



Appeal Decision

Site visit made on 7 February 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/F1610/W/22/3306627

Welcome Cottage, Victoria Street, Bourton-On-The-Water, Gloucestershire GL54 2DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Paul Catlow against the decision of Cotswold District Council.
- The application Ref 22/01424/FUL, dated 14 April 2022, was approved on 5 September 2022 and planning permission was granted subject to conditions.
- The development permitted is the 'erection of single storey garage at Welcome Cottage, Victoria Street, Bourton-on-the-Water, Cheltenham, Gloucestershire, GL54 2DH.'
- The conditions in dispute are Nos 3, 4 and 5 which state that:
 - "3) Prior to the construction of any external wall of the development hereby approved, a sample panel of walling 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 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."
 - "4) Prior to the construction of any external wall of the development hereby approved, samples of the proposed roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used."
 - "5) No doors 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 cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times."
- The reasons given for these conditions are:
 - "3) To ensure that in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency."
 - "4) To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings."
 - "5) To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is positioned on a corner plot next to Victoria Street and Letch Lane. At the time of my site visit, the development was under construction, and I observed partial views of the development from the adjacent highway.
3. The appeal site consists of a detached dwelling, which is designated as a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
4. The site is located within the Bourton-on-the-Water Conservation Area (CA). The CA is characterised, in part, by its rural village character and its pleasant rural surroundings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Bourton-on-the-Water Conservation Area.

Main Issues

5. The main issue is whether the disputed conditions are reasonable and necessary, having particular regard to the heritage assets.

Reasons

Condition 3

6. Condition 3 relates to the materials and external finish of the building, and requires a sample panel of walling of at least one metre square in size to show the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar to be erected on site for inspection and approval by the local planning authority.
7. In order that the appeal scheme is sensitive to the listed building, and the character and appearance of the Conservation Area more generally, I consider it necessary and reasonable that the condition requires a sample panel of material to be constructed on site for approval by the Council. This is necessary to secure a sympathetic external finish that safeguards the appearance of the listed building and the Conservation Area. Furthermore, keeping a sample on site for inspection until the development is completed is essential to control the appearance of the building and to ensure the appropriate external finish is achieved.
8. Thus, the sample panel would be necessary in the public interest to ensure the preservation of the significance of heritage assets. Whilst there would be a carbon footprint resulting from the sample panel, in my opinion, this would be minimal, and the materials used could be recycled when the sample panel is no longer required.
9. Although the site area is small, there would be sufficient space available to erect a sample panel of walling and this could be achieved without obstructing resident or visitor access.

10. I note the appellant refers to the expense that would be incurred by erecting a sample panel of walling on site. Nevertheless, such personal expense has no bearing on my decision.
11. My attention has been drawn to a previous planning permission in the local area (19/00588/FUL). However, full details of this other case are not before me. I do not know the planning circumstances that led to its approval or its specific relationship to the site. I also note that the Council has indicated that the use of sample walling panel conditions is common throughout the district and is applied to developments where the quality of materials and craftsmanship is of particular importance, as is the case here. In any event, I have determined this appeal on its own merits.
12. In my view, this condition is reasonable and necessary in order to secure a sympathetic external finish that does not unacceptably harm the heritage assets in this sensitive location. Therefore, I see no reason to remove or vary this condition.

Condition 4

13. Condition 4 requires a sample of the proposed roofing material to be approved by the local planning authority and the development to be constructed in accordance with the approved material.
14. I note that the approved plans do not include any reference to roofing materials. Given the site's close proximity to a listed building and its location within a Conservation Area it is reasonable to require details of roof material to be agreed by the Council before being installed on the building. The Council has stated that the use of natural or artificial Cotswold Stone slate would secure a high quality finish; I concur with this view and consider that the use of such materials would respond appropriately to the locality and the nearby heritage assets.
15. The appellant refers to plain cement tiles and states that the use of such material would have a lower carbon footprint and would be less prone to breakage. However, this material has not been approved as part of the scheme and there is no evidence before me to substantiate the claim that this material would have a lower carbon footprint and would be less prone to breakage.
16. In my view, this condition is reasonable and necessary in order to ensure the roofing material is suitable for the new building and does not unacceptably harm the heritage assets in this sensitive location. Therefore, I see no reason to remove or vary this condition.

Condition 5

17. Condition 5 requires detailed drawings of the proposed doors to be submitted to and approved in writing by the local planning authority. This condition further requires that the development be carried out in accordance with the approved details and be retained for the lifetime of the development.
18. Due the site's close proximity to a listed building and its location within a Conservation Area it is reasonable to require details of doors, to be agreed by the Council before being installed onto the building. As planning permission runs with the land rather than with the appellant, and should the property

change hands the responsibility for retaining these features would pass to the new owner or occupier.

19. I acknowledge that the condition does not refer to side hung doors or up and over action. However, it is clear from the evidence before me that the Council did give the appellant advice on this. I also note that the approved plans do not include any detailed annotation with regard to the specific design of the door and no detailed plans or specifications were submitted as part of the application. Furthermore, confirmation of acceptance of such details would be confirmed by the local planning authority when the appellant submits the detailed drawings in accordance with the condition.
20. The appellant has drawn my attention to a property on Bow Lane that has two up and over garage doors, which I observed during my site visit. However, these garage doors are not characteristic of the area and so are themselves incongruous. Their presence is therefore not a justification for amending the condition before me, which I have considered on its own merit.
21. Consequently, I consider that this condition is both reasonable and necessary in order to secure appropriate doors for the building. I therefore see no reason to vary or remove it.
22. I conclude, therefore, that the disputed conditions 3, 4 and 5 are reasonable and necessary in the interests of preserving the significance of the heritage assets in this sensitive location. Consequently, the proposal would fail to accord with Policies EN2, EN10 and EN11 of the Cotswold District Local Plan 2011-2031 (2018). Collectively, these policies, amongst other things, seek to ensure new development conserves and enhances the significance of heritage assets, including their settings. In addition, the proposal would not accord with the policies of the Framework (Section 16) which seek to conserve and enhance the historic environment.

Other Matters

23. The appeal site is located within the Cotswold Area of Outstanding Natural Beauty (AONB). The Framework requires that I must give great weight to the conservation and enhancement of the landscape and scenic beauty of the AONB. In this instance, given the siting and scope of the development and its immediate residential context, I find that there would be no adverse impacts to the AONB and that as such its landscape and scenic beauty would be conserved.
24. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Conclusion

25. For the reasons given above, I conclude that the appeal is dismissed.

Helen Smith

INSPECTOR