



Appeal Decision

Site visit made on 16 August 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/F1610/W/22/3297003

Kings Head Inn, Kings Head Lane, Withington GL54 4BD

- 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 Steelman Properties Ltd against the decision of Cotswold District Council.
 - The application Ref 21/00465/FUL, dated 28 January 2021, was refused by notice dated 6 January 2022.
 - The development proposed is change of use from public house to a single dwelling house and associated extensions, alterations and demolitions (revised scheme ref: 17/0060/FUL)
-

Decision

1. The appeal is dismissed insofar as it relates to demolition and redevelopment of the skittle alley to provide a garage/home office. The appeal is allowed insofar as it relates to alterations to the Kings Head Inn, and planning permission is granted for change of use from public house to a single dwelling house and associated extensions, alterations and demolitions at Kings Head Inn, Kings Head Lane, Withington GL54 4BD in accordance with the terms of the application, Ref 21/00465/FUL, dated 28 January 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal property is within the Withington Conservation Area (the Conservation Area), and I am conscious of my statutory duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal building is identified as a non-designated heritage asset. The site is also within the Cotswolds Area of Outstanding Natural Beauty.
3. In September 2021 revised drawings relating to the current appeal scheme were submitted to the Council for consideration. This included alterations to the proposed external materials, replacing zinc cladding and black stained timber cladding with coursed Cotswold stone and weathered timber cladding. Those plans, on which the Council made its decision, are the subject of this appeal decision.
4. Planning permission was granted in July 2022 for an alternative scheme for change of use from a public house to a dwelling house with associated extensions, alterations and demolitions (Ref 22/01596/FUL). Consequently the July 2022 permission represents a valid fallback scheme (the fallback scheme).

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the Conservation Area and the setting of the appeal building as a non-designated heritage asset.

Reasons

6. Within the Conservation Area, buildings are constructed of Cotswold stone with a mix of tile and slate roofs. There is variation in building design, but a general simplicity of form. Roofs are predominantly pitched and there are commonly modest chimney stacks. Wall dormers and gable fronted dormers are also common design features. The Conservation Area has a rural feel characterised by roads without pavements, set within an undulating rural landscape. Insofar as it is relevant to this appeal, the character and appearance of the Conservation Area is defined by the prevalence of Cotswold stone, uncomplicated building forms and its rural setting.
7. In appeal documentation the Council distinguishes between the simple original gabled form of the historic inn (the host building), and more recent, somewhat unsympathetic additions. On Kings Head Lane (the Road), approaching from Mill Lane, the host building's gable wall of Cotswold stone, with its central chimney stack, is prominent in the street scene. It terminates the view along the road. Similarly, approaching the host building from the Road when travelling towards Mill Lane, its traditional front elevation addresses the Road, albeit currently obscured by vegetation. Its simple form and materials are in keeping with that of the character and appearance of the Conservation Area.
8. A single storey element positioned up to the Road edge adjoins the two storey gable end. Though constructed of stone, this appears as a more modern, flat roof addition, not entirely consistent with the predominance of pitched roofs on other houses fronting on to the road. A further single storey element projects from the host building into the appeal site. Visible from the road on that element is a large, white, three pane window with Georgian bars and a white uPVC door. These appear somewhat at odds with other wood framed windows on the host building.
9. The size, shape and position of windows on the appeal building, including the host building, varies considerably. Signage associated with its use as a former public house is not in evidence. A skittle alley building is located within the appeal site, on higher ground. It appears in poor state of repair and was overgrown with vegetation at the time of my site visit. From the evidence before me it seems a relatively lightweight structure, with a pitched corrugated metal roof and lean-to along its length.
10. Accordingly, insofar as it relates to this appeal, the significance of the appeal building as a non-designated heritage asset is primarily derived from its historic association as a public house, and the prominence of the host building on Kings Head Lane, comprising of materials and a form consistent with the Conservation Area.
11. The proposed development would retain visibility of the host building's gable feature from the Road. Removal of the projecting single storey element would simplify the building form in that location, allowing the gable end to be the

prominent feature. In that respect the proposal would better reveal the significance of the non-designated heritage asset from the Road.

12. A new gable end is proposed to be added adjacent to the existing one, linked by a recessed wall clad in weathered timber, with glazing at groundfloor level. The use of Cotswold stone on the proposed gable would complement that of the host building and materials prevalent within the Conservation Area. The proposed weathered timber cladding would provide a softness to the finish, complementing the natural finish of Cotswold stone to either side. It would also harmonise with the rural setting without appearing uncompromisingly modern.
13. The proposed glazing that would fill the ground floor elevation of this structure would add an element of transparency. Combined with its position set back from the gable ends to either side, it would not dominate in views from the Road. In addition, the lower height of this linking flat roofed element would ensure that it would not intrude on views of the host building from the Road. Equally it would considerably limit its visibility from within the appeal site and from surrounding land, being lower in height than the ridge line of the proposed new gable.
14. The proportions of this proposed new gable would create a sense of balance with the existing gable. It would be set back from the building line of the existing gable. Combined with its slightly lower ridge and eaves height, and absence of a chimney stack, it would appear subservient, but not separate to the host building. The bulk of this elevation would also be reduced in comparison to that of the fallback scheme. As such, in views from the Road I find the appeal scheme to be a less dominant addition, and thus would better reveal the significance of the host building.
15. As a whole, the proposed two storey extension, with a pitched roof and gable ends, has a simplicity of form that is reminiscent of other buildings in the locality. The single storey flat roof element of the proposal introduces a form of development that is not commonly seen within the Conservation Area. However, ground levels rise up considerably within the site. As such, it would appear nestled within the site and not protruding or prominent.
16. Furthermore, use of Cotswold stone would ensure the building appears in keeping with materials prevalent in the locality. In addition, the eaves of the single storey flat roof element would be set comfortably below the eaves of the proposed two storey extension and those of the host building. Therefore it would not obscure those elements of the appeal building when viewed from its garden or surrounding land.
17. Proposed windows on the elevation containing the family entrance would be relatively small, in keeping with others on buildings in the immediate vicinity. Larger scale windows are proposed on the elevation facing into the site (south elevation) where visibility from the public realm would be constrained. Whilst of a different scale to other elevations, the windows would appear well proportioned within that elevation and surrounding Cotswold stone would be visible. At ground level, windows in the flat roof extension would not appear visually intrusive given its position within the appeal site and relative to the site topography. Furthermore paragraph D.33 of the Cotswold Design Code¹ acknowledges that more extensive areas of glazing can form part of a

¹ As referenced in Policy EN2 of the Cotswold District Local Plan 2011-2031 (August 2018)

successful contemporary design. In combination with the Cotswold stone walls I consider that this paragraph is satisfied here.

18. Taking into account the footprint and massing of existing extensions to the host building, the proposal as a whole would not appear excessively large. Though a substantial scheme it would nonetheless appear as a coherent design. With its simplicity of form it would better reveal the significance of the host building, removing unsympathetic extensions and replacing them with a more cohesive design.
19. In comparison to the fallback position, the footprint of the appeal scheme would be slightly larger. However the proposed single storey flat roof extension of the appeal scheme would appear to add less bulk than the two storey extension of the fallback scheme. Consequently it would achieve better definition of the host building. In addition, the fenestration on the proposed side gable would be reminiscent of that on the host side gable. In contrast, on that elevation the fallback scheme shows more numerous windows and a door. In views from the Road this would tend to draw the eye away from the host building rather than appearing subservient to it. Therefore I find that the fallback scheme would not be more favourable than the appeal scheme.
20. The location of the proposed garage/home office in place of the skittle alley is set considerably higher than the host building. Its materials and simple form would be consistent with those of the appeal scheme and Conservation Area. However, four large, broadly square windows are proposed on the elevation facing towards the host building. These would be highly prominent in this context. Whereas a similar expanse of windows proposed on the single storey extension to the main house would be much more discreet.
21. Given its prominence, the proposed home office windows would also appear out of scale in comparison to windows on the elevation of the adjacent house, Avecote, which faces on to the appeal site and extends onto similarly high ground. Consequently, the home office windows on what would be a standalone building would appear out of keeping with the character and appearance of the Conservation Area. Furthermore, without more detailed evidence in respect of the historic value of the skittle alley, I cannot be sufficiently certain about the effect of its loss on the Conservation Area.
22. Therefore, the proposed alterations to the main dwelling would preserve the character and appearance of the Conservation Area, without harm to the host dwelling as a non-designated heritage asset. However the proposed garage/home office would fail to preserve or enhance the character or appearance of the Conservation Area and result in a limited degree of harm to the setting of the non-designated heritage asset.
23. A proposed garage/home office would provide additional living and storage space for the occupants of the main house. It would also replace the deteriorating skittle alley, albeit that has a low profile and is not a dominant feature within the site or wider landscape. Works to the main dwelling are not dependent on the creation of a garage/home office. No robust evidence is before me to indicate otherwise. Therefore, taking a balanced judgement as required by paragraph 203 of the National Planning Policy Framework (the Framework), I find that the harm arising from the proposed garage/home office would not be outweighed by its very limited benefits.

24. Accordingly, the proposed works to the main dwelling would comply with Policy EN1 of the Cotswold District Local Plan 2011-2031 (August 2018) (Local Plan) which seeks to ensure new developments protect, conserve and enhance the historic environment where possible. It would also accord with Policy EN2 of the Local Plan and the Cotswold Design Code. Amongst other matters, the Design Code seeks to ensure proposals involving contemporary architecture maintain aspects that are distinctive to the area, respect the Cotswold vernacular and achieve high quality design.
25. The proposal would accord with Policy EN12 of the Local Plan which requires that proposals affecting a non-designated heritage asset are sympathetically designed, and where possible would enhance its character. It would also comply with the relevant provisions of chapter 16 of the Framework, including paragraph 206 which requires that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
26. The proposal would also accord with Policy EN10 of the Local Plan. This requires proposals affecting a designated heritage asset or its setting to sustain and enhance the character, appearance and significance of the asset. The proposal would also accord with Policy EN11 of the Local Plan in preserving the special character and appearance of the Conservation Area.
27. In contrast, based on the evidence before me the proposed garage/home office would conflict with policies EN1, EN10, EN11 and EN12. It would also conflict with EN2 and the Cotswold Design Code due to the proposed windows being prominent within the site and their scale appearing noticeably out-of-keeping with the Cotswold vernacular (Design Code paragraph D.30).

Other Matters

28. The site is approximately 11.5km from the Cotswold Beechwoods Special Area of Conservation (SAC). Its qualifying features include beech forests and semi-natural dry grassland and scrubland facies on calcareous substrates. As the existing appeal building contains residential accommodation the appeal scheme would not result in a net increase in the number of dwellings on this site. Consequently, I consider the proposal would not result in the probability or risk of significant effects on the SAC. An appropriate assessment is therefore not required.

Conclusion

29. For the above reasons, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed insofar as it relates to alterations to the Kings Head Inn, but dismissed insofar as it relates to demolition and redevelopment of the skittle alley to provide a garage/home office.

Conditions

30. I have imposed conditions in line with those suggested by the Council with small modifications in some instances as set out below. In addition to the standard time limit condition I have imposed a condition specifying the approved plans in the interests of certainty.

31. A condition requiring approval of a final landscaping scheme is required in the interests of biodiversity and achieving good design. This pre-commencement condition has been agreed with the appellant. To ensure surface water drainage from the site is suitably managed I have imposed a condition requiring approval of those details. It is not necessary for this condition to be pre-commencement and I have amended the condition without substantially changing its meaning, to reflect standard wording with reference to Defra's non-statutory technical standards for sustainable drainage systems.
32. A condition requiring approval of materials to be used in the construction of external walls is imposed in the interests of protecting the character and appearance of the area. A condition requiring approval of details of windows, external doors, rooflights, eaves, ridges, verges, chimneys or dormers is imposed for the same reason, as is a condition specifying the material of rainwater goods. In addition, a condition requiring details of any external lighting is imposed to ensure a suitably high quality design is achieved, and without harm to wildlife.
33. Conditions requiring the provision of an electric charging point and cycle storage are reasonable in the interests of promoting efficient modes of transport. The requirement for details of those to be submitted and approved by the Council is reasonable in the interests of protecting the character and appearance of the site and surrounding area. A condition requiring implementation of the recommendations in the Bat Survey is required in the interests of protected species. I have amended this to remove elements relating to the proposed garage/home office as that is not relevant in this instance. Lastly, for the same reason I have not imposed the condition restricting the use of the garage/home office.

Rachel Hall

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.20.021 PL005B; 20.20.021 PL006B; 20.20.021 PL007B; 20.20.021 PL008B; except in respect of the following: the 'proposed outbuilding' on plan 20.20.021 PL007B, and the 'garage/home office' on plan 20.20.021 PL006B.
- 3) Notwithstanding condition 2, no development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) The development hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development.
- 5) Prior to the construction of any external wall of the development hereby approved, a sample panel of walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Samples of the walling shall be of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar and shall be erected on the site and subsequently approved in writing by the local planning authority, and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.
- 6) No windows, external doors, rooflights, eaves, ridges, verges, chimneys or dormers shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the local planning authority. The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections, including cills, heads and surrounds of windows and doors. The development shall only be carried out in accordance with the approved details and retained as such at all times.
- 7) New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the local planning authority and shall be permanently retained as such thereafter.
- 8) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation in the submitted Bat Survey, excluding where those relate to the skittle alley, referred to in the Bat Survey as the converted summer house. Such recommendations and mitigation shall be implemented according to the timescales specified

within the Survey, unless otherwise agreed in writing by the local planning authority, and retained as such for the lifetime of the development.

- 9) Prior to the installation of any external lighting, details of type, design and location of such lighting shall be submitted to and approved in writing by the local planning authority. Such details shall:
 - (i) identify those areas/features on site that are particularly sensitive for bats; and
 - (ii) show where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to roost features.

Such lighting shall be carried out in accordance with the approved details.

- 10) The development hereby permitted shall not be occupied until the proposed dwelling has been fitted with an electric vehicle charging point in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be retained for the lifetime of the development and kept available for the use of an electric vehicle.
- 11) The development hereby permitted shall not be occupied until a cycle storage facility has been installed and made available for use, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The facility shall be maintained for the lifetime of the development.