



Appeal Decisions

Site Visit made on 9 August 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal A Ref: APP/Y3940/W/21/3271637

64 Victoria Road, WARMINSTER, BA12 8HF

- 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 Ms. G. Withington against the decision of Wiltshire Council.
 - The application Ref 20/05587/FUL, dated 4 July 2020, was refused by notice dated 15 January 2021.
 - The development proposed is single storey rear extension.
-

Appeal B Ref: APP/Y3940/Y/21/3271641

64 Victoria Road, WARMINSTER, BA12 8HF

- 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 Ms. G. Withington against the decision of Wiltshire Council.
 - The application Ref 20/06311/LBC, dated 4 July 2020, was refused by notice dated 15 January 2021.
 - The works proposed are single storey rear extension.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeals.
4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issues

5. The main issue for both appeals is the effect of the proposal upon the special interest of the grade II listed building, known as 64 and 66 Victoria Road.
6. An additional main issue for Appeal A is the effect of the proposal on the living conditions of the occupants of the neighbouring dwelling, No. 66 Victoria Road, with regard to daylight and outlook.

Reasons Appeals A and B

7. Section 16(2) and 66(1) 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.
8. The appeal building is one part of a listed building, comprising a semi-detached pair of cottages that are early-mid 18th century in date. The appeal building retains a moulded drip over ground floor openings, which include a pair of stone mullion windows either side of the entrance door. The special interest of the pair is derived primarily from remaining vernacular materials, their overall modest scale and surviving historic details such as the stone windows and drip.
9. The proposal would see the insertion of a secondary entrance door into the east facing gable of the appeal building. This intervention would involve the removal of an area of primary historic fabric. It would see an entrance door inserted in a rather unconventional position within an end gable, which are typically left blank in a simple linear vernacular building such as this.
10. However, a blocked window opening exists in this gable end. This once served as a Kitchen window, and permission was given to alter it to form a doorway, although this alteration was not carried out and is now not achievable because of the position of the staircase. The blocked window opening is in a different position to the proposed door. Therefore, rather than altering an existing area of undisturbed masonry, the new door opening would require the removal of an area of historic masonry that appears unaltered. Furthermore, the new door would be visible from the area to the south of the building, where it would occupy a rather clumsy position close to the stone mullion windows and original front door.
11. It is suggested that the proposed door would be visually subservient to the original door. I accept that it would be without a canopy and dressed stone surround, however, given the very modest size of the existing front door opening it is likely that it would appear of equal status and thus diminish the role that the existing door plays in providing the primary historic entrance to the building, given that the two would be easily viewed together. I appreciate that the insertion of a door here would make better sense of the interior space as a hallway, taking into account the location of the stairs, and it would improve the general layout of the appeal building. However, I am not satisfied that this justifies the level of harm to the special interest of the listed building that this intervention would cause.
12. The appeal building has been extended to the rear in two phases, in the form of two rear facing gable extensions that occupy the whole of its rear elevation. Evidence establishes that the eastward rear wing is an historic extension. It is depicted on an early OS map and was heavily altered following the grant of planning permission and listed building consent in 2000.
13. These alterations granted consent for several alterations to the existing rear extension, including the removal of its chimney breast and alterations to its north and east elevations, including the installation of PVCu windows and the addition of the second rearward gable extension. As a consequence, and based on what I observed at my site visit, the older rearward extension appears to be of limited historic interest.

14. The rear of the original appeal building is therefore entirely obscured by the two gable projections when viewed from its garden, taking into account the tight linear form of the plot and the surrounding development to either side. Similarly, the rear of the attached dwelling, which is covered by the same listing, is also entirely occupied by a modern extension. Consequently, the building's special interest is largely restricted to its front range, appreciated primarily from the south and from within the building.
15. The proposal would see the appeal building extended further to the north with a single storey flat roofed extension. I accept that it would be a sizeable addition to the existing building, and when taken in combination with the two rear gable extensions, it would represent a significant addition to both its footprint and mass. However, for the reasons given already, I am of the view that extending the building further to the rear would cause no further harm to the building's special interest. The proposed extension would be separated from the historic core of the building by the existing extensions, and there would be no significant intervisibility between the two parts. It would not diminish our understanding of the original dwelling or harm its historic significance.
16. Although the proposed extension would not be harmful, the proposed door to be inserted within the east gable of the original part of the building would harm the building's special interest. In terms of the Framework the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
17. It is suggested that the proposal would provide accommodation that would suit modern living and in doing so would prevent the building from falling into disrepair. However, from the plans before me and my observations on site I am satisfied that the existing building functions as an attractive family home. I can see no reason why it would be dependent on the proposed works to maintain its purpose as a dwelling or prevent it from falling into a state of disrepair.
18. The proposal would cause harm to the special interest of the building. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. The proposal would only deliver private benefits to the occupiers of the appeal building. There are no public benefits that would outweigh the harm identified.
19. In summary, the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the special interest of the building. It would thus be contrary to Policies 57 and 58 of the Wiltshire Core Strategy 2015 (WCS), which together seek to ensure that proposals conserve designated heritage assets.

Reasons Appeal A

20. The side wall of the rear extension would follow the boundary shared with No. 66 Victoria Road and would step beyond the rear of this neighbouring dwelling. It would reduce daylight to the area immediately to the rear of this dwelling during the early part of the day. This dwelling has two ground floor rear facing windows.
21. Information before me suggests that the window closest to the proposed extension provides natural light to a bathroom, so the loss of light to this room would not impact principle living areas of the dwelling. The opening further

west is a large full height pair of glazed doors, with side lights. Given the distance, the proposal would have little impact on the level of natural light entering the neighbouring dwelling through this window. The Council's application of the 45 degree rule shows that the impact on this larger opening would be minimal. The extension would only increase a sense of enclosure to the area immediately to the rear of No. 66, the impact of which would be otherwise offset by its long rear garden and lack of adjoining development to the west.

22. In summary, the proposal would not harm the living conditions of the occupants of No. 66 Victoria Road. It would thus accord with Policy 57 of the WCS insofar as it seeks to ensure that development proposals have regard to impacts on the amenity of existing occupants. It would also accord with paragraph 130 of the Framework which seeks to ensure that development proposals secure a high standard of amenity for existing occupants.

Conclusion

23. Although I have found that the proposal would not harm the living conditions of the occupants of the neighbouring dwelling this is a neutral matter that has no bearing on my findings in relation to the first main issue. Therefore, for the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR