the property's continued viable use as a dwelling is dependent upon the appeal proposal, since the building has an ongoing residential use that would not cease in its absence. No public benefits have been put forward which would outweigh the harm to the designated heritage asset I have identified. For these reasons the proposed development and works would fail to satisfy the requirements of the Act and paragraph 192 of the Framework and would be in conflict with the development plan.

Other Matters

32. I appreciate that the proposal was reduced in scale during the Council's consideration of the application and several sets of revised plans were provided. However, I confirm that I have considered the appeal proposal on its individual planning merits and made my own assessment as to its impacts. That the Heritage Officer supports the principle of a further extension at the appeal site does not alter my conclusions on the appeal scheme.
33. The officer's report refers to the settings of nearby listed buildings at the Old Thatch to the north of the appeal site and the Bottle and Glass pub to the south as constraints. Whilst I must have special regard to the settings of these buildings, since I am dismissing the appeals in relation to the first main issue, there has been no need for me to consider this matter further.

Conclusion

34. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

Elaine Worthington

INSPECTOR