



Appeal Decisions

Site Visit made on 11 May 2021

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

Appeal A Ref: APP/F1610/W/21/3268235

Withington Court, Withington, Cheltenham, Gloucestershire GL54 4BE

- 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 Rohan Blacker against the decision of Cotswold District Council.
 - The application Ref 20/02970/FUL, dated 25 August 2020, was refused by notice dated 24 November 2020.
 - The development proposed is single storey rear extension.
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Appeal B Ref: APP/F1610/Y/21/3268245

Withington Court, Withington, Cheltenham, Gloucestershire GL54 4BE

- 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 Rohan Blacker against the decision of Cotswold District Council.
 - The application Ref 20/02971/LBC, dated 25 August 2020, was refused by notice dated 24 November 2020.
 - The works proposed are single storey rear extension.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for single storey rear extension, at Withington Court, Withington, Cheltenham, Gloucestershire GL54 4BE, in accordance with the terms of the application, Ref: 20/02970/FUL, dated 25 August 2020, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for single storey rear extension, at Withington Court, Withington, Cheltenham, Gloucestershire GL54 4BE, in accordance with the terms of the application, Ref: 20/02971/LBC, dated 25 August 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
4. I have used the address the Council used on its decision notice as it is more concise than that provided on the application form.

Main Issue

5. The main issue for both appeals is the effect on the significance of the appeal building, which is a grade II listed building known as The Court on the list, and

whether the proposals preserve or enhance the character and appearance of the Withington Conservation Area.

Reasons

6. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. Withington Court is a large house with two distinct ranges. The north facing range is 17th century in date. It has a simple linear form with an informal arrangement of openings. It was a farmhouse and prior to its southerly extension faced to the south. In contrast the parallel range of the building that faces over the garden area to the south is a classical 18th century composition, comprising 5 regular bays of sash windows set over two floors, with a central projecting bay defined by rusticated quoins set under a triangular pediment. The formal architectural arrangement of the south range, enhanced by the retention of historic details and lack of modern intervention, and the contrasting vernacular appearance of the older north facing range, are significant contributors to the building's special interest.
8. The building is located within the Withington Conservation Area (WCA). The WCA comprises a rich range of historic buildings, mostly constructed in local stone including the widespread use of stone tiles. Most buildings are of a modest two storey scale, with some upper floors set into roofs with half dormers. The WCA extends to include some surrounding open land, which contributes to the rural character of the small settlement. The appeal building stands within the core of the WCA. Its elevated west gable aligns with the lane opposite and is prominent to public view, as is the boundary wall. There are also some views of the building's north and south elevations. The appeal building is thus an important contributor to the character and appearance of the WCA.
9. The proposal would see an extension added to the north elevation. It would have a simple form, comprising an outer elevation of full height glazing, set in slightly from the front of the recently constructed porch, and cranked to meet the boundary wall. It would have a flat roof, finished in thin seamed lead.
10. Although it would be prominent to view from the area immediately to the north of the building, its position between existing masonry structures would ensure that it does not overwhelm this elevation, sitting beneath the height of the porch eaves and the modestly raised height of the boundary wall. These surrounding structures would also serve to visually contain the extension in wider views from surrounding areas of garden. Its contrasting material palette would serve to allow it to read as a clear modern addition to the building. Its simple detailing would ensure that it would not be overly fussy or assertive so as to detract from or in any way overwhelm the significance of the existing north range.
11. Of the five openings that would be covered over, evidence provided establishes that two were newly inserted in 1988, one was replaced at the same time and one altered in 2016 to allow for the insertion of French doors. In any case,

although visibility would be lessened from the outside, internally the wall would be retained as a single element, and, with an appropriate condition, the external finish could be retained to provide clear evidence of how the building has been altered. Historic elements such as the 6-panelled door and its surround would be retained and easily appreciated from within the new room. Furthermore, it would still be possible to view the whole elevation owing to the glazed façade.

12. I am not satisfied that the reflectivity of the glazing would be problematic as it would face north and towards substantial mature trees. I also find that the view of furnishings within the room would not be harmful as I have found that there are characteristics of the site that would ensure that the proposal would not be overly prominent to view.
13. Externally the historic form of this range, including surviving features of interest would be retained and still be easy to appreciate. The Council suggests that this area of the building has evolved over the years to have the appearance of a formal garden entrance. Evidence demonstrates that changes to this area have been substantial, and have occurred since 1988, which is very recent in terms of the age of the building. There is nothing before me to suggest that it is a phase of the building's development that holds particular significance to the extent that it could not successfully accommodate the proposed extension.
14. Views of the proposal from the area around the front of the Coach House further north would be limited as a result of the substantial intervening trees. The proposal would have no impact on the classical southern range as it would not be possible to see the two together. There would be some opportunity to glimpse the proposal from areas of the garden to the northeast, however the impact of the proposal from these perspectives would be minimal as it would be set back from the east end of the building and largely obscured by the existing porch.
15. Although it may be possible to glimpse the extension from areas outside of the garden, the proposal would have no discernible impact on existing views of the north range or the contribution that the building makes to the significance of the WCA.
16. In summary, the proposal would not harm the significance of the listed building or the character and appearance of the WCA. It would thus accord with the requirements of the LBCA and paragraph 193 of the National Planning Policy Framework (the Framework), which states that great weight should be given to the conservation of heritage assets. It would also accord with Policies EN1, EN2, EN10 and EN11 of the Cotswold District Local Plan 2011-2031, which together seek to ensure that development proposals are designed to a high standard and will promote the protection, conservation and enhancement of the historic environment.

Other Matters

17. The appeal site is within the Cotswolds Area of Outstanding Natural Beauty (AONB). The statutory purposes of AONBs is to conserve and enhance the natural beauty of the area. Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing the scenic beauty in AONBs. The proposal is within the residential context of the village, which

would not result in an encroachment of built form into the open countryside of the AONB. I am satisfied that it would conserve the scenic beauty of the AONB.

Conditions

18. I have had regard to the planning conditions suggested by the Council. I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed additional conditions to ensure that the proposal is appropriately detailed and finished to avoid causing harm to the special interest of the listed building.

Conclusion

19. For the reasons above, I conclude that the appeals should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/F1610/W/21/3268235

- 1) The development hereby permitted shall begin not 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: 2069-025 Rev A, 2069-170 Rev A, 2069-030 Rev A and 2069-160 Rev A.
- 3) No doors, windows or rooflights shall be installed / inserted / constructed in the development hereby approved until details of their design and colour have been submitted to and approved in writing by the Local Planning Authority. Such details shall include elevation and section drawings to a minimum scale of 1:5 with full size moulding cross section profiles. The development shall only be carried out in accordance with the approved details and retained as such thereafter.
- 4) New external stonework shall be of the same stone type, colour and sizes as existing stonework and coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall match that used for the external walling of the existing building and shall be permanently retained as such thereafter.

Appeal B Ref: APP/F1610/Y/21/3268245

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No doors, windows or rooflights shall be installed / inserted / constructed in the development hereby approved until details of their design and colour have been submitted to and approved in writing by the Local Planning Authority. Such details shall include elevation and section drawings to a minimum scale of 1:5 with full size moulding cross section profiles. The development shall only be carried out in accordance with the approved details and retained as such thereafter.
- 3) New external stonework shall be of the same stone type, colour and sizes as existing stonework and coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall match that used for the external walling of the existing building and shall be permanently retained as such thereafter.
- 4) The external walls of the listed building which would be made internal as a result of the works shall be retained as exposed stone and shall not be plastered, painted, repointed or otherwise unless first agreed in writing by the Local Planning Authority.