



Appeal Decision

Site visit made on 15 November 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/N0410/W/21/3277780

Top Cottage Hollybush Hill, Stoke Poges SL2 4PX

- 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 Amarjit Saini against the decision of Buckinghamshire Council.
 - The application Ref PL/20/1659/FA, dated 29 May 2020, was refused by notice dated 23 April 2021.
 - The development proposed is the demolition of existing dwelling and erection of new dwelling with double garage.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr Amarjit Saini against the decision of Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.
4. Planning Practice Guidance is explicit that local planning authorities may identify non-designated heritage assets (NDHA) as part of the decision-making process during the consideration of planning applications. Top Cottage and Little Chester were identified and subsequently listed by the Council as NDHAs following submission of the appeal application. Any arguments pertaining to the procedural merits or lawfulness of this listing are beyond the remit of this appeal. Consequently, I have determined this appeal on the basis that Top Cottage and Little Chester are indeed NDHAs, as their status in this regard is currently a matter of fact.

Main Issue

5. The main issue in this appeal is the effect of the proposal on Top Cottage and Little Chester as non-designated heritage assets.

Reasons

6. Top Cottage and Little Chesters comprise a pair of detached cottages, thought to have been built between 1933-1934. The two properties sit on adjacent plots at the end of a narrow lane running north off Hollybush Hill. The dwellings themselves are sited within generous gardens which are heavily enclosed by mature boundary trees and hedgerow, which provides them with a spacious yet private backdrop, which contributes very positively to their setting.
7. Historically, the land on which the properties are situated is understood to have surrounded a house known as Stoke Cottage, which originally formed part of the Duke of Leeds estate. A third cottage was previously included within the wider plot, but this has since been demolished and replaced by a more modern dwelling. The two remaining cottages are understood to have been designed and built by William Hartley & Son, a reputed firm of local builders who are known to have been involved with several projects of local importance, including the restoration of Stoke Park Mansion and St Giles' Church. Even though the third cottage has since been demolished, Historic England's assessment¹ notes that together, Top Cottage and Little Chesters do still exhibit group interest due to their similar style and positioning within the landscape.
8. Top Cottage itself is a two-storey dwelling, with a gable thatched roof. At the rear, part of the roof forms a catslide which descends towards ground level. The property has a relatively symmetrical frontage, with a central front entrance set within a thatched porch, three-light casement windows either side, and three eyebrow dormers at first floor level. The property has been adapted at ground floor around its northern side and rear to incorporate a conservatory-style extension, which includes a solid-wall base. Again, this element of the dwelling has been thatched. There is a separate detached garage and workshop to the east of the dwelling, and further outbuildings in the northern-most and southern-most corners of the plot. Internally, notable features include a fireplace within the entrance hall at the centre of its eastern gable end, which also incorporates a fire hood and shelving either side. The property also benefits from plank doors, some of which include decorative strap hinges. Whilst I have not visited Little Chesters, the heritage evidence before suggests that many of these features are also common to this property as well.
9. Whilst it is clear that Top Cottage has been significantly altered over the years and many of the original fixtures and fittings have been lost or diluted, the cottage nonetheless remains attractive, and invariably appears substantively similar in design and style to when it was first built. Indeed, whilst Historic England does not consider that Top Cottage (nor Little Chesters) meet the stringent criteria for listing, its assessment of the physical and historical characteristics (set out above), does highlight that the cottages are a "*good example of the influence which the Arts and Crafts movement had on suburban housing in the inter-war period*". The assessment goes on to say that "*the small-scale development of which they form a part is indicative of the pattern of construction and expansion of this part of Stoke Poges in the inter-war period*". Irrespective of any listing, the properties, particularly when considered as a pair, therefore still have local significance. Moreover, their connection with William Hartley & Son, who's notoriety is strongly associated with many

¹ Historic England, Initial Assessment Report, 4 December 2020

aspects of the area's distinctiveness, gives the properties a strong local tie which further contributes to this significance.

10. Top Cottage would be demolished as part of the development. Given its local significance, I consider its complete loss would cause substantial harm to the appeal site. Moreover, given the historical group importance that Top Cottage shares with Little Chesters, its loss would also cause less than substantial harm to the setting of Little Chesters.
11. Set against such harm, the new dwelling would fit comfortably within the plot, whilst retaining ample levels of garden space. Its external design would also be commensurate with other dwellings in the area, particularly those along Cherry Orchard to the east of the appeal site. Nonetheless, these factors equate to a new dwelling that would have a neutral impact on the character of the area, but such neutral impact would not constitute a benefit. Whilst I acknowledge that the development would replace a property in need of some degree of restoration or renovation, as well as improve its sustainability credentials, such benefits are only minor in this instance, and would not outweigh the harm to Top Cottage and Little Chesters identified above.
12. For these reasons, the development would cause substantial harm to Top Cottage and less than substantial harm to Little Chesters, and there are no benefits of the proposal that would outweigh these harms. The development would therefore conflict with Core Policy 8 of the South Bucks Local Development Framework Core Strategy (adopted 2011), which places paramount importance on the protection of heritage and historical features which contribute to the district's distinctive sense of place. The development would also conflict with the overarching objectives of the Framework (2021), which places a great emphasis on the protection and preservation of the historic environment.

Other Matters

13. In line with the Bohm² judgment, I have considered the merits of the entire proposal, and have balanced the impact of the proposed new dwelling against the harm that would arise from the loss of Top Cottage. As set out above, I consider that the impact of the new dwelling would be neutral as opposed to positive, and would therefore not adequately compensate for the harm that would arise from the demolition of the existing cottage.
14. Whilst I note the content of the appeal decision relating to no. 40 Florence Road Bournemouth³, the lawfulness of the listing of the appeal property (and Little Chesters) as non-designated heritage assets is not a matter for consideration in this appeal. Nonetheless, based on the evidence before me and my own observations during my site visit, both Top Cottage and Little Chesters do bear notable aspects of local significance which warrant the greater degree of protection afforded to properties included on the local list. As such, and irrespective of the procedural merits of the local listing, the Bournemouth decision does not persuade me that Top Cottage nor Little Chesters do not justify such protection.

² Dorothy Bohm v Secretary of State for Communities and Local Government (2017) EWHC 3217 (Admin)

³ APP/G1250/W/17/3191922

15. Whilst the Lakeland case⁴ held that the preservation of a [conservation] area could be achieved where development left its character and appearance unharmed, this judgment must be distinguished from the present appeal. In this instance, although the proposed new dwelling would have a neutral impact on the character of the area, harm would arise from the demolition of the existing cottage. As such, the net impact of the development would be harmful.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR

⁴ South Lakeland District Council v Secretary of State for the Environment [1992]