



Appeal Decision

Site visit made on 29 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/K0235/W/22/3301167

29 Church Lane, Oakley, Bedford MK43 7RP

- 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 J Papa against the decision of Bedford Borough Council.
 - The application Ref 21/01263/FUL, dated 3 May 2021, was refused by notice dated 21 April 2022.
 - The development proposed is the erection of an oak framed cart shed.
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Application for Costs

1. An application for costs was made by Mr J Papa against Bedford Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the setting of a Listed Building.

Reasons

4. The proposed development includes the erection of a detached timber framed carport designed to reflect a cart shed, of sufficient size for 2 parked vehicles, within the rear garden of a dwelling which is a Listed Building. Alternative options to provide garaging for vehicles have been discussed with the Council but these are not the scheme subject of this appeal and, accordingly, it is the proposed development which is being assessed.
5. Statute requires that special regard is to be paid to the desirability of preserving Listed Buildings and their settings. This statutory duty concerning designated heritage assets is echoed in Policies 29 and 41S of the Bedford Borough Local Plan (LP).
6. The Listing description refers to the dwelling being a Bedford Estate house with limestone rubble walls and a clay tile roof built in circa 1854. The building also includes detailing comprising rubble chimney stacks with ashlar quoins, modillion eaves with moulded kneelers and leaded mullion casement windows. By reason of the neighbouring dwellings enclosing the appeal site, the front and rear gardens of the property make the greatest contribution to the setting of this designated heritage asset.

7. Within the dwelling's curtilage outbuilding erected of similar materials albeit it has 2 small single storey additions. This outbuilding is curtilage listed. Several other structures have been erected, or stationed, within the property's curtilage and these have varying external materials, including timber. Although the outbuilding is related to the character and appearance of the host property, the other structures are not and they have reduced the openness of the rear garden and have had a negative effect on the Listed Building's setting.
8. The carport is proposed to be sited towards the rear of the outbuilding and adjacent to the rear boundary shared with neighbouring residential properties. The site is adjacent to an existing vehicle parking and manoeuvring area. The height of the appeal scheme would be similar to the outbuilding.
9. By reason of the rear garden's enclosure by fences and vegetation, the proposed car port would not be particularly visible from viewpoints outside the curtilage of the property. However, the contribution that a setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting.
10. By reason of its bulk and siting between the outbuilding and the rear boundary of the property, together with other nearby structures, the proposed carport would have a cramped appearance. Further, the timber construction of the appeal scheme would also be at odds with the appearance and external materials of the dwelling and the outbuildings. Although the appeal scheme has been designed to appear similar to a cart shed it would still have a utilitarian appearance reflecting its purpose to park vehicles under cover.
11. Although separated from the dwelling by the intervening outbuilding, for the reasons given the proposed carport would, as claimed by the Council, be an incongruous form of development. There would be a further material loss of the rear garden's openness which makes a positive contribution to the setting of the Listed Building. Accordingly, the setting of the Listed Building, and the outbuilding as a curtilage Listed Building, would not be preserved.
12. The proposed development would have cause less than substantial harm to the significance of the designated heritage asset and the National Planning Policy Framework requires this harm to be weighed against the public benefits of the proposal. In this case, there are no specific public benefits associated with the proposed development which would outweigh the identified harm caused to the setting of the Listed Building.
13. For the reasons given, it is concluded that the proposed development would fail to preserve the setting of a Listed Building and, as such, it would conflict with LP Policies 29, 30 and 41S and Policies DH1 and DH2 of the Oakley Neighbourhood Plan which, in addition to heritage considerations, refer to the relationship of the development with its context and also being of good design. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR