



Appeal Decision

Site visit made on 9 March 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Appeal Ref: APP/K0425/W/20/3261581

The Old House, Forty Green, Bledlow HP27 9PN

- 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 & Mrs Lawrenson against the decision of Buckinghamshire Council -West Area (Wycombe).
 - The application Ref 19/06805/FUL, dated 24 July 2019, was refused by notice dated 28 July 2020.
 - The development proposed is the construction of a detached outbuilding to provide pool/games room/storage/home office facilities, all to be used as ancillary accommodation to the main house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended drawings were submitted during the determination period of the application in order to reduce the length and height of the building. As part of the appeal, an amended floor plan has been provided which adds a bat box to the proposed building. These have been considered within this decision.

Application for costs

3. An application for costs was made by Mr & Mrs Lawrenson against Buckinghamshire Council -West Area (Wycombe). This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the proposal on (a) the setting of a listed building at The Old House and (b) the character and appearance of the area, having regard to trees.

Reasons

Setting of listed building

5. The appeal site comprises a pool house outbuilding and garden within the curtilage of a grade II listed dwelling known as The Old House. It faces onto an open swimming pool and further garden, and backs onto a roadside ditch with hedgerow and trees.

6. The Old House is a one and half storey dwelling which dates back to the seventeenth century, with extensions in later centuries. The upper floor accommodation is mainly located within a roof which has dormer windows. The building is timber framed with colour washed brick infill, half-hipped thatch roof and a pair of brick chimneys. Despite being in keeping, the extensions have increased the size of the original worker's type dwelling to a larger family dwelling. Nevertheless, the special interest and significance of the building derives from its vernacular domestic character, its traditional architectural features and construction techniques, its changed nature over time and the use of local materials.
7. The surrounding garden is extensive and surrounded by distinctly rural surroundings. Historical maps show that the location of the existing and new building would have lied outside the curtilage of the listed building, but the setting is more extensive than this due to the existing garden's particularly open and spacious nature. This allows wide views of the listed building and its architectural and historic features and this setting contributes to the significance of the heritage asset.
8. The proposed development would result in a replacement building which would have an office space, a games room, internal/external storage and plant/changing area. There is no evidence of any historical connection of the building to be demolished with the listed building which was erected in the 1950s. The proposed outbuilding would be positioned about 18.5 metres from the listed building and would reach a height of about 5.3 metres, being partially built into the ground. Its timber cladding and corrugated iron metal roof are traditional rural materials.
9. However, the building would be of a substantial size given its length at just over 17 metres and a depth of about 6 metres. The appellants have indicated a depth of 5m but even taking this lower figure, the building would be substantial in size. In particular, it would have an appearance of being two storey given an external staircase, gable end glazing, rooflights and an inset open external area at the top of the staircase. It would also be sited forward of the existing outbuilding into a more open position away from the rear landscaped boundary. With its extensive fenestration and openings, it would have an overly domesticated appearance. Based on historical maps, there were formerly outbuildings around the listed building, but these maps do not show that any buildings would have been designed and sized as proposed here.
10. Given its design, size and position, the building would have a substantial and dominant presence, which would detract and directly compete with the listed building, diminishing its status as the primary building on the site. Proposed landscaping would be unlikely to mitigate against this adverse impact. In the garden, it would be impractical to screen or filter views of the building given its position next to a swimming pool and its design with entrances and fenestration for access, light and outlook. For all these reasons, the building would impinge on the visual and historical connection between the grounds and listed building, and as such, it would harm the setting of the listed building and its significance.
11. In 2016, planning permission was granted for a building to similarly replace the existing outbuilding. However, it was smaller being single storey, approximately 14m in length, 6m in width and 4.1m in height. Additionally, it

had a simpler design with a reduced extent of fenestration and the use of materials similar in nature to the existing outbuilding. Of importance, the planning permission has now lapsed. Accordingly, there are marked differences between this permitted development and that before me.

12. A recent planning permission has been granted for a significant building adjacent to a nearby Brook House, a listed building. However, Brook House was a farmhouse within an historic farmstead comprising a range of buildings. Indeed, the approvals relate to the refurbishment and conversion of a surviving curtilage-listed timber framed and weather boarded barn to form ancillary accommodation as well as extension. Furthermore, it was an improvement on an extant planning permission for a larger development. As a result, there are significant material differences between this scheme and the proposal before me. In any case, every proposal has to be considered on its particular planning merits.
13. In accordance with the Framework, the type of harm identified above with the development would be less than substantial for the listed building. It is necessary that this identified harm is weighed against the public benefits of the scheme. The existing outbuilding is not unsightly being single storey, partly recessed back into vegetation and clad in timber boarding. As such, any public benefit through its removal would be limited. In any case, benefits have also to be weighed against the adverse impact on the significance of the listed building for which considerable importance and weight is required to be attached. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. In this regard, the impact of the proposal would be adverse and permanent for the reasons indicated. Accordingly, the harm to the significance of the listed building would outweigh the scheme's benefits.
14. For all these reasons, the development would harm the setting of the listed building and its significance. Accordingly, it would be contrary to Policy DM31 of the Wycombe District Local Plan (LP) 2019 and Policy 6 of the Bledlow-cum-Saunderton Neighbourhood Plan (NP) 2017 which collectively and amongst other matters, requires all development to conserve and, where possible, enhance the historic environment and that regard to the form, scale, siting and landscaping of all new buildings such that they do not have a negative impact on the setting of traditional buildings in the neighbourhood.

Character and appearance

15. The building would be close to the road and a gated vehicular access point to the property. During the winter, the development would be visible through this access point and through the boundary vegetation. When the trees and vegetation are in leaf, the building would be substantially screened. However, there is no guarantee that such vegetation would remain in perpetuity. Over time, trees may be removed for any number of reasons, such as weather and accidental damage, and replacement planting inevitably takes time to establish.
16. In this regard, an Indian Horse Chestnut and Ash-Leaved Maple tree would be close to the proposed building. The Appellant's Arboricultural Survey and Recommendations Report (ASRR) indicates them to be of moderate to high quality and value, and low quality respectively. The chestnut tree has a

significant visual presence due to its size and has a 20-40 years life expectancy.

17. The existing building and surrounding hard surfaces are within the RPA of the chestnut tree. The ASRR considers that it is unlikely that roots will persist under the footprint of the existing outbuilding and surrounding hard surfaced areas. However, this view is not based on site investigation either by trial pits or through air lance or assessment of the depth and/or condition of hard surfaced / shed concrete base. The new building would be sited within the periphery of RPA of the chestnut tree. There is no reason to doubt the Council's calculation of 5% encroachment. The RPA represents the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability.
18. The British Standard 5837:2012 offers that the default position should be that structures are located outside the RPAs of trees to be retained and that technical solutions might be considered, where there is an overriding reason for construction. This tree is worthy of protection and an overriding reason for its construction within RPA has not been detailed. Additionally, the building would be built partly by excavating down into the ground to lower the building's height. Tree roots are generally found within the top layer of the ground surface. Accordingly, there is a significant risk of deterioration or loss of the tree for all these reasons.
19. The building would also be within the peripheral of the Maple tree's RPA and again, there is no reason to doubt the Council's calculation of 10%. Similarly, there has not been any overriding need for construction within this put forward. During construction, there would be tree pruning due to the building's footprint being within its canopy. The tree is not of great value in itself but has group value with adjoining trees in providing a landscaped boundary between the garden of this property and road. There is a significant risk of detrimental deterioration or loss of this tree given the building's location within the RPA, the excavation of the ground, and the existence of tree roots within the top layer of ground surface. The loss of these trees would increase the visibility of the building, including during summer months, and replacement planting would take time to become established.
20. In the countryside, there are many outbuildings associated with the main houses or rural buildings. However, inevitably such buildings will differ in their size, design and siting and there will be many reasons for their form, some historical. In any case, every proposal has to be considered on its particular planning merits and in this case, the proposal would be of significant size and dominant nature. As such, its appearance would be domineering, especially when it is seen within the context of The Old House further along the road. In this respect, the building would be a significantly sized building in comparison. The 2016 building planning permission permitted the erection of a building close to these trees. However, this permission has now lapsed severely limiting any weight to be attached to it.
21. For all these reasons, the development would harm the character and appearance of the area in conflict with Policies DM31, DM35 and DM44 of the LP and Policy 6 of the NP, which collectively and amongst other matters, require development to improve the character of the area and the way that it functions, to create positive and attractive buildings and places, and to have

regard to building form, scale, siting and landscaping such that they not have a negative impact on streetscape. Although conflict with LP Policy DM36 has been identified, this policy relates to extensions and not detached residential buildings.

Other matters

22. The building comprises ancillary uses and despite its size and location, it would be reasonable to impose a planning condition restricting use. In this regard, it would be located close to the swimming pool and much of the first floor would be within a roof. However, this would not address the adverse impact on the character and appearance of the area and the setting of the listed building as a result of its size, design and siting.
23. A bat survey has been provided as part of this appeal. This concludes that there are no bats present and there would be no adverse impact on bats as a result of the development. There is no reason to dispute the survey's finding which has been carried out by a professional ecologist.

Conclusion

24. The proposal would the setting of a listed building and the character and appearance of the area in conflict with LP and NP policies and the development plan taken as a whole. The application of policies in the Framework, that protect assets of particular importance, provide a clear reason for refusing the development proposed. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR