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# Appeal Decision

Site visit made on 16 January 2023

**by L Fleming BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31<sup>st</sup> March 2023**

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**Appeal Ref: APP/X0415/W/22/3296452**

**Land adjacent to 52 Whielden Street, Amersham HP7 0HU**

- 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 Ms Maddie Thornton against the decision of Buckinghamshire Council.
  - The application Ref PL/21/3219/FA, dated 3 September 2021, was refused by notice dated 19 November 2021.
  - The development proposed is the erection of a self-build, four bedroom detached dwelling.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Ms Maddie Thornton against Buckinghamshire Council. This application is the subject of a separate Decision.

## Main Issues

3. The main issues are the effects of the proposed development on the:
  - Character and appearance of the area bearing in mind it would be within the Old Town Amersham Conservation Area and within the setting of the grade II listed Crown Farmhouse, 52 Whielden Street.
  - Living conditions of the occupiers of No 54a with particular regard to outlook and light.

## Reasons

### Character and appearance (including heritage assets)

- The appeal site is a vacant plot between the grade II listed Crown Farmhouse, 52, Whielden Street (Crown Farmhouse) and a modern detached dwelling, No 54a Whielden Street (No 54a). It is also within the Old Town Amersham Conservation Area (CA).
4. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a

Conservation Area. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

#### *Significance of Crown Farmhouse and the CA*

5. Crown Farmhouse is a large two storey detached dwelling set back from the road behind a walled front garden. It has a symmetrical three-bay front elevation, with a central door under a brick arch. It has hung sash windows with flat arches (two at ground floor and three at first floor level), a slate roof and the front elevation is finished in yellow bricks whereas the remainder of the building is mainly red brick. It also has a range of outbuildings, including a fire damaged barn to the rear which is part of the appeal site (the fire damaged barn). However, more notable, is a large, long and narrow barn which is positioned along the boundary with the appeal site (the barn). This has an obvious traditional agricultural character and is prominent in the primarily residential street scene. Adjoining the barn, for the rest of the shared boundary up to the road edge and along the appeal site frontage is a flint and brick wall (the wall). Both parties agree the wall and the barn are curtilage listed, I find no reason to disagree.
6. Insofar as is relevant to this appeal the significance of the grade II listed Crown Farmhouse derives from the traditional architectural detailing of the farmhouse and the associated buildings as part of a historical farmstead which has been absorbed into a residential area.
7. The CA mainly covers the historic core of Amersham. Amersham and the CA sit in a rural agricultural landscape which is noticeable from a variety of vantage points within the CA. The CA historic core is of medieval origin. The CA has many medieval properties, burgage plots and timber-framed buildings all finished in a variety of traditional local materials. The pattern of development is varied, alongside many terraced properties positioned close to the pavement edges, particularly, in and around the town centre there are also detached and semi-detached properties with space between buildings.
8. Thus, insofar as is relevant to this appeal, I find the significance of the CA is founded on the variety and quality of the traditional architecture, the positioning and layout of the built form in the surrounding countryside and the associated historical relationship of the settlement with agriculture.

#### *Effects of the Scheme on the Significance of Crown Farmhouse and the CA*

9. The proposal would involve the erection of a large one and a half storey dwelling between the barn and No 54a. A vehicular access to off street parking would also be created from Whielden Street which would require the removal of a section of the appeal site front boundary wall.
10. I acknowledge that the proposed house has been carefully designed with the input of a number of technical specialists with expertise in heritage and design matters. I note the proposed orientation and positioning facing Crown Farmhouse and sitting forward of No 54a is intended to enhance the street scene and create a positive relationship between the proposed dwelling and Crown Farmhouse.

11. I note Whielden Street has a varied building line and accept that the appeal site has the character of a gap between buildings in a town and in principle its development is not harmful to the significance of Crown Farmhouse, which also is now within a town. I also acknowledge the attempt to make a distinction between the style of the barn and the proposed dwelling. I also note many properties on Whielden Street fill the full width of their plots or are positioned close to their plot boundaries with limited space between buildings.
12. However, even though I find no harm associated with the proposed materials, fenestration or the proposed architectural style which reflects the traditional properties nearby, the appeal site as an undeveloped space in a town still affords views towards vegetation and hills to the rear of the plot. It also allows wide-ranging views of Crown Farmhouse and the barn from Whielden Street, making Crown Farmhouse and the barn a prominent feature of the street scene particularly when approaching from the southwest and adds a spacious quality to the setting of the grade II listed building.
13. The proposed dwelling would fill that space, leaving only a narrow side path between the barn and a small strip of land between the side elevation of No 54a almost entirely filling the full width of the plot. Furthermore, the proposed house would project forward of the front elevation of No 54a and the barn and introduce a tall and prominent gable end facing Whielden Street.
14. Therefore, when approaching the appeal site travelling in a north easterly direction on Whielden Street the proposed gable end would be viewed in front of the grade II listed Crown Farmhouse and the barn. The proposed dwelling, closer to the road than Crown Farmhouse and the barn with limited space around it would have a cramped and prominent appearance. In my view, these characteristics would erode and draw attention away from the spacious traditional agricultural character of the grade II listed Crown Farmhouse and associated buildings. This would harm the setting and significance of the grade II listed Crown Farmhouse. Whilst the proposed planting may soften the proposal over time, it would not screen the proposal from view. Even when fully established, the effects I have identified above would remain.
15. Turning my attention to the effect on the CA. I accept the pattern of development varies in different parts of the CA. I note in some parts of the CA the building line fluctuates alongside a broad original street plan. This is noticeable in the immediate vicinity of the appeal site on Whielden Street where terraced properties can be viewed alongside detached and semi-detached properties of different styles set varied distances from the road. I note the Council's relevant Conservation Area Assessment describes the character of Whielden Street as similar to High Street with fluctuating building lines and a broad original street plan.
16. I also accept that many of the properties nearby take up the full width of their plots with limited space between neighbouring properties. I have also noted the comments with regard to the Platts House appeal<sup>1</sup>. I also acknowledge, the site is within an Established Residential Area of Special Character and I accept the Inspector in the Platts House appeal noted there was a great variety of spaces about the buildings in that relevant part of the CA.

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<sup>1</sup> Appeal Reference APP/X0415/A/13/2200705

17. However, the Platts House appeal scheme did not relate to a site on Whielden Street nearby, its context is different to that of the appeal before me and does not alter my findings above. In any event, I must assess the effect of the proposal on the CA as a whole.
18. For the reasons given above I have found the proposed dwelling would harm the setting and significance of a historical farmstead and a traditional building in the CA and the Whielden Street, street scene, which is also a gateway in and out of the CA. Consequently, I also find the proposal would also therefore fail to preserve the character, appearance and significance of the CA as a whole.
19. The harm I have identified to the significance of the grade II listed Crown Farmhouse and the CA would in both cases be less than substantial towards the lower end of the range. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use. I will return to this below as part of my overall planning balance.

#### *Living Conditions*

20. No 54a has windows serving habitable rooms in its rear elevation. The proposed dwelling would be positioned close to the shared boundary and would project some distance beyond the rear elevation of No 54a.
21. However, although part of the proposed dwelling would be two-storey that part would have a pitched roof which would slope away from No 54a reducing its overall bulk. Furthermore, part of the projection beyond the rear of No 54a would also be single storey with a hipped roof and would only be partly visible above the existing boundary treatment. Moreover, any views towards the proposed dwelling would be from windows set off the shared boundary and from an oblique angle. The appellant's sunlight and daylight assessment clearly demonstrates the scheme would not result in any significant harm as a result of loss of sunlight or daylight either within No 54a or when using its reasonably sized private amenity space.
22. For these reasons, the proposed dwelling would not be overbearing or visually intrusive nor would it result in any significant loss of daylight or sunlight. The proposal would not therefore harm the living conditions of the occupiers of No 54a with particular regard to outlook or light. There is therefore no conflict with Policy GC3 of the Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 (CLP) which, among other things seeks to ensure new development does not harm the amenities of residents living nearby.

#### *Planning and heritage balance*

23. The proposal would provide a new dwelling suitable for family occupation in a location where the Council can only currently demonstrate just over a 4-year supply of deliverable housing land. That dwelling would be self-build in a location where services and facilities could be reasonably accessed and where dwellings are needed. Against this background the combined social public benefits of the proposed new home carry substantial weight.
24. There would be economic benefits associated with construction as well as benefits to the local economy through additional labour force and local expenditure. These economic public benefits carry moderate weight.

25. The appeal site is vacant and unused. There would also be public benefit associated with the reconstruction of a fire damaged barn to the rear of the plot. These environmental benefits combined also carry moderate weight in favour of the proposals.
26. Although the wall would be retained and restored a large section of it would be removed to facilitate the access, on balance, this is a public minor benefit. However, the screening of the flank wall of No 54a with a development I have found harmful is not a benefit.
27. Even so, all the public benefits combined, although substantial are insufficient to outweigh the great weight I must attach to the less than substantial harm I have identified to the designated heritage assets.
28. Overall, for the reasons given the appeal scheme would harm the character, appearance and significance of the CA and the setting and significance of the grade II listed Crown Farmhouse and that harm is not outweighed by public benefits. Thus, for these reasons the scheme is also in conflict with paragraphs 199 and 202 of the Framework and fails to accord with Policies GC1, CA1, CA2 and LB2 of the CLP and Policy CS20 of the Core Strategy for Chiltern (2011) (CCS). These policies, among other things, seek to ensure good design and that proposals sustain and, where possible, enhance the significance of heritage assets.
29. Furthermore, although not referenced in the reasons for refusal, because the proposal would harm the character and appearance of an area designated as an Established Residential Area of Special Character it would also conflict with Policy H4 of the CLP which seeks to safeguard against such harm.

### **Other Matters**

30. I have considered the comments in support of the scheme, particularly noting that the redevelopment of the site would alleviate visual and social blight on the area. I also note the attempts made to engage residents living nearby in the design of the scheme. I acknowledge the comments about the Council's handling of the appellant's proposals, particularly the Council's response to the appellants application for pre application advice and the approach to consultation with technical specialists such as heritage experts. However, I confirm I have determined the appeal on its planning merits only and reached my own planning balance based on all the evidence before me.
31. I have also noted the comments with regard to whether or not the works recently undertaken to the boundary wall are authorised or not. However, this is not a matter for my consideration.

### **Conclusion**

32. For the reasons given, on balance the proposal would not accord with the development plan. There are no other material considerations, including the Framework, which indicate a decision other than in accordance with the development plan, I therefore conclude that the appeal should be dismissed.

*L Fleming*

INSPECTOR