
Appeal Decisions

Site visit made on 15 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal A: APP/Y3940/W/21/3279239

Sundawn, Chapel Hill, Lacock SN15 2LA

- 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 and Mrs Mark and Elisabeth Johns against the decision of Wiltshire Council.
 - The application Ref 21/00940/FUL, dated 27 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is described as a semi-underground extension and creation of a garden-room in extension of an existing garage.
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Appeal B: APP/Y3940/Y/21/3279238

Sundawn, Chapel Hill, Lacock SN15 2LA

- 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 Mr and Mrs Mark and Elisabeth Johns against the decision of Wiltshire Council.
 - The application Ref 21/01546/LBC, dated 27 January 2021, was refused by notice dated 7 May 2021.
 - The works proposed are a semi-underground extension and creation of a garden-room in extension of an existing garage.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, in order to avoid duplication, I have dealt with the appeals together, except where otherwise indicated.
4. An application for costs was made by Mr and Mrs Mark and Elisabeth Johns against Wiltshire Council in relation to Appeal A. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the scheme on designated heritage assets, and specifically: whether the scheme would preserve the special interest of a Grade

II listed building; whether, in relation to Appeal A, it would preserve the settings of surrounding listed buildings; and whether, again in relation to both appeals, it would preserve or enhance the character or appearance of Lacock Conservation Area (the Conservation Area).

Reasons

(a) Listed building

6. Sundawn is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
7. Insofar as it is relevant to these appeals, the special interest and significance of the listed building resides in its C17th origin, later remodelled in what could be broadly described as Arts and Crafts style. It also lies in its relationship with other historic buildings within its setting. In this regard the compact historic core features a simple half-hipped roof form, modestly extended to the rear, which, given its lane-edge position, has a strong visual presence within the streetscene.
8. The scheme would entail the addition of a single storey flat roofed extension to the rear of the dwelling, linking it to an existing modern pitched roof garage. The latter would itself undergo modification through the attachment of a structure at roof level, providing what is described as a garden room, but would in fact be a first floor suite of accommodation. Part of the extension would occupy space provided by excavation of the garden. However, whilst some adjacent ground levels would remain higher, and a green roof is shown on the plans, the extension would not be built 'underground'. Nor would it be perceived in this way when viewed relative to the cottage from within the street. In this regard the extension would not be well hidden from view, given that the glazed frontage, balustrade and first floor component could all be quite easily seen from outside the plot. They would of course also be obvious from within the plot itself.
9. The Council's reasons for refusal reference only the 'garage extension element' of the scheme. The officer report nonetheless refers to other components of the extension, and to the totality of its overall impact. Indeed, the first floor accommodation would form a both physically and visually integrated component of the extension as a whole, and therefore it must be assessed as such.
10. The proposed first floor accommodation would be provided within a contemporary styled box-like structure. This would project from and above the line of the garage roof, which would itself undergo a partial lop-sided enlargement. The result would be the creation of a bulky, irregular and somewhat incongruous building form, which, given its location, would have a degree of visual prominence. Viewed relative to both the garage and cottage the structure would appear as a wholly alien addition. This would again be appreciable from both outside and inside the plot, including from the roof of the extension itself. The impression would not be altered in any meaningful way by the cladding of its sides with tiles.

11. The glazed frontage proposed between the cottage and the garage would itself give rise to a stark visual contrast. In combination with the balustrade above, it would clearly highlight the disproportionately large size, flat roofed form and horizontal arrangement of the ground floor accommodation within the extension, none of which would complement the form, character and layout of the listed building. The relationship between the ground floor and first floor components of the scheme would be clearly apparent, and the adverse effects of each would be read together. The overall impression would be one of unsympathetic overextension.
12. The significant imbalance created between historic and modern floorspace at ground floor level would also be quite obviously appreciable internally. Thus, neither internally nor externally would the scheme complement an appreciation of the special interest and significance of the listed building.
13. The appellant states that the scheme would provide for the needs of an elderly relative with severely impaired mobility. With reference to the Public Sector Equality Duty contained in the Equality Act 2010 (EA 2010), I have therefore had due regard under Section 149 of the EA 2010 to the requirement to take steps to meet the needs of persons who share a protected characteristic. The EA 2010 defines age and disability as two such characteristics. The scheme seeks to specifically meet these needs by providing en-suite bedroom and living room accommodation within the first floor element of the extension, and a sensory garden on the roof.
14. Whilst the relative in question is not currently resident, it appears somewhat illogical that the accommodation would be provided within the least easily accessed part of the extension. It has not otherwise been demonstrated that the existing dwelling is incapable of reasonable adaptation by alternative, less harmful means. The proposed first floor accommodation would otherwise be a lesser component of the overall scheme, with most of the space provided not required to meet the above needs. Providing for the latter would not therefore justify the overall harm that would be caused in this case.
15. The appellants state that other properties nearby have been the subject of approved alterations. This may well be true. However, in the absence of evidence it is not possible to draw any comparison. I have therefore assessed the appeal scheme on its own merits, as is in any case necessary.
16. For the reasons set out above the extension would acutely detract from appreciation of the special interest of the listed building, thus failing to achieve preservation. This would conflict with the expectations of the Act, and insofar as the scheme would likewise fail to conserve the significance of the listed building, the harm caused would be less than substantial.

(b) Setting

17. The decision notice issued in relation to Appeal A claims an adverse effect on the settings of nearby listed buildings, of which there are several. However, only the Old Chapel is specifically identified as subject of harm within the Council's submissions.
18. Insofar as it is relevant to the appeal the special interest and significance of the Old Chapel, which is listed as the Church of St Stephen, lies in its early C19th date, past ecclesiastical use and identity, simple form and detailing, and

prominent positioning. In this regard it stands adjacent to but at much higher level than Sundawn, and its southern elevation, which contains 2 large windows, is visible above space to the rear of the latter.

19. The proposed extension would as such form a foreground component of views of the southern elevation of the Old Chapel from the street. Given my findings above, it would inevitably form an incongruous source of intrusion within these views, thus modestly detracting from appreciation of the significance of the Old Chapel. It follows that the setting of the Old Chapel would not be preserved, again contrary to the expectations of the Act. The harm caused to the significance of the Old Chapel would be less than substantial. Such harm attracts considerable importance and weight.

(c) Conservation Area

20. The site is located within the Conservation Area. Insofar as it is relevant to these appeals the significance of the Conservation Area resides in the historic layout of the settlement, and the highly distinctive collection and interrelationship of historic buildings and spaces that it contains. As one such historic building, Sundawn makes a positive contribution to the significance of the Conservation Area.
21. As noted above, both the ground floor and first floor components of the proposed extension could be easily viewed from within the street, and such views would extend over a reasonable distance. Within these views the extension would appear both conspicuous and incongruous, relative to Sundawn, to the Old Chapel, and to the strongly traditional architectural character of the settlement at large. The scheme would thus fail to preserve or enhance the character or appearance of the Conservation Area as a whole, once again contrary to the expectations of the Act. The harm caused to the significance of the Conservation Area would be less than substantial. Such harm again attracts considerable importance and weight.

(d) Balance

22. Having identified less than substantial harm in relation to the significance of Sundawn, the Old Chapel, and the Conservation Area, it is necessary to weigh this harm against the public benefits of the scheme.
23. The appellants state that the scheme would help to secure the optimum viable use of the listed building by catering for the 'expectations of modern family life'. However, there is no general expectation that dwellings should provide the type and amount of accommodation proposed, and I have no reason to believe that the dwelling would fall out of use in its absence. Insofar as the scheme would otherwise provide additional space for use by the appellants, the benefits would be private in nature. This would be similarly true of any benefit that would pass to future occupants. I can attach no weight to such benefits.
24. Insofar as the scheme has nonetheless also been promoted as enabling a disabled relative to move in, the appellants claim that this would provide financial savings for the NHS and for the Council. However, though a price has been placed on an overnight hospital stay, the exact nature of the claimed savings are unknown, and no such potential saving has been acknowledged by the Council. It is in any case unlikely that such savings could be quantified or

delivered with any certainty. This is not therefore a consideration to which I can attach any weight.

25. The appellants state that aluminium windows within the historic part of the dwelling would be replaced with timber windows. Broadly speaking, works of this type have the potential to deliver heritage benefits. However, the replacement of windows was not included within the description of proposed works, is not shown on the plans, and no detailed drawings have been provided. Whilst the nature of the proposal is thus open to question, it is also apparent that the replacement of windows could occur whether or not the extension was built. In the absence of any necessary or direct connection, any benefit arising from replacement of windows would thus do nothing to directly counter harm caused by construction of the extension. It is not therefore a benefit to which I attach any weight in this instance.
26. The scheme includes solar panels. These would help to reduce the energy demands of the dwelling. The latter would however clearly increase as a result of the extension being built, and the substantial amount of accommodation this would add. Though the balance is unclear, it appears that the solar panels would do little more than help mitigate the increased energy demands to which the scheme would itself give rise. As such little if any broader environmental benefit capable of attracting weight would be delivered by the scheme.
27. It is stated that the scheme will increase bird and insect species through planting and enlargement of the garden area. However, I have been provided with no details of planting or any evidence to support the assertion that such a benefit would arise. There is otherwise no reason why improved planting of the existing garden could not take place in the absence of the extension.
28. Finally, the works would generate business through its implementation. The benefits to the broader economy would however be negligible, and so attract no more than negligible weight. As such, in relation to neither Appeal A nor Appeal B, would the harm caused by the scheme be outweighed by public benefits. This indicates that the appeals should be dismissed.
29. For the reasons set out above I conclude that the effect of the scheme on heritage assets would be unacceptable. With regard to Appeal A, and insofar as it is relevant to Appeal B, the scheme would thus conflict with Core Policy 58 of the Wiltshire Core Strategy 2015 (the CS) which states that designated heritage assets will be conserved, and where appropriate enhanced in a manner appropriate to their significance, and Core Policy 57 of the CS, insofar as this requires new development to be sympathetic to and conserve historic buildings. With regard to both appeals the scheme would otherwise fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Other matters

30. In assessing a substantially similar scheme in 2019 (the 2019 scheme) Council officers recommended approval. That scheme was however refused by the Council's Committee for reasons consistent with those given in relation to the current scheme. That the officer report related to the current case differs from that of the 2019 scheme is not therefore surprising, as it was necessarily produced in light of the Council's previous decision. That being so, the officer report related to the 2019 scheme does not attract any weight in my

assessment of the current appeal scheme, and nor does it alter my findings above.

Conclusion

31. Exercising due regard under section 149 of the EA 2010 as set out above, I conclude that the scheme would cause unacceptable harm to designated heritage assets, and, in relation to Appeal A, conflict with the development plan. No other considerations, including the EA 2010, alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR