



Appeal Decision

Site visit made on 8 June 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 OCTOBER 2022

Appeal Ref: APP/J0405/D/22/3293820

Spinney Barn, Crafton Lodge Road, Crafton, Mentmore LU7 0QJ

- 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 Stuart and Kristy Eames against the decision of Buckinghamshire Council.
 - The application Ref 21/00874/APP, dated 3 March 2021, was refused by notice dated 22 December 2021.
 - The development proposed is erection of first floor balcony to side of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor balcony to side of dwelling at Spinney Barn, Crafton Lodge Road, Mentmore LU7 0QJ in accordance with the terms of the application, Ref 21/00874/APP, dated 3 March 2021, subject to the following 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 approved plan No 20/KE/001.
 - 3) Prior to the construction of the balcony, door, and side screen window hereby permitted, samples or details of the materials to be used must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples or details.

Procedural Matters

2. I note that the names of the appellants have been spelt differently on the application and appeal forms. I have used the spellings on the application form in the banner heading above.

Main Issues

3. The main issues are the effect of the proposed balcony on the character and appearance of the existing building and wider area, and whether it would preserve or enhance the character or appearance of Mentmore Conservation Area and Mentmore Towers Historic Park and Gardens.

Reasons

4. Spinney Barn is a residential property located within the Mentmore Conservation Area (MCA) and Grade II* Mentmore Towers Registered Historic

Park and Gardens (MTHPG), list entry No 1000319. I have therefore approached this appeal in the context of section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended. I have also taken account of Paragraph 199 of the National Planning Policy Framework which gives great weight to the conservation of designated heritage assets including Registered Parks and Gardens and Conservation Areas. The more important the asset, the greater this weight should be.

5. The MCA covers a relatively large area, which includes the whole of MTHPG. Given this, the MCA and MTHPG hold similar significance in their character.
6. The MTHPG is not instantly obvious from many parts of the public realm. Most of the northern and western boundaries are made up of a wide band of mature landscaping consisting of trees, bushes, and shrubs. While an important part of the MTHPG's character, it conceals much of it behind with only the odd glimpse through to the land beyond. In the south and east of the MTHPG, where the boundaries are more open, I saw land being used for the grazing of sheep, which gave it a more agricultural feel.
7. Notwithstanding this, there are important features that make the MTHPG more legible, these include the main gates and lodge, which are located opposite the entrance to Ledburn Road. Also, the approaches to the MTHPG, Ledburn Road, Mentmore Road, and Cheddington Road are all flanked by avenues of mature trees, which signal a historic importance and suggest there may be a grand house and gardens beyond.
8. While I acknowledge that the area grew up around both agriculture and landscaped gardens, the former is scarcely discernible around the fringes of the MCA and MTHPG in this location. Instead, there are groups of houses located on the edge of the MTHPG, including the village of Mentmore. These groups are made up of a variety of properties set around the landscape. These properties, however, differ in their form and design as well as their materials resulting in little coherence, reflecting organic evolution over time.
9. Spinney Barn forms part of a smaller group of houses located in the northeast corner of the MCA and MTHPG. As I saw and somewhat typical towards the fringes of the MTHPG and MCA, development is more varied. There is also a less clear historic association with certain peripheral areas, noting that in all likelihood the appeal site in this instance fell within a wooded band surrounding and enclosing the MTHPG. Presently any contribution of the site to historic integrity, namely the characteristics of the historic grounds, has been overlaid and eroded through time.
10. I am told by the Council that Spinney Barn was once an agricultural outbuilding. However, while it has a relatively simple form, there is little substantive evidence before me in that respect, or indeed of agricultural history here, as referred to above. There is also little indication of the building's original age of construction. Thus, there is no clear indication of its bearing, if any, on the evolution of the historic grounds. Overall, the present day Spinney Barn retains little meaningful agricultural character, if indeed that was an element of its contribution towards historic significance here. It appears, following conversion at some point in the late 1990s, more modern and residential in terms of its resulting form and features.

11. Given the above, in my view the appeal site makes a neutral contribution towards the significance of the MTHPG. Whilst that does not justify any or all development, it nevertheless fairly establishes the present baseline against which any effects should be judged, noting that there is nothing in the evidence before me to suggest any development here is unauthorised.
12. Although the appeal property is positioned at the termination of Cheddington Road, the south-western elevation of the property, where the proposed balcony would be located, is not visible from this approach, thus neither would be the balcony. Only the upper half of this elevation is currently visible from Crafton Lodge Road due to the boundary fencing and hedges associated with the appeal property. In my view these features are highly likely to remain in a similar form for aesthetics, privacy, and consistency with local character.
13. Notwithstanding this, the proposed balcony would be a modest addition and its form would be simple and subtle. The black steel posts reflect the black timber used on this façade and the glass balustrade would allow this elevation, which has half-timbered detailing, to remain visible.
14. The proposed door and side screen window would replace an existing second floor window. While the opening would be larger, the design is modest, and the black frame again would reflect the black timber used on this façade. No additional openings are proposed, meaning the general pattern of fenestration would be preserved. Many of the houses within MCA and MTHPG, including the neighbouring property, Honeysuckle Lodge, have larger and more intricate windows, therefore, the proposed door and side screen window would not be out of character with its wider setting.
15. For the reasons above, I conclude the proposed balcony would result in a neutral effect on the significance of the MTHPG. Accordingly, I find the proposal would not harm the character and appearance of the existing dwelling, nor the significance of MCA or MTHPG. As such, it would accord with the aims of policies C1j, BE1 and BE2 of the Vale of Aylesbury Local Plan that seek to protect the rural character and appearance of the existing dwelling and wider area and conserve heritage assets.

Conditions

16. In addition to the standard time limit condition, a plans condition is required in the interest of certainty. The Council have requested a condition requiring the materials to be used to be as indicated on the approved plans. This is not necessary as carrying out the development in accordance with the approved plans is already required by condition. However, to ensure the preservation of the MCA and MTHPG, it is necessary to attach a condition requiring samples or details of the materials to be used for the balcony, door and side screen window to be approved by the Council prior to their construction.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out above.

Hannah Guest

INSPECTOR