



Appeal Decision

Site visit made on 8 August 2022

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/J0405/D/22/3298120

12 Church Street, Quainton, Aylesbury HP22 4AP

- 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 Andrew Dancer against the decision of Buckinghamshire Council.
 - The application Ref 21/04807/APP, dated 17 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is single storey side and rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the application, the council changed the description of development to include only those elements requiring planning permission. I have therefore used the description of development on the decision notice for clarity.

Main Issue

3. I consider the main issue to be the effect of the proposals on the character and appearance of the Quainton Conservation Area.

Reasons

4. The main issue is the effect of the proposals on the character and appearance of the Quainton Conservation Area.
5. Church Street is a predominantly residential street located within the Quainton Conservation Area (CA). The appeal property (No 12) is a small, red brick, slate-roofed, end terrace, two storey cottage which shares similar features to the two other C19th neighbours within the terrace. These include simple stone headers and sash windows, which collectively form a Non Designated Heritage Asset (No's 8-12).
6. Policy BE1 (Heritage Assets) of the Vale of Aylesbury Local Plan (2021) (VALP) requires that all development (including residential extensions) should *"conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible"* and that proposals which *"affect the significance of a non-designated heritage asset"*

should be properly considered, weighing the direct and indirect impacts upon the asset and its setting”.

7. Further policy BE2 (Design of New Development) of the VALP seeks development proposals that respect and complement the established character and appearance of the surrounding area, including local distinctiveness, materials, design and proportion.
8. Policy E1 (Environment) of the Quainton Neighbourhood Plan (2016) (NP) similarly seeks development which is in keeping with its surroundings, with the use of brick, stone, clay tiles, thatch and slate roofing materials being required within the CA. The policy also seeks an appropriate scale for proposals within the CA, with boundary treatments of a traditional design.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a need to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA. I have considered the proposal in the light of this important statutory requirement.
10. Paragraph 202 of the Framework says that where a proposal would cause less than substantial harm to the significance of a heritage asset that harm should be weighed against the public benefits of the proposal, including securing its optimum use. This is a lesser test than if substantial harm had been identified (Framework paragraph 201), but still attracts significant weight.
11. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. This part of the CA is characterised by generally two storey dwellings of brick with clay and slate tiles. No's 8-12 are set back from Church Street and are less prominent than neighbouring properties, such as the village store which sit at the back of the pedestrian footway. No's 8-12 are characteristic of the village at a time when it was growing quickly following greater farming activity and better transport links from the development of the railway.
13. The appeal dwelling has a small front garden and driveway which is bounded by a low brick wall. At the site visit, I noted that the wall itself is clearly a more modern addition being of a different brick to the host dwelling, topped with decorative castellations.
14. I consider the wall, given its contemporary nature, is a neutral feature within the CA. The wall would require removal as part of these proposals in order to improve access for a second car parking space, albeit I note that the appellant already uses the existing access for two cars to park when necessary.
15. I consider the flat roofed extension to the rear would be an alien feature within the terraced block. I consider this would result in less than substantial harm to the CA. I also consider there would be some harm to the Non Designated Heritage Asset.
16. In considering the Appellant's case, the proposals would clearly be of benefit to the Appellant and his family. However, these benefits are not 'public benefits', as required by paragraph 202 of the Framework. As such I find them to be

contrary to policies BE1, BE2 of the VALP and E1 of the NP, together with the relevant parts of the Framework.

Other Matters

17. The side and rear extension is required in order to meet the needs of the Appellant's wife, who is disabled. In considering the appeal proposal, I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010.
18. The PSED requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability.
19. The proposed extension would allow the appellant's wife to be able to access a ground floor bedroom and bathroom where the rear extension would replace an existing lean-to extension which has a mono pitched roof.
20. I have already found that that the proposed flat roof would result in less than substantial harm to the CA and would fail to preserve the character or appearance of the CA and the Non Designated Heritage Asset of No's 8-12.
21. The appellant and his family clearly face ongoing challenges as a result of the layout of the existing dwelling and I am sympathetic to their need to make changes to the property. Whilst these changes would make a difference to the family, they would not be 'public' benefits as such.
22. I also accept that the limited size of the existing dwelling and the size of the plot do not provide many alternative options to the appellant. However, I do not agree that the harm associated with the flat roof storey rear extension in particular would be outweighed by the benefits cited by the appellant and this does not therefore change my conclusions.

Conclusions

23. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR