



Appeal Decision

Site visit 12 April 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/U3935/D/22/3310945

Waylands, Cues Lane, Bishopstone, Swindon SN6 8PP

- 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 J Badminton against the decision of Swindon Borough Council.
The application Ref S/HOU/22/0554/LZWI, dated 5 April 2022, was refused by notice dated 5 October 2022.
 - The development proposed is a first floor side extension over the existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling, paying particular attention to whether it would preserve or enhance the character or appearance of the Bishopstone Conservation Area (CA) and preserve the setting of the Grade I listed Parish Church of St Mary.

Reasons

3. The CA covers the village of Bishopstone, a picturesque village set in scenic rural surroundings. Its significance is derived from the interrelationship of many attractive components, and how these reflect the evolution of the settlement over time. These components include the topography, mature tree cover, presence of watercourses and informal sinuous lanes and pathways. In addition, historic buildings are much in evidence and many are listed for their special architectural and historic significance, ranging from the ancient parish church to more humble vernacular thatched cottages. Many of these factors are identified in the Bishopstone Conservation Area Appraisal and Management Plan, April 2006 (BCAMP).
4. The stone parish church of St Mary is singled out for particular mention in the BCAMP¹ and it comprises the highest status building in the settlement, around which much of the village will have evolved. Its considerable historic importance is reflected in its Grade I status, the highest designation for listed buildings. The list entry describes the church as being mostly perpendicular in style with vestiges of Norman and Decorated periods, although heavily restored in 1868 and 1883. Its significance is comprised of several elements including

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its architecture, cultural and social importance to the settlement but an important component is its verdant spacious churchyard with tombs and gravestones. The rural qualities of pathways around the churchyard and in the wider setting on the approach to the church form part of the surroundings in which the church building is experienced and appreciated.

5. I have statutory duties² to give special attention to the desirability of protecting the setting of listed buildings and of preserving or enhancing the character or appearance of the CA.
6. In this context, Waylands is a relatively modern house and lies about 50m north east of the church. The intervening undulating land comprises the eastern part of the churchyard and the rear garden of the appeal property through which there is a stream at the lowest point. A footpath skirting the northern boundary of the appeal site leads from Cues Lane to the churchyard. I observed that notwithstanding the presence of trees and vegetation, glimpses of the appeal property and the church are possible as one progresses along the route. The appeal property can also be seen through gaps in the vegetation along the eastern boundary of the churchyard. Indeed, at my visit when the trees were not in full leaf, I could see parts of the rear of the property from several points within the church yard. Consequently, the appeal site is sufficiently close and visible to be within the setting of the listed church.
7. The dwelling itself is a sizeable two storey detached house. It adds little of architectural merit to the CA and setting but has a reasonably pleasant symmetrically balanced principal elevation. Owing to the set back and surrounding topography, views of the house are largely shielded from Cues Lane. The most direct views from the road are of the adjoining garages. The modest brick structure incorporating a parapet roof is of a scale, simplicity and level that does not draw the eye away from the backdrop of trees.
8. Similarly, whilst it is possible to perceive the built form at Waylands when using the adjacent footpath, the main body of the house is set further into the site. Hence, the configuration allows the more natural rural qualities of the surroundings to prevail. Overall, the building has a relatively inobtrusive neutral presence within the CA and setting of the church, whereas the verdant spacious grounds contribute positively.
9. The proposal would add a floor over the single storey utility, garden room and garages to provide a master bedroom. This would noticeably increase the volume of built form at the northern end of the building and elongate it at an elevated level. As such, it would dilute the balance and symmetry of the main part of the dwelling. Owing to the cranked footprint, this would result in an awkwardly shaped form. In turn, this would necessitate a complex angled roof structure, which together with the use of dormer windows would contrast harmfully with the relative simplicity of the main dwelling. Whilst the coherent use of grey slate tiling across the roof would assist, it would not fully address the resultant harm.
10. Moreover, the buff-coloured render that would demarcate the side component from the main brick dwelling would be insufficient to disguise the impression of a disjointed side protrusion. It would be this side element of the building that would have most visibility from Cues Lane via the access drive.

² Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

11. Furthermore, given the proximity to the adjacent footpath, the increase in built form would result in Waylands having a more overt physical presence within the CA and setting of the church. This would especially be the case at times of the year when there was less foliage. Consequently, the unsightly addition would adversely detract attention away from natural elements in the view and reduce the sense of spaciousness to this part of the CA and the setting of the church. This would adversely erode the quality of the experience for users of the footway within the CA on an otherwise attractive route towards the church.
12. Taking these factors together the proposal would result in harm to the significance of the CA as well as the setting of the listed church. However, given the modest scale of the proposal this would be less than substantial harm to the significance of the CA as a whole. Similarly, the harm to the setting of the Parish Church of St Mary would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) indicates that in such circumstances the harm should be weighed against the public benefits of the proposal.
13. The main benefit would be the provision of additional and improved accommodation for the appellants, which would primarily be a private benefit. Reference has been made to visual improvement that would be derived from the removal of the flat roof of the garage building and poor quality brickwork. However, I did not observe either the presence of the flat roof set behind a parapet roof, nor the condition of the brickwork to be particularly objectionable. Therefore, their removal would not amount to an obvious public benefit. Overall, the extent of public benefits arising from a general upgrade in housing stock and economic benefits from construction would be small and therefore, attracts limited weight.
14. Paragraph 199 of the Framework stipulates that great weight should be given to conserving the significance of designated heritage assets. Moreover, the more important the asset, the greater the weight should be. Therefore, the limited weight attributed to public benefits would not outweigh the harm identified to the significance of the designated heritage assets, which include a Grade I listed church.
15. The map in the BCAMP indicates that there are several other Grade II listed buildings near to the appeal site including Hegrest Ridge, Wyney, Orchard Cottage and Sayers Bank. However, given the degree of separation between the appeal site and those more domestic properties I am satisfied that the appeal site does not comprise part of their settings. There are also non designated key buildings of interest shown, including the Old Vicarage, the Royal Oak Public House, Mill House, Eastbrook Cottage and St Catherine's Cottage. Based on the evidence before me and my observations, their significance is primarily derived from the aesthetic contribution they make. In my view, the appeal site does not contribute towards their significance over and above that already identified generally for the CA.
16. It is brought to my attention that the appellant revised the proposed scheme during the course of the planning application in an attempt to address concerns expressed by the Council. I acknowledge that the revisions reduce fenestration, lower the ridge height, alter the roof form and make changes to materials. Even so, for the reasons already outlined, unacceptable residual harm would result.

17. The Council refers to its Residential Extensions and Alterations, Supplementary Planning Document, October 2011 (SPD) that stipulates that side extensions should extend no more than half the width of the principal elevation. However, looking at the examples shown in the SPD, none are similar to the circumstances before me which concern a detached dwelling in a generous plot. Moreover, a single storey addition containing the utility, garden room and garages already exists, and the footprint would not alter significantly. Consequently, whilst specific side extension advice in the SPD would not obviously apply in these circumstances, the good practice guidelines contained in section 2 of the SPD remain relevant. Amongst other things, these state that all extensions and alterations should be well sited, in scale and proportion, with a shape, mass and roof in character with the existing dwelling. I find that the proposal would run counter to this general principle.
18. The appellants point out that the construction of the appeal property postdates the listing of the church and designation of the CA. Be that as it may, I am not aware of all the circumstances that led to the original construction of Waylands, including what may previously have been at the site. It does not follow that subsequent extensions to the property would necessarily be acceptable. Indeed, as will be seen from the above, I have found otherwise.
19. Accordingly, I find that the proposal would be harmful to the character of the host dwelling. In addition, unjustified harm would result to the significance of designated heritage assets as it would fail to preserve or enhance the character or appearance of the CA and would fail to preserve the setting of the listed Parish Church of St Mary. Therefore, the proposal would be contrary to policies DE1 and EN10 of the Swindon Borough Local Plan 2026, March 2015. In combination these policies require high quality design which seeks to ensure the conservation or enhancement of the historic environment.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR