The Planning Inspectorate

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: 22 December 2020

Appeal A: APP/X0415/W/20/3250149
108 High Street, Amersham, HP7 0ED

- 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 S Hart against the decision of Buckinghamshire Council.
- The application Ref PL/19/3810/FA, dated 5 November 2019, was refused by notice dated 21 February 2020.
- The development proposed is a single storey rear extension.

Appeal B: APP/X0415/Y/20/3250157
108 High Street, Amersham, HP7 0ED

- 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 Mr S Hart against the decision of Buckinghamshire Council.
- The application Ref PL/19/3811/HB, dated 5 November 2019, was refused by notice dated 21 February 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 Matter

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 Amersham Old Town Conservation Area, I nevertheless have a statutory duty to consider potential effects under the terms of the Act and these appeals have been determined accordingly.

Main Issues

4. The main issues are:

   - whether the proposal would preserve a grade II listed building, 108, 118, 120 High Street (Ref: 1237700) 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 Amersham Old Town Conservation Area.

Reasons

The listed building and the conservation area

5. The appeal property is mid terrace two storey red brick cottage and forms part of a single listed building entry which includes 108, 118, 120 High Street. These properties make up a short row on the south side of the High Street and are indicated in the listing description to be timber framed seventeenth century buildings which were re-fronted in the eighteenth century. The building has a tiled roof continuous with No 106 to the east and adjoins the Swan Inn public house to the west. There is a covered archway through the cottages immediately to the west of the appeal property which gives vehicular access to the rear via a driveway. This serves a small number of other properties further to the south. Overall the appeal property retains the appearance of a modest functional workers cottage of limited scale and proportions characteristic of the centre of the town.

6. To the rear, the appeal property has a large rear chimney stack and a pitched roof dormer. It has already been extended at first floor and ground floor level. Neighbouring properties have also been extended and No 118 on the other side of the driveway has a large two storey rear addition. Despite these changes, the appeal property for the most part retains a relatively modest built form and has maintained its integrity and authenticity as a traditionally constructed terraced cottage incorporating uncomplicated detailing. Overall, the historic form of the listed building is still legible to the rear and it remains a short row of attractive historic dwellings typical of the local vernacular.

7. Given the above, from the evidence before me and my own observations on site, I find that the special interest of the listed property, insofar as it relates to these appeals, to comprise its modest scale and proportions and its simple traditional design and form.

8. The appeal site is within the Amersham Old Town Conservation Area. This is a relatively compact area with mediaeval and Georgian origins characterised by strong linear development and a broad street pattern. The busy High Street contains a good number of listed buildings which are generally well preserved and maintained. The buildings of the Georgian era are mostly two storey with pitched red tile roofs and red brick walls. There are instances, as at the appeal building, where brick facades hide earlier timber framed buildings. In line with the mediaeval character of the town, a number of glimpsed views are possible into old courtyards and approaches with some development tucked behind. All these elements contribute to the old town's aesthetic attractiveness and denote its historic evolution.

9. The conservation area's historic and architectural significance is derived from Amersham's long history as a settlement and role as a rural market town. There is some variety in building style and scale in High Street where the appeal building is an attractive component of the street and adds to the richness of the conservation area. It is a surviving example of the terraces typical of the centre of the town where modest functional workers cottages are interspersed with larger more imposing housing. 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

10. As set out above, the appeal property has been previously extended to the rear. It has a mid-twentieth century (indicated by the appellant to date from the 1950s) two storey flat roof extension with a felt roof and UPVC windows. A single storey rear extension was permitted beyond this in 2005 and has a part pitched roof and part flat roof. The proposed single storey rear extension would adjoin the rear of this element and be the same width as it thereby covering much of the property's rear elevation. It would be around 3.3 metres deep and 3.5 metres wide and cover a total area of 15.6 square metres. It would have a short section of pitched roof topped with a flat crown roof where there would be a glass rooflight.

11. Whilst in itself the proposal would not be particularly large, the modest host property has already been significantly extended rearwards to effectively double its depth. In addition to this, the proposal would provide another ad hoc enlargement that would almost double the length of the existing extensions and extend well back from them to create an elongated floorplan. It would increase again the floorspace of the traditional cottage that would historically have been much smaller and compartmentalised. Thus I consider that the proposal would add significantly to the existing extensions, and, in combination with them, would overwhelm the main part of the historic building which is a traditional cottage of limited proportions.

12. With a height of 3.16 metres the ridge of the proposed crown roof would be below the ridge of the existing extension's gable end. The flat roof element of the proposal would have a flat glass roof light over the kitchen and this would be obscured from view below the ridge of the crown roof. I accept that this design solution seeks to minimise the height and prominence of the proposal. Even so, it would result in a bulky and uncharacteristic roof form that would appear as an unduly modern and incongruent feature that would sit awkwardly alongside the pitched roof element of the existing extension. It would further erode the scale and simplicity of the historic building and, in combination with its size, would undermine the modest vernacular form of the cottage.

13. Although I note the comments of the Historic Buildings Officer in relation to the 2005 scheme, I am not persuaded that the existing extensions to the appeal property have had a minimal impact on the listed building as the appellant suggests. In any event, whilst the merits of that existing development are not before me, the appeal proposal falls to be considered in the context of the extensions already in place. Whilst it may be that the Historic Buildings Officer found the previous extension to be acceptable, that is not to say that the same conclusion would necessarily be drawn in relation to any further extensions. Indeed, the Historic Buildings Officer objects to the appeal proposal.

14. Taking all these factors into account, despite the existing extensions to the row and the proposed use of matching materials, I consider that the proposal would be an unacceptably dominant addition. Its intrusive and uncharacteristic roof design would result in an incongruous extension that would conflict with the simple architectural form of the listed building. Its massing and detailing would further undermine the simple form of the low status vernacular building and as

a consequence would seriously erode its historic legibility and fail to preserve its special interest.

15. In coming to this view, I am aware that the proposed addition would not be attached to the main part of the building but to the later extensions and that it would not be directly adjacent to the listed building's historic core. However, my concern is for the building as a whole. I have also had regard to neighbouring No 118 which has a large projecting two storey rear extension. However, I am not aware of the circumstances that led to that development which appears to have been in place for some time. In any event, it does not create a precedent for the appeal proposal.

16. Furthermore, I appreciate that the proposal would not affect the listed building's front elevation or the street scene in the High Street. There is disagreement between the parties as to whether the proposal would be visible from the rear. The appeal property has a tall 2 metre high close board fence along its side boundary with the access driveway. The appellant advises that the driveway is not a public right of way and provides access to three private dwellings and the Swan Inn only. I have also taken into account the appellant's drawing[1] which indicates that views of the proposal would not be possible when standing in the middle of the driveway outside the appeal property.

17. Nevertheless, I saw at my visit that the proposal would be visible above the fence at various points from the shared rear access driveway both in close range views and other longer distance views taken from further to the south. In any case, the fact that the rear of the building is not widely visible does not affect my conclusions 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.

The effect of the proposal on the conservation area

18. The proposal would be to the rear of the building and would have no impact on its front elevation. However, as set out above, I have found that the building contributes to the character and appearance of the conservation area. Unlike listed buildings, the significance which a conservation area is dependent upon is more widely experienced. Case law[2] 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. Whilst the proposal would not be visible from the High Street, as I have described above, it would nevertheless be appreciated from the shared rear driveway and nearby properties. I thus consider that in undermining the authenticity and historic charm of the building, it would detrimentally affect how the conservation area is experienced thus causing harm to its significance. Consequently, the proposal would fail to preserve its character and appearance.

Conclusion on the main issues

19. I therefore conclude on the main issues that the proposal would fail to preserve the special interest of the listed building and the significance of the conservation area. I give this harm considerable importance and weight in the balance of these appeals.

[1] 1935-04 Rev B
[2] South Oxfordshire DC v SSE and J Donaldson [1991] CO/1440/89

20. The proposal would be contrary to Policy LB1 of the Chiltern District Local Plan (Local Plan) which states that planning permission and/or listed building consent will not be granted for any proposed development, alterations or extensions to a listed building which would not preserve its character and appearance. Whilst the decision notice refers to Local Plan Policy LB2 this concerns works that would affect the setting of listed buildings rather than the listed buildings themselves as is the case in this instance.

Planning Balance

21. 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.

22. The property's continued viable use as a dwelling is not dependent upon the appeal proposal as the building has an ongoing residential use that would not cease in its absence. The proposal would provide the small house with a proper useable kitchen dining room (with access to the patio and garden) which would be appropriate for accommodation for family use and improve the living conditions of the occupiers. These are private benefits only. No other public benefits have been put forward which would outweigh the harm to the designated heritage assets I have identified.

23. 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

24. There are no objections from neighbouring occupiers and the Council raises no issues in terms of any effects on the living conditions of nearby occupiers. A good deal of the garden area would be retained. The Council does not allege that there has been any evidence of deliberate neglect or damage to the building and site has no archaeological interest. The absence of harm in all these regards counts neither for, nor against the proposal.

25. I acknowledge that the appellant discussed various design options with the Council and amended the scheme during the consideration of the applications. I am also aware of his dissatisfaction with the service provided. However, I confirm that I have considered the proposal before me on its own planning merits and made my own assessment as to its impacts.

Overall Conclusion

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

Elaine Worthington

INSPECTOR