



Appeal Decision

Site visit made on 19 October 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2021

Appeal Ref: APP/J0405/W/20/3245670

17 Winslow Road, Great Horwood, Milton Keynes MK17 0QN

- 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 Kirsty Askwith against the decision of Aylesbury Vale District Council.
 - The application Ref 18/02403/APP, dated 6 July 2018, was refused by notice dated 25 October 2019.
 - The development proposed is demolition and replacement of the existing cottage and outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of the existing cottage and outbuilding at 17 Winslow Road, Great Horwood, Milton Keynes MK17 0QN in accordance with the terms of the application, Ref 18/02403/APP, dated 6 July 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Aylesbury Vale District Local Plan (LP) was adopted in 2004. The review of the local plan, the Vale of Aylesbury Local Plan (VALP) is at an advanced stage. The public hearings of the Examination were held in July 2018 and, I understand that public consultation on Further Main Modifications is scheduled between 15 December 2020 and 9 February 2021. Until the new plan is adopted the policies set out in the VALP carry limited weight. The Great Horwood Neighbourhood Plan (NP) was made in March 2015.
3. Following a reorganisation Aylesbury Vale District Council has merged, with others, to form the new Buckinghamshire Council. Accordingly, all references to the local planning authority after 1 April 2020 in this decision refer to Buckinghamshire Council.

Main Issues

4. The main issues are the effects of the appeal proposal on:
 - (i) the character and appearance of the Great Horwood Conservation Area and loss of a non-designated heritage asset and building of local note and,
 - (ii) the ecological value of the roadside hedgerow.

Reasons

Heritage

5. No 17 Winslow Road (No 17) is a small thatched cottage and adjacent timber barn located within the Great Horwood Conservation Area which is a designated heritage asset under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section.72(1) requires that, in the exercise of planning powers in Conservation Areas, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Para 193 of the Government's National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
6. The appeal scheme would involve the demolition and replacement of the cottage and timber barn at No 17. The existing cottage is a non-designated heritage asset and building of local note. Paragraph 197 of the Framework states that the effect of a proposed development on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing development proposals that directly or indirectly affect non-designated heritage assets, paragraph 197 also states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The Great Horwood Conservation Area was initially designated in 1989. A review in 2012 extended the Conservation Area to include additional features including the appeal site. Great Horwood is defined as a 'Medium Village' in the settlement hierarchy. The village sits on a narrow ridge between 2 valleys and below higher ground to the east, upon which are Little Horwood Manor and College Wood. To the north, west and south the village overlooks the surrounding stream valleys, affording good views from the settlement across adjacent agricultural land.
8. Within the Conservation Area Appraisal, the appeal site is located within 'The Lower Winslow Road Identity Area' which covers the steeply rising stretch of the Winslow Road which forms the main southern approach into Great Horwood. No 17 lies on the eastern side of Winslow Road set in a very large garden/open area. The south facing elevation is the most significant as this is the front of the white painted, mid-C19 cottage, providing the views of the thatched roof on the approach from the south. There are no footpaths on either side of Winslow Road on this stretch, so views are predominantly experienced from passing vehicles. The hedgerow bounding the road frontage provides a semi-rural feel to the immediate area. Views of the west facing elevation are less attractive and include an unsightly side/rear extension and the timber barn to the rear of the cottage. Notwithstanding the current condition of the property, No 17 provides an important perspective in the transition from countryside to the urban nature of Great Horwood and, as such, it is integral to the Conservation Area as a whole.
9. The cottage is vacant, neglected and in poor condition when viewed from the outside. I was able to enter the property on my site visit. Apart from observing the serious structural defects as set out in the Structural Engineers Report prepared by Andrew Howard and Partners, the outdated nature, low ceilings,

narrow staircase and small size of the living accommodation was striking. The appeal proposal would involve the complete demolition of the existing cottage, its extension and the timber barn. Clearly the loss of the non-designated heritage asset through demolition should be avoided, if possible.

10. The appellants have submitted evidence to demonstrate that renovation of the property would be uneconomic. This is based on their acquisition costs of the property (£250K), the costs of renovation (estimated at around £200K-220K by 4G Consultancy Limited) and likely market value after renovation (£350K-375K). It appears to me that, on the basis of the evidence before me, the costs of renovation of the existing property are such that the project would not be viable. I note that the Council disagree on this point, suggesting that the price paid to purchase the property might have been too high. However, the current position, backed up by professionally produced evidence suggests that demolition and replacement of the cottage with a new dwelling would be the most practicable and, less risky solution.
11. The NP for Great Horwood identifies the settlement boundary and restricts the construction of new dwellings to land within the confines of the boundary. The cottage at No 17 lies just outside the defined settlement boundary and so, under the terms of NP Policy 1, new housebuilding on the appeal site would be restricted to specific needs within the rural area. However, the policy approach towards replacement dwellings in the countryside is covered by emerging VALP Policy H4. This allows for the 1:1 replacement of dwellings provided the replacement dwelling is not significantly greater in size and the supporting text suggests that, in the event there is an increase in size, then a condition removing permitted development rights should be considered.
12. The appeal proposal would result in a replacement dwelling on the footprint of the existing cottage and timber barn although both its length and width would be greater than the existing dimensions. The design would broadly replicate the form and external materials of the existing buildings when viewed from the street scene. The most obvious exception to this would be the loss of the thatched roof. The internal floorspace of the new dwelling would be larger than the existing cottage to provide more useable, contemporary living space and 3 rather than 2 bedrooms.
13. The existing access adjacent to the timber barn would be closed-up and a new access provided south of the new dwelling. This would open-up to a new driveway/manoeuvring area and a new replacement barn-style timber outbuilding comprising a single garage and 2-bay car port with studio accommodation in the roof space above, accessed by an external staircase. The studio accommodation would include windows on all 4 elevations including dormer windows on the south and north facing elevations. None of these features would give rise to overlooking given the size of the plot and its relationship to adjoining properties.
14. In terms of the effects of the appeal proposals on the Conservation Area, the loss of the non-designated heritage asset would be regrettable. However, the design, form and materials of the proposed replacement dwelling would significantly reduce its adverse impact. The elevation facing onto Winslow Road would improve the current situation and, the view of the new dwelling from the south would remain much the same in view of the design with the loss of the thatched roof being the most noticeable change. The proposed outbuilding

would result in a new structure adjacent to the road but, its timber barn-like appearance should blend in without any long-term detrimental impact on the character of the area and of views towards the core of the Conservation Area. The new access would lead to some changes to the hedgerow which is a matter I return to below. However, I do not feel the changes to the hedgerow are such that they would be detrimental to the character and appearance of the Conservation Area.

15. Notwithstanding these points, since the appeal proposal would involve the loss of the non-designated heritage asset, I find that there would be less than substantial harm to the character and appearance of the Conservation Area.
16. The redevelopment of the cottage would clearly provide private benefits to the appellants. However, the existing buildings are derelict and in poor condition and the costs and risks of renovation would be prohibitively high making such a project non-viable. There is no evidence that funding would be available from any other source to bridge the gap. Therefore, it appears to me that the public benefits arising from the redevelopment would be significant resulting in the removal of a derelict and deteriorating building and its replacement by a building sympathetically designed to reflect its location within the Conservation Area. In coming to this view, I am mindful of the observations of Great Horwood Parish Council that expressed regret over the need to demolish this Local Note Building but, nevertheless, welcomed the intention to remedy the dereliction of this property. Additionally, the proposal would also result in a dwelling on the appeal site contributing once again to the supply of occupied, habitable housing.
17. Accordingly, while I conclude the proposal would fail to preserve the character or appearance of the Great Horwood Conservation Area and would cause less than substantial harm to its significance as a designated asset, I also conclude that the public benefits arising from the proposed scheme through the demolition of a derelict non-designated heritage asset and its sympathetic replacement would outweigh that harm.
18. As such, the appeal proposal would not conflict with LP Policy GP.35 and emerging Policies H4, BE1 and BE2 in the emerging VALP. Policy GP.35 requires, amongst other things, new development to respect the historic scale and context of the setting and important public views. These principles are carried forward in emerging Policy BE2. Emerging Policy H4 sets out the approach to redevelopment of housing located within the countryside and Policy BE1 deals with the approach towards the development affecting heritage assets. Taking account of the attributes of the existing cottage, the appeal proposal would also be respectful of the design guidance set out in the Conservation Area Appraisal. It would also be consistent with the provisions of the Framework in particular, paragraphs 193, 196 and 197.

Roadside hedgerow

19. The appeal proposals would result in changes to the hedgerow on the Winslow Road frontage. The most significant change would be the realignment of the hedgerow either side of the new access point. This would be required in order to satisfy the Council's visibility requirements to ensure highway safety. Once established these changes should not be harmful to the character of the street scene and, while the new entrance would result in the complete loss of a short

section of hedgerow, this would be compensated by the blocking up and new planting of the existing entrance.

20. It appears to me that the appellant is willing to work with the Council to ensure that the extent of any necessary works would be minimised and effectively managed and, to ensure that the longer-term ecological impact of the development on the hedgerow results in a net gain of their bio-diversity value. These matters could be satisfactorily addressed and secured by way of conditions which is a matter I return to below.
21. Accordingly, I find the impact of the appeal proposal on the roadside hedgerow would be acceptable subject to the imposition of appropriate conditions and that, as a result, the proposal would be consistent with LP policy GP.39 and emerging Policy NE1 of the VALP. Policy GP.39 seeks, amongst other things, to retain or replace important hedgerows., Policy NE1 sets out the approach to the protection and enhancement of biodiversity and the natural environment. The appeal proposal is also consistent with the guidance set out in the Framework.

Other Matters

22. The Council has referred to the out of date LP policies and the resultant engagement of paragraph 11d) of the Framework, with specific reference to Footnote 6. However, it will be clear from my analysis of the main issues and, having taken all matters into consideration, that I do not agree this approach would be appropriate in relation to this appeal.
23. An objection to the appeal proposal was made on the basis that the reasons for refusal on another proposal affecting the same site (Ref: 19/00086/APP) had been made on different grounds thus making out a case for consistency in decision-making. However, I do not have the details of the other proposal and have determined this appeal on its merits.

Conditions

24. The Council set out suggested conditions in the event I were to allow this appeal. I have made some additions and changes in order to ensure that the development is carried out satisfactorily, meeting the six tests set out in paragraph 55 of the Framework. The appellant was consulted upon and agreed the pre-commencement Condition 4).
25. Conditions 1) and 2) relate to time period and approved plans and are required as this provides certainty. Condition 3) requires details of the materials to be used on external surfaces and is required in the interests of protecting the character and appearance of the area. Condition 4) requires details of proposed hard and soft landscape treatments and is required in the interests of protecting the character and appearance of the area. Condition 5) makes provision for the elements of the agreed landscaping to become established and what should happen in the event of failure. This is required in the interests of protecting the character and appearance of the area. Conditions 6), 7) and 8) deal with the layout of the new access, visibility and removal of the existing access. These conditions are required in the interests of highway safety. The Council requested reference to a S184 Notice in Condition 8) although I have not included this as it is not necessary as part of a planning condition. Condition 9) ensures that the layout of parking and manoeuvring space will be

laid out and maintained thereafter. This is required to ensure highway safety. Condition 10) requires details of surface and foul water drainage to be provided in order to ensure this is effectively managed in the interests of public health and reducing flood risk. Condition 11) covers the provision of a bat roosting tube and is required in the interest of maintaining biodiversity. Finally, Condition 12) removes permitted development rights. This is to safeguard the character and appearance of the area by enabling the Council to consider whether planning permission should be granted for enlargement or alterations given the edge of village location and in accordance with the emerging VALP.

Conclusion

26. For the reasons stated above the appeal is allowed, subject to conditions.

David Carter

INSPECTOR

SCHEDULE OF CONDITIONS [12 in total]

- 1) The development hereby permitted 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 approved plans listed below:

Existing Plans (2017-P1)
Existing Elevations (2017-P2)
Location Plan (2017-L1)
Existing Site Layout (2017-L2)
Proposed Plans (2017-P3 Rev D)
Proposed Elevations (2017-P4 Rev C)
Proposed Site Section/Streetscene (2017-P6)
Proposed Garage Plans and Elevations (2017-G1)
Proposed Site Layout (2017-L3 Rev E)
Graining Plan (2017-L4)
Proposed Grain Plan (2017-L5)

- 3) No development shall take place above slab level on the building(s) hereby permitted until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
- 4) No site clearance works or development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include: a planting scheme for a native species hedge to block up the existing vehicular access; new trees and trees to be retained showing their species, spread and maturity, planting plans and protection measures in accordance with British Standard 5837:2012 to be taken before or during the course of development; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant size and proposed numbers/densities.

The arboricultural protection measures approved shall be maintained during the whole period of site clearance, excavation and construction. All other works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

- 5) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, die or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

- 6) Prior to the occupation of the development the new access to Winslow Road shall be designed and constructed in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance Note "Private Vehicular Access Within Highway Limits" 2013.
- 7) Prior to the commencement of the relevant works, minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the new access onto Winslow Road shall be provided in accordance with the approved plans or details to be submitted to and approved by the Local Planning Authority and thereafter the visibility splays shall be permanently kept clear from any obstruction between 0.6m and 2.0m above ground level.
- 8) Within one month of the new access being brought into use the existing access onto Winslow Road shall be permanently close and stopped up in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.
- 9) Prior to occupation of the development space shall be laid out within the site for parking for cars and manoeuvring, in accordance with the approved plans. This area shall be permanently retained and maintained for this purpose.
- 10) Prior to commencement of the relevant works, details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.
- 11) No development shall take place above slab level on the building(s) hereby permitted until details of one bat roosting tube on the south facing gable have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the building is occupied and shall thereafter be retained in accordance with the approved details.
- 12) Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, G and H), or any minor modifications as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

END OF SCHEDULE