



Appeal Decision

Site Visit made on 29 June 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2021

Appeal Ref: APP/J0405/W/20/3264738

Akeley House Buckingham Road, Akeley MK18 5HL

- 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 David Parker against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 19/00329/APP, dated 28 January 2019, was refused by notice dated 19 June 2020.
 - The development proposed is the demolition of an existing dwelling and erection of a new replacement dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs David Parker against Buckinghamshire Council - North Area (Aylesbury). This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's second reason for refusal concerned the lack of a tree survey and arboricultural information. This information was provided as part of the appeal. The Council has confirmed that, subject to conditions to secure appropriate works to trees, mitigation and tree protection measures and new planting, this reason for refusal has been addressed. I have proceeded on this basis.
4. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published, replacing the 2019 version. The policies of the Framework that are material to this case have not fundamentally changed. I have proceeded to determine the appeal having regard to the revised Framework.
5. The Council's decision notice refers to emerging Policies BE1 and BE2 in the emerging Vale of Aylesbury Local Plan (eVALP). Paragraph 48 of the Framework sets out that weight may be given to relevant policies in emerging plans according to its stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency with the Framework. In view of the advanced stage of the emerging plan, I give moderate weight to the emerging policies set out in the decision notice.

Main Issue

6. The main issue is the effect of the proposed development on the setting of a Grade II listed building.

Reasons

7. The appeal site is a substantial plot which contains a large, detached bungalow and a sizeable single-storey outbuilding. It is located on the edge of the built up area of the village of Akeley. It is surrounded by open countryside to the south west and south east and to the north east it shares a boundary with a residential property, The Old Rectory. This is a Grade II listed building. A number of mature trees and a high timber fence separate Akeley House from The Old Rectory whose main elevation faces towards the appeal site. The two buildings are physically close to each other and visible between the trees and above the boundary fence.
8. Akeley House is not visible from the road immediately to its front, being set back within its plot behind a bund and boundary vegetation at the front of the site. Travelling further along the road towards Akeley, its roof can be seen beyond the trees and above the front boundary fence to The Old Rectory. It is clearly visible in views along Buckingham Road from the west. A public footpath crosses the rear of the appeal site extending into land at the rear of The Old Rectory from which the outbuilding and the listed building are visible.
9. The Old Rectory dates back to around 1850, constructed in a neo-Gothic style, in red brick with blue diaper patterning and stone detailing. It is attributed to Sir George Gilbert Scott. It is a substantial, detached house comprising single and two-storey elements with additional accommodation at third floor level within the roof. Its primary elevation faces towards the appeal site. Its significance is largely derived from its architectural style and its association with Gilbert Scott. Its neo-Gothic design is not characteristic of historic development within the surrounding area which makes the building visually distinctive.
10. Whilst not visually prominent on entering Akeley, The Old Rectory appears as a grand, imposing yet secluded building due to its significant set back from Buckingham Road within generous and partially enclosed grounds. These grounds comprise a driveway and front lawn and large rear patio and lawns. This setting contributes to the significance of the listed building. Either side of The Old Rectory, there are two bungalows, Midhurst and the appeal property, Akeley House which lie within its setting. Due to the proximity of these buildings to The Old Rectory they cause some harm to its setting, however, the extent of this harm is limited due to the diminutive height of these bungalows.
11. There is some dispute about what the historic setting of the listed building would have been and whether it would have comprised parkland or woodland. Historic maps suggest that it was surrounded by a number of trees and set some distance from other development. Its main elevation, facing towards the west, and away from the development within the village, would have enjoyed a landscape setting. Based on the historical maps, it seems likely that this would have been views through trees to the open countryside beyond. As such it would have been a secluded property. The presence of a balcony at first floor level suggests that it would have similarly benefitted from some views across the landscape, again either through or above the woodland to the fields beyond.
12. It is evident that during the intervening years, much of the woodland surrounding the property has been removed and development including the two bungalows has occurred. Together with the extension of the garden to the

south of The Old Rectory this has resulted in change to the surroundings in which the listed building is experienced. The site appears to be significantly more open and the building less secluded than it would have been in the past. Nevertheless, despite harmful incursion into the setting of the listed building by the bungalows, the listed building remains the dominant structure. The fenced and wooded boundary with Akeley House only allows partial glimpses of that property and are limited to its pitched roof which can be seen from Buckingham Road. As such, it appears as a subservient building that does not compete with the imposing and visually distinctive listed building.

13. Akeley House is of no significant architectural merit. Its replacement with a house designed to reflect the local vernacular and adopting a style of older properties within the village, whilst not in itself harmful, in this location would compete visually with the distinctive style of the listed building. Furthermore, the proposed replacement building, whilst occupying a similar footprint, would be approximately 2.8 metres taller. It would be bulkier with significant gable and hipped roof features, with windows at first floor level and substantial areas of glazing to a central two-storey porch feature. Together, the design and increased height and bulk of the building would be significantly more prominent than the existing building.
14. The proposed house, including windows and gable features, would be visible beyond the boundary trees and fence in views from the road into the grounds of The Old Rectory. This would be significantly more visually intrusive than the simple pitched roof that can currently be seen. As such, I find the proposed house facing towards the primary elevation of the listed building would intrude into the building's setting more significantly than the existing building.
15. It would also be visible beyond the detached outbuilding to Akeley House from the footpath running across the open land at the rear of the site. Whilst some modern housing development on Manor Road is visible from this path, the listed building is prominent in views to the north with the two adjacent bungalows being visually unobtrusive. The proposal would introduce a second, more prominent building within this view. This would make the listed building appear less secluded. As such there would be harm to its setting and therefore the significance of the heritage asset.
16. The increased height and bulk of the proposed building would make it more visually prominent on the approach to Akeley along Buckingham Road where it would be viewed against a backdrop of trees. At the time of my site visit, I was unable to see the listed building through these trees. However, it seems to me that some limited views of the listed building would be likely during winter months when the trees have lost their leaves. From this position, I therefore find the proposal would result in limited harm to the setting of the listed building.
17. My attention has been drawn to various and allegedly unauthorised works to The Old Rectory including alterations to the front boundary, new gates and the removal of trees within its grounds. These are not matters before me. However, I acknowledge that these works may have diminished the woodland setting and the enclosure of the listed building, opening up views of it from Buckingham Road. Nevertheless, this setting would be further eroded by the construction of a large and visually prominent house so close to The Old Rectory. This would be far more prominent than the existing bungalow and

would diminish the sense of a secluded and standalone property, set apart from other development. In coming to this view, I am also mindful that the contribution that setting makes to the significance of a heritage asset is not limited to public viewpoints of that setting.

18. The proposed development would lead to less than substantial harm to the setting of the designated heritage asset. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed building or its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 202 of the Framework states that such harm should be weighed against the public benefits of the proposal.
19. The proposed development would provide replacement accommodation for the appellants as their existing house is suffering from subsidence. However, this is a personal benefit. No public benefits from the scheme have been forwarded by the appellants although it is recognised that some economic benefit would arise during the construction of the proposal. However, these public benefits are very limited and do not outweigh the less than substantial harm that I have found.
20. I conclude that the proposed development would fail to preserve the setting of the Grade II listed building. It would therefore conflict with Saved Policy GP35 of the Aylesbury Vale District Local Plan 2004 which requires new development to respect and complement the historic context of the setting. It would also not accord with emerging Policies BE1 and BE2 of the eVALP which together require new development to respect its surroundings and to seek to conserve heritage assets including their setting and seek enhancement where possible. It would also not comply with the Framework which recognises the value of heritage assets as an irreplaceable resource that should be conserved in a manner appropriate to their significance.

Conclusion

21. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR