
Appeal Decisions

Site visit made on 29 December 2020

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip(Mgt) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th January 2021

Appeal A Ref: APP/Y3940/Y/20/3250391

Middle Cottage, East Tytherton, Chippenham, Wiltshire SN15 4LX

- 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 M Bojang and A Merchant against the decision of Wiltshire Council.
 - The application Ref 19/07559/LBC, dated 27 March 2020, was refused by notice dated 29 July 2020.
 - The works proposed are for the demolition of existing single storey extension. New double storey extension to replace.
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Appeal B Ref: APP/Y3940/W/20/3259953

Middle Cottage, East Tytherton, Chippenham, Wiltshire SN15 4LX

- 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 M Bojang and A Merchant against the decision of Wiltshire Council.
 - The application Ref 19/07399/FUL, dated 27 March 2019, was refused by notice dated 29 July 2019.
 - The development proposed is for the demolition of existing single storey extension. New double storey extension to replace.
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Decision - Appeal A

1. The appeal is allowed and listed building consent is granted for the demolition of existing single storey extension and new double storey extension to replace at Middle Cottage, East Tytherton, Chippenham, Wiltshire SN15 4LX in accordance with the terms of the application Ref 19/07559/LBC, dated 27 March 2020 subject to the following conditions:
 - 1) The works hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) Prior to the commencement of works, samples of all the external building materials shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
 - 3) Prior to the commencement of works, full details of the opening up of the window to a doorway of the existing upstairs bedroom shall be submitted to and approved in writing by the local planning authority. Such details shall

include elevations at no less than 1:10 and sections at no less than 1:5. The works shall be carried out in accordance with the approved details.

Decision - Appeal B

2. The appeal is allowed and planning permission is granted for the demolition of existing single storey extension and new double storey extension to replace at Middle Cottage, East Tytherton, Chippenham, Wiltshire SN15 4LX in accordance with the terms of the application Ref 19/07399/FUL, dated 27 March 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan and North west elevation, Drawing number; B&M/MC/7.19/1R; North east and South west elevation Drawing number; B&M/MC/9.19R; Proposed Floor Plans, Drawing number; B&M/MC/7.19/2R, and; Survey, Drawing number; B&M/MC/7.19.
 - 3) Prior to the commencement of development, samples of all the external building materials shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Main Issues

3. I consider the main issues in both appeals to be whether or not the proposed works and development would preserve firstly, the Grade II listed building (listed as Row of Three Houses on The Green, North of Tytherton House) or any features of special architectural or historic interest that it possesses; secondly, the East Tytherton Conservation Area and; thirdly, the settings of nearby listed buildings.

Reasons

4. Middle Cottage presents itself to the main village street as one three irregular two storey terraced properties set back from the road behind estate fencing and gates. The terrace built originally as two double fronted houses date from the early 19th century of squared rubble stone under a stone slate roof. Whilst the end cottages either side of the host property have been extended, the front elevation of this group maintains a pleasant overall unity with paired 12-pane sash windows at ground and first floors, bold ridge stacks and trellis porches. This is not the case at the rear where there are a number of varied alterations and extensions, including a modern single storey extension. Consequently, there is an absence of unity although instead, a generally pleasing eclecticism of additions and extensions.
5. The special interest and significance of the appeal property derives to a substantial degree from the consistent style of the front elevation to all three cottages, to the materials palette and their set back behind estate fencing. They have a rural village character that in turn contributes positively to the character and appearance of the East Tytherton Conservation Area (CA), which itself is characterised by its sylvan nature and strong visual links to the countryside. The Moravian church and associated buildings and other historic

properties located close to the village green are significant features that adds considerably to the rural charm of the village.

6. The proposals would involve the demolition of the appeal property's rear extension and its replacement with a two storey extension that according to the Council would extend some 4.8m from the rear face of the original cottage at ground floor, which is reduced to 3m at first floor. Existing openings would be utilised to limit the extent of removal of historic fabric.
7. As with other properties at the rear of this terrace, the rear elevation comprises alterations and extensions of different builds. The existing extension is undistinguished if not utilitarian and crudely executed. It does not contribute to the significance or character of the host property.
8. Turning to what would replace the existing extension, I note that the ground floor part of the proposed extension would project well beyond the existing two storey extension of the neighbouring property. The first-floor element to the extension would have a minimal projection beyond the neighbouring extension. Whilst concerns have been expressed that the projection would have a deleterious impact on the living conditions of occupiers of the neighbouring property by reason of overshadowing and loss of privacy, I would agree with the Council that due to the orientation of the rear, this would not lead to unacceptable impacts whilst some overlooking is to be reasonably expected in situations such as this.
9. The remaining historic fabric that exists would be retained within the appeal proposal and thus the original plan form would be entirely legible.
10. Whilst the Council states that the proposal would be harmful to the settings of other listed buildings, it neither substantiates these concerns or offers evidence in support of such contentions. During my site visit, I was able to carefully inspect the appeal property and its relationship with the nearby listed buildings, namely Moravian Church, Manse and Church Cottage to the west of the village hall together with Tytherton House on the opposite side of the road to the appeal property. However, from these properties only the front elevation of the appeal property would have a degree of prominence. By the same token, other than glimpsed views from the wider landscape, the rear extension would not be prominent from public views within the Conservation Area.
11. In summary, the proposed extension and alterations seem to me to be well conceived, modest and wholly respectful of and responsive to, the form of this terrace of three properties. I consider that the design is appropriate to the listed building and conservation area context. The plan form and historic fabric would remain very evident and thus entirely legible. I do not consider that the proposal would have any significant effects on the living conditions of neighbours.
12. Therefore, taking these matters together, I consider that the appeal scheme would avoid harm to the significance and special interest of this listed building. In line with my duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), I conclude that the appeal scheme would preserve the special interest of the building and its setting.

13. I am also cognizant of the duty arising from section 72(1) of the 1990 Act and having regard to the subservient nature of the appeal proposal, its extremely limited visibility from the public domain and acceptable design, I consider that the proposed development would avoid harm to and therefore preserve the character and appearance of the CA. The proposal would therefore be in accordance with paragraph 193 of the National Planning Policy Framework (the Framework), which attaches great weight to the conservation of designated heritage assets and their settings.
14. As I have concluded that no harm to the significance or special interest of the listed building would arise from the proposed development, there would be no conflict with Core Policies CP57(I, iii & v) and CP58 of the adopted Wiltshire Core Strategy 2015, which combine to ensure that proposals enhance local distinctiveness, respond positively to existing townscape and be sympathetic to conserving heritage assets.

Conditions

15. The Council has suggested a number of conditions for consideration should the appeals be allowed. I have considered these in the light of Government advice contained in the Planning Practice Guidance and amended those that require revision to aid clarity. I have attached a condition to the planning permission that specifies the approved plans in the interests of providing certainty. So that the works shall be carried out in a sensitive manner having regard to the building's special interest and the character of the CA more generally, I have attached conditions requiring the Council's approval of all external materials and details of how the existing window will be changed to a doorway at first floor. As I have approved the plan that shows details of proposed door and windows, I have not attached a further condition in this respect as this would be unnecessary.

Conclusions

16. For the reasons set out above and having regard to all other matters raised, I conclude that both appeals should be allowed.

Gareth W Thomas

INSPECTOR