



Appeal Decision

Site visit made on 7 September 2022

by A Hickey MA MTRPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/J0405/W/22/3292687

The Old School, The Green, Mentmore LU7 0QE

- 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 Martin Gates against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/02187/APP, dated 18 May 2021, was refused by notice dated 25 November 2021.
 - The development proposed is described as change of use - garage & storage to Annexe - Removal of garage doors, doors and window coverings - New windows & doors proposed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process I have been supplied with a completed application form dated 18 May 2021. I have therefore considered this form for the purposes of my decision and amended the banner heading accordingly.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the significance of The Old School as a non-designated heritage asset (NDHA) and whether it would preserve or enhance the character or appearance of the Mentmore Conservation Area (CA); and
 - whether the proposal would constitute the creation of a separate residential unit and if so whether this would be contrary to the spatial strategy for the area and national policy in relation to the location of new dwellings.

Reasons

Character and Appearance

4. The significance of The Old School as an NDHA is largely derived from its architectural appearance and prominent position close to other dwellings and buildings of Mentmore Village, to which its surviving historic fabric, pleasing architectural composition, fine detailing and use of traditional materials all positively contribute.

5. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of this part of the CA, in which the appeal site is located, is derived from the historic layout, varying building and house styles, traditional materials and linear building pattern along routes through the village. There is a lack of built development within front gardens and the form and setting of the original dwellings and other nearby buildings can still be understood. Consequently, the generally open front gardens, unaltered forms of dwellings and buildings in the area add to the architectural interest and character of the CA.
6. The appeal building, referred to hereafter as the outbuilding, is a garage, office and storage building set over 2 floors located to the front of the appeal site set back a short distance from the road. It is constructed of brick and slate with some matching brick detailing. To the front is a large timber garage door amongst other openings at both ground and first floor level. The building is partially screened by well-established trees and planting but views can be glimpsed along the street particularly from the entrance site and the nearby junction onto The Green.
7. The outbuilding is of considerable size in proportion to the host dwelling and there are no existing dividing boundaries between the outbuilding and The Old School, and this would not change as part of the proposed scheme. When viewed in isolation the changes to the outbuilding are limited in their extent. However, in the context of the wider site and surroundings, they would disrupt the visual relationship the host dwelling and the outbuilding share by introducing features more associated with a domestic property.
8. The removal of the garage door and replacement of the clad openings for windows, would alter the public's perception of the outbuilding from being a subservient garage and store to that of an independent dwelling not associated with being ancillary to The Old School. It would thereby compete visually with the existing property which would harm the setting of The Old School as a NDHA.
9. Furthermore, the prominence of the proposed scheme in this location would be further emphasised by seasonal leaf fall, gaps and pruning. It therefore follows that the development proposed would erode the contribution the host dwelling as a NDHA makes to the CA, and as a consequence harm to the significance of the CA as a designated heritage asset would result.
10. For the purposes of the Framework, the CA is a designated heritage asset. The proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
11. The appellant is seeking to create additional accommodation for the occupiers of The Old School which can also be used for friends and family. Even if this were a public benefit, given the scale of the scheme the benefit would be small and as such, the public benefits do not outweigh the identified harm in this case.
12. The appeal site is within the setting of several Grade II listed buildings and is within the setting of Grade II* listed Mentmore Towers, historic park and

garden. Notwithstanding the harm I have already found, the proposal is for minor external alterations to an existing outbuilding. Given the minor changes and the fact the existing outbuilding is seen with a variety of building types, sizes and is restricted from more medium and longer-range views by existing boundary treatments and protected trees it would be a sensitive form of development to surrounding heritage assets. This would match the findings of the Council who have not objected on these grounds.

13. In view of the above, the proposal would have a harmful effect on the significance of The Old School as a NDHA and would not preserve the character and appearance of the CA. The development would therefore be contrary to Policies BE1 and BE2 of the Vale of Aylesbury Local Plan (VALP). Amongst other things, these policies seek to ensure, new development contributes to heritage values and respects local distinctiveness. The proposal would also conflict with the provisions of the Framework, in regard to conserving and enhancing the historic environment.

Whether a separate residential unit

14. It is visually apparent that The Old School, surrounding garden area and outbuilding are part of the same complex and are a single house with associated and subordinate garage.
15. In this instance, the annexe would not be dependent on the main dwelling for dining, washing, or living facilities and would be capable of operating independently from it. It would have its own entrance and exit which would open out to the driveway and garden area.
16. Whilst it would not be possible to access the annexe from the host dwelling, it is no different to the current access arrangements. Its vehicular access would also be derived from the same driveway and encompass the same garden area.
17. Taking into account the siting and layout of the annexe and host dwelling, it is unlikely that the arrangements for vehicle access or shared garden would be satisfactory for the occupants of the host dwelling if there were no familial connection between them and the occupants of the annexe. On the information before me and from my on-site observations I am satisfied that there would be a functional link between The Old School and the proposed annexe.
18. I acknowledge the Council's concern that the building is of considerable size and could be used as a separate dwelling but that is not the proposal. If the annexe building is not used as proposed or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission were not granted.
19. The use and occupancy of the annexe could be controlled by a suitable worded planning condition which would ensure the use of the annexe would be ancillary to The Old School.
20. The Council advise that it would be difficult to monitor the long-term occupation of the outbuilding and the imposition of such a condition is not appropriate. Given, the location of the building and the works likely required to separate the appeal building from The Old School I find it highly probable that it would be brought to the Council's attention. As such, I find that such a condition would meet the relevant tests for being attached as a condition.

21. For the above reasons, I conclude that the proposed development would not be a new self-contained dwelling. Of the Development Plan policies put to me by the Council, I find Policy S2 of the VALP, which limits new housing development in small villages and other settlements to be the most relevant. Given my conclusion that the proposal would not create a new dwelling, the development would not conflict with this policy.
22. In their reason for refusal, the Council also cite Policy BE2 of the VALP and the Framework. However, I have not been presented with any particular elements of the policy or provisions of the Framework that the proposal would conflict with given I found the proposal would not constitute a separate dwelling. Accordingly, I find no conflict with either in this regard.

Conclusion

23. Whilst I have found that the proposal subject to conditions would not result in the creation of a separate residential unit this does not outweigh the harm arising from the proposal as set out above and the conflict with the development plan as a whole. Accordingly for the reasons given above I dismiss the appeal.

A Hickey

INSPECTOR