



Appeal Decision

Site visit made on 7 February 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2023

Appeal Ref: APP/K0425/W/22/3304015

Grays Inn, 24 The Green, Wooburn Green, High Wycombe HP10 0EJ

- 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 R Potyka against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 22/05362/FUL, dated 9 February 2022, was refused by notice dated 10 June 2022.
 - The development proposed is described on the application form as the 'erection of a detached outbuilding comprising three letting rooms.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - whether or not the proposed development would preserve the setting the Grade II listed building at Grays Inn; and
 - whether the proposed development would preserve or enhance the character or appearance of the Wooburn Green Conservation Area (CA).

Reasons

The effect on the setting of the listed building

3. Grays Inn (formerly The Queen and Albert Public House) dates from the early-mid C19. It has colour washed brick walls, sash windows, a hipped slate roof and brick chimneys. A large single storey extension has been added to the rear of the property and a number of outbuildings and storage areas occupy space along the south western boundary. The significance of the original part of the property derives from its value as an attractive example of 19th century vernacular architecture and the contribution it makes to the street scene.
4. Under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) I am required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework is also clear that great weight should be given to a designated heritage asset's conservation and that its significance can be harmed by development within its setting.

5. The proposed development would not be readily visible from public spaces, including The Green. That said, the contribution to the significance of the listed building is not dependent on there being public rights to experience the setting. Furthermore, the relationship of the proposal with the listed building, and the impact the proposed development would have on it, is ultimately a planning judgement having regards to the specific circumstances of the site and the proposal. I have considered the appeal on this basis.
6. The proposal would introduce a single storey timber clad building with a hipped roof into a space currently occupied by a children's play area. The play area, and adjacent beer garden, currently combine to create a spacious area to the rear of the public house. Although the proposed building would, in itself, represent a small addition in terms of floorspace it would nonetheless add to the developed area of the site when combined with the significant extensions that have already been erected within the curtilage of the property. Moreover, it would appear as a standalone feature and would not reflect the pattern of development in the locality. As a result, it would further erode the space around the original building and undermine the open character of the appeal site. This would harm the setting within which the listed building would be appreciated.
7. I have taken into account reference to a building that occupied land in a similar location to that of the proposed development. Whilst the 1925 Ordnance Survey maps indicate the presence of a structure on the site I am not persuaded, on the basis of the evidence before me that it comprised of a building of equitable scale, and impact, as the one now proposed. Moreover, the building no longer exists, and other developments have since taken place on the appeal site and in the immediate locality. As a result, the setting of the listed building has changed over time. The presence of an earlier structure, with a similar siting, does not justify the appeal proposal, which I have considered on its own merits having regards to the circumstances that currently exist.
8. Accordingly, on this main issue, I conclude that the proposal would cause modest harm to the setting and significance of the listed building contrary to the expectations of s66(1) of the Act. It would also be contrary to policies CP9, CP11, DM31 and DM35 of the Wycombe District Local Plan (LP) which, amongst other matters, seeks to deliver high quality developments that conserve, and where possible enhance, the significance, special interest, character and appearance of heritage assets.

The effect on the character and appearance of the Wooburn Green Conservation Area

9. The significance of the CA derives from the low rise historic buildings grouped around a central village green. The buildings overlooking The Green display a variety of styles and ages, but the whole group harmonises well and is unified by the common function of defining the central space. The southern part of the CA has an open appearance when compared with neighbouring areas to the north and west which have been developed more densely.
10. The properties in the immediate vicinity of the appeal site comprise of buildings fronting The Green set within large plots. Notwithstanding the presence of boundary walls and fences, the properties have retained a spacious quality,

which is enhanced by the presence of large trees. These characteristics make a positive contribution to this part of the CA.

11. The proposal would introduce a building into an undeveloped part of the appeal site which would be at odds with the neighbouring properties, which are largely unfettered by development. Moreover, despite being single storey and constructed of traditional materials, it would still be visible over boundary wall and fences and be prominent from neighbouring properties. As a result, the proposal would be harmful to the open character and appearance of this part of the CA.
12. Accordingly, on this main issue, I conclude that the proposal would cause limited harm to the setting and significance of the CA. It would therefore fail to preserve the setting of the CA contrary to the expectations of s72(1) of the Act. It would also be contrary to policies CP9, CP11, DM31 and DM35 of the LP which, amongst other matters, seeks to deliver high quality developments that conserve, and where possible enhance, the significance, special interest, character and appearance of heritage assets.

Heritage balance

13. The modest harm to the listed building and the limited harm to the conservation area would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with less than substantial planning objection, especially when the statutory test in the Act have not been met.
14. I have carefully considered the appellant's views on how the proposed development would help him diversify his trade, thereby delivering a more robust and resilient business. However, I have no substantive evidence to show that the current operation is unviable, or that the appeal proposal is the only means by which the appellant's desired outcome could be achieved. Therefore, I give this matter only limited weight.
15. I accept that there would be economic benefits during the build phase of the project, however given the construction phase would be only over a brief period of time I give any benefit limited weight.
16. The additional expenditure by guests could support local services and facilities, however given the scale of the proposal this benefit would be limited. Consequently, I give it only modest weight.
17. While Grays Inn is no longer designated as an Asset of Community Value the appellant considers it still has significant local community value. However, in the absence of substantive evidence to support this assertion I can only give this benefit limited weight.
18. These matters do not amount to public benefits which outweigh the great weight that I am required to give to the harm that would be caused to the significance of this designated heritage asset.

Other matters

19. I acknowledge that the appellant has sought the advice of the Council as to what would be acceptable development, and has made amendments to the proposal, however this does not alter the conclusions that I have reached.
20. The Council have made reference to the requirement for additional servicing, refuse storage and parking/cycling provisions in their officer's report and statement. That said, these facilities do not form part of the proposal before me and consequently I have not taken them into consideration.

Conclusion

21. The proposal would fail to preserve the listed building and would not preserve or enhance the character or appearance of the CA. There are no other considerations or public benefits that would outweigh the cumulative harm identified. The proposal would therefore fail to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant. Accordingly, for the reasons given, the appeal is dismissed

John Gunn

INSPECTOR