

Appeal Decision

Site Visit made on 26 January 2021 by Gareth Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/K0235/D/20/3262223

12A Ivy Lane, Wilstead MK45 3DN

- 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 David Danenbergs against the decision of Bedford Borough Council.
 - The application Ref 20/01267/FUL, dated 16 June 2020, was refused by notice dated 16 September 2020.
 - The development proposed is rear single storey extension to match existing roof line with dormer construction to utilize loft space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. As the proposal within the setting of a Grade II listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The effect of the proposal on the character and appearance of the host dwelling and the street scene bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed Compton Cottage.

Reasons for the Recommendation

5. The appeal site relates to No.12A Ivy Lane, a modern bungalow situated directly adjacent to Compton Cottage which is a Grade II listed building. The property is of modest proportions, with a simple, attractive hipped roof, small front bay and painted timber cladding and dark timber effect windows. With the exception of the listed building the properties along Ivy Lane are all modern and there is considerable variety in design and appearance.
6. Compton Cottage is a double fronted dwelling with a side gable pitched thatched roof with two eyebrow dormers as well as two chimneys, one central and one on the northern flank wall. The house is covered by white wash render with dark timber framed windows as well as the front door which is located in a

porch with a pitched roof. The building is set behind a small front garden that is bound by a dark timber picket fence. The attractive design of the building, along with a number of relatively rare architectural features contributes positively to its historic significance.

7. The listed building is set forward of the dwellings nearby which helps to differentiate it from the modern development built along Ivy Lane. The gap either side of the dwelling contributes towards this distinction and helps to retain the openness around the dwelling which provides a visual link to its historic rural setting, which has been eroded over time by the modern development along Ivy Lane. The gap also enables the flank walls of the dwelling to be viewed from the street, thereby enabling the steeply pitched thatched roof to be fully appreciated. Accordingly, the space around the listed building makes a positive contribution to its setting and helps to define the significance of the heritage asset. Whilst Compton Cottage appears to have been extended to the rear, because the extension is located to the rear it has not harmed the open setting around the building.
8. No.12A is located to the south of Compton Cottage and the two dwellings share a central gated driveway and the picket fencing extends across the front gardens for both dwellings. Whilst No.12A shares some architectural features as Compton Cottage, it is clearly a modern dwelling and as such, it has been set behind Compton Cottage, no doubt deliberately, to show deference to the listed building. This deference shown by the dwellings along the lane contributes to the setting of Compton Cottage and retains an element of the dwelling's historic rural setting. Consequently, notwithstanding the significant impact of the modern development, the listed building remains a prominent building in the area. The relationship between it and adjacent buildings is such that its setting extends along the lane and it makes a significant and positive contribution to the wider character of the area.
9. The proposed changes to the front elevation and roof of the building would visually bring the building forward, closer in line with the listed building. This would make the dwelling appear much more prominent within the street scene and the extension would significantly erode the current views of the side elevation of Compton Cottage.
10. This erosion of the setting of the listed building would be further exacerbated by the proposed dormer windows. Whilst they would not extend beyond the eaves of the house, they would extend up to almost the full height and width of the shallow roof slopes. The shallow roof slope helps to soften the relationship between the two buildings and by introducing a bulky dormer window on this roof slope, this would visually break the set-back that has been preserved through the original sympathetic design of No.12A. Whilst dormer windows are not uncommon within the street scene, they would cause harm to the setting of the listed building, and, as a result, would also cause harm to the character and appearance of the street scene.
11. Moreover, the proposed white UPVC windows would not match the dark timber windows on the dwelling or those on Compton Cottage and as a result, this would detract from the appearance of the host dwelling and would cause further disunion between the two dwellings.

12. The sky lights and changes to the rear of the dwelling would not be particularly visible from the roadside and would be limited in scale. Consequently, they would not cause harm to the setting of the listed building. Furthermore, whilst the chimney would be smaller, it would still be retained as a shared architectural connection between the two dwellings. However, those minor elements do not mitigate for the harm that would be caused to the setting of the listed building on account of the scale, design and position of the proposed extension. When compared to the modest hipped roof, the substantial bulk of the gable roof and dormer windows would also erode the attractive proportions of the bungalow itself and represent a top heavy and unsympathetic alteration. The harm to the character of the existing dwelling and the wider area adds to my concerns relating to the setting of the listed building.
13. Whilst the setting of the building has been harmed by historical development along Ivy Lane, the immediate setting of the dwelling remains integral to the heritage asset's significance. The proposed development would erode the sense of openness around the dwelling and the loss of the architectural links between the two buildings would cause further harm to the setting of the listed building. Consequently, the proposal would fail to preserve the setting of the listed building.
14. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I have little evidence before me to demonstrate that any public benefits arising from the proposed development exist in this case to justify this harm.
15. Given the above and in the absence of any defined significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with Policies 28, 29 and 30 of the Bedford Borough Local Plan 2030 (adopted 2020) (LP) which look to ensure that development should protect and where appropriate enhance heritage assets and their settings as well as have a positive relationship with the surrounding area. The proposal would also be contrary to Policy 41S of the LP which requires any harm to a heritage asset to be weighed against the public benefits. Furthermore, the proposal would not be in accordance with the Residential Extensions, New Dwellings and Small Infill Developments Design Guidance (adopted 2000) which notes that extensions will need to consider the effect they have upon the general character of the street scene or setting to ensure it is not eroded. As a result, the proposal would not be in accordance with the development plan.

Other Matters

16. The appellant notes that some of the development proposed could be completed using permitted development rights. As far as I have been made

aware a Certificate of Lawful Development has not been granted to confirm this. Whether or not a similar proposal could be constructed under permitted development rights is not a matter to be determined in the context of a section 78 appeal and it is not clear precisely what could be constructed as an alternative or whether the appellant would actually construct such a scheme. That limits the weight I can attach to such arguments. In any event, even if there was an alternative scheme that may come forward, this would not amount to a public benefit necessary to outweigh the identified harm, as the benefit would be solely for the appellant.

17. The appellant has referred to a number of applications that have been approved along Ivy Lane. These dwellings were not as closely associated with the setting of a listed building. Furthermore, the appearance of those dwellings was significantly different to No.12A. As a result, what was found to be acceptable development in those instances would not necessarily be permissible in this instance. Moreover, each case must be assessed on their own merits and the Council granting planning permission elsewhere would not justify these proposals.

Conclusion and Recommendation

18. The proposal would harm the character and appearance of the dwelling and the street scene. Furthermore, the proposal would fail to preserve the setting of the listed building and as a result, would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR