
Appeal Decision

Site visit made on 7 June 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/F1610/Y/21/3267395

Little Croft, Great Rissington, Gloucestershire GL54 2LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by John Ovenden against the decision of Cotswold District Council.
 - The application Ref 20/03047/LBC, dated 29 August 2020, was refused by notice dated 6 November 2020.
 - The works proposed are described as addition of new bay window to rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the works would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

3. The listed building is one of a pair of small cottages which is individually listed as 'Bindweed Cottage'. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its likely early C19th date, its modest form, and simple vernacular design and construction. Amongst other things this is characterised by use of local stone and casement windows.
4. The rear elevation of the cottage has been subject to past modification, including the addition of two extensions of differing form. The right half of the rear elevation as viewed from the garden however appears to retain its original appearance. This includes a modestly proportioned window opening which currently fitted with a modern 3-light casement window of traditional design.
5. The proposed works would see this window and its opening replaced by a polygonal bay window. It appears that the glazing within this window would extend down to floor level internally. Bay windows are not an original feature of the building design, and nor are windows of the size proposed. Windows of this type do frequently feature within the more formal design of many, particularly later nineteenth century dwellings. However, they are not a feature that would ordinarily or typically be found as a component of the simple vernacular design of an early nineteenth century cottage. The proposed bay window would thus appear both alien and incongruous within context, thereby undermining the character and identity of the listed building.

6. The harm caused would be increased by the loss of both the historic window opening and the fabric below, and by the increased cluttering of the rear elevation by a further addition. The fact that the bay window would in this regard represent a third different form, would accentuate the physical and visual intrusion caused.
7. The appellant has provided a photo of another building which features a polygonal bay window constructed from Cotswold stone. The date, overall design, and particular history of the property in question are not provided. The property in question is however clearly not a small vernacular cottage. This example does not therefore alter my findings above.
8. The appellant states that the addition of the bay window is required in order to provide better lighting to the interior. This is because the existing windows are small. The size of the windows is however a historic feature of the original design. It follows that the level of light that they provide to the interior is an intrinsic aspect of the vernacular character of the building. It has not otherwise been demonstrated that there is any overriding necessity to provide additional light. In this regard the use of energy efficient lighting inside the building provides both a normal and reasonable response. The appellant's desire for additional light does not therefore lend any weight in favour of the proposed works.
9. Attention has been drawn to the Council's suggestion that French doors would be acceptable as an alternative. The insertion of French doors would also see the identity of the existing window opening destroyed, the character of rear elevation further undermined, and would no better reflect the vernacular character of the cottage than the proposed bay window. Exactly why French doors would therefore represent an acceptable alternative is unclear. In the absence of such reasoning, and given that the insertion of French doors does not in any case represent a consented fallback, I can attach no weight to this consideration.
10. In view of my findings above the works would fail to preserve the special interest of the listed building. They would therefore conflict with the expectations of the Act, and with paragraphs 193 and 194 of the National Planning Policy Framework (the Framework), which set out the great weight to be attached to the conservation of designated heritage assets, and the need for clear and convincing justification for any harm.
11. With further reference to paragraph 196 of the Framework, I find that the harm caused to the significance of the listed building would be less than substantial. Such harm attracts great weight. In accordance with paragraph 196 it is necessary to balance this harm against the public benefits advanced in favour of the proposed works.
12. In this case the addition of the proposed window would solely serve to benefit the occupants. As this would be a private benefit, it attracts no weight. Constructing the window would generate a very small amount of work for contractors. Any benefit to the broader economy would thus be negligible, and therefore attracts no more than negligible weight. Consequently, the public benefits of the works would not outweigh the harm that they would cause. This is a consideration which indicates that the appeal should be dismissed.

13. For the reasons outlined above I conclude that the works would not preserve the Grade II listed building, giving rise to unacceptable harm. The scheme would therefore fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Other Matters

14. The site is located within Great Rissington Conservation Area (the Conservation Area). Whilst I have been provided with a map, this has not otherwise been explicitly addressed by either party within their submissions. In view of the statutory duty set out in Section 72(1) of the Act, which is applicable to applications for listed building consent and planning permission alike, it is however necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
15. Insofar as it is relevant this appeal, the significance of the Conservation Area resides in the historic layout of the village, and the collection and interrelationship of historic buildings and spaces that it contains. This includes many buildings of vernacular type. Within this context the listed building makes an important positive contribution.
16. Visibility of the rear elevation of the cottage does not extend much further than the limits of the plot on which the building stands, and possibly those immediately adjacent. The adverse effects of the works as outlined above would not therefore be openly perceived by the public. Be that as it may, the Conservation Area is a sum of both its public and private parts. In causing harm to the significance of the listed building, the works would thus also cause harm the contribution that the listed building makes to the significance of the Conservation Area as a whole. The harm caused would again be less than substantial, but in this instance, it attracts considerable importance and weight.
17. I am mindful of the fact that the effect of the scheme on the Conservation Area was not a reason for refusal. However, notwithstanding the additional weight that the identified harm lends in favour of dismissing the appeal, this does not alter the outcome of my findings in relation to paragraph 196 of the Framework set out above. Similarly, the additional conflict that a failure to preserve or enhance the character or appearance of the Conservation Area would cause in relation to the Act and the Framework does not alter the outcome of my conclusion in relation to the main issue. As such the matter is not determinative of the outcome of this appeal. I am therefore satisfied that the interests of neither party are prejudiced by my findings.
18. The site is also located within the Cotswolds Area of Outstanding Natural Beauty (the AONB), within which there is a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty. In this regard I am satisfied that as the works lack any exposure within the surrounding landscape, the natural beauty of the AONB would be conserved.

Conclusion

19. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR