



Appeal Decision

Site visit made on 29 March 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/F1610/D/22/3312882

Priory Estate, Road to Priory Estate, Poulton, GL7 5JB

- 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 Julian Jackson against the decision of Cotswold District Council.
 - The application Ref 20/03559/FUL dated 25 September 2020, was refused by notice dated 16 September 2022.
 - The development proposed is demolish existing garage and build an attached annexe, new entrance hall, kitchen extension, loft conversion, turning and parking facilities.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing garage and build an attached annexe, new entrance hall, kitchen extension, loft conversion, turning and parking facilities at Priory Estate, Road to Priory Estate, Poulton, GL7 5JB in accordance with the terms of the application ref 20/03559/FUL dated 25 September 2020, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall be maintained in complete accordance with the following approved plans: location plan 19.062.11 Rev A, proposed revised elevations 19.062.10 Rev A, proposed first and second floors 19.062.09 Rev D, proposed ground floor plan 19.062.08 Rev C, lower ground floor plan 19.062.07 Rev A, proposed site plan 19.062.06 Rev C, ground level adjustments SK02 and garage levels SK03.
 - 3) Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used;
 - 4) New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter;
 - 5) No doors or windows 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 full size moulding 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;

- 6) The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located and shall be permanently retained as such thereafter;
- 7) The development shall be completed in accordance with the recommendations outlined in Section 5 of the Ecological Impact Assessment Report produced by Wildwood Ecology and dated 04/02/2021. All of the recommendations shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained;
- 8) Prior to the construction of any external wall of the development hereby approved, details of the bat loft shall be submitted to and approved in writing by the local planning authority, including details of all access points, dimensions, materials, and cross sections. The approved details shall then be implemented in full, as modified by a relevant European protected species licence from Natural England, and thereafter permanently retained.

Procedural Matters

2. This appeal is accompanied by an application for costs. This is subject to a separate determination.
3. I have taken the description of the proposal from the application form. This is different to that on the decision notice, but no confirmation was sought, from the then applicant, agreeing to the change in description applied to the proposals.

Main Issue

4. The main issue is the impact of the proposals upon the significance of the host building as a non-designated heritage asset (NDHA).

Reasons

5. The appeal site is a detached, three-storey, dwelling located to the Southwest of the village of Poulton and adjacent to the Priory Court complex. The site is accessed via a long private road and, once at the appeal site, is gated which controls access to the site. Despite this the western section of the northern wing is noted to be visible from this point. Visibility for the remainder of the site and other proposals is, however, limited to within the appeal site. Whilst immediately adjacent there is collection of listed tombs, within St Mary's Churchyard, the appeal site itself is not listed. The Council consider that the proposal would not harm the setting of the listed tombs and I have no evidence before me to conclude differently on this point.
6. There are several elements to the appeal proposal including the erection of an integral annexe, entrance hall, rear kitchen extension and a parking and turning area. These are broadly summarised within paragraphs 10.4 – 10.6 inclusive within the Council's committee report so will not be repeated in full within this decision letter. I would, however, outline that I feel the Council's description of the parking element to be misleading. The entire site is located on a slope with falling levels towards the west (almost a difference of one

- storey) meaning the parking area is essentially cut and fill and not the creation of an underground structure in the general sense that description conjures. I will deal with each element overall in turn.
7. The Council consider (since original submission) the appeal site to be of historic interest and of some age and therefore consider it to be identified as a non-designated heritage asset (NDHA). Overall, assessment is limited in the context of Cotswold District Local Plan 2028 (LP) Policy EN12 Table 6. The proposal is considered a NDHA as a result of the northern wing as noted within paragraph 10.11 of the Council's committee report but to some extent the Conservation Officer's commentary does conflict with itself with some factual mistakes as highlighted in the appellant's submission and from my site visit.
 8. It is, however, noted that the southern block of the house is stated to be of less significance as a result of being substantially rebuilt in the 20th Century with limited retention of historic fabric. Furthermore, assessment by English Heritage, in 2010, confirms that the buildings have been extensively altered and that there is no trace of potentially earlier fabric visible which limits the weight that could be applied to age in general if indeed alterations and rebuilding has largely replaced the original structures. Part of the northern wing, discussed further below, was constructed with a domestic appearance.
 9. Despite this I note that the appellant has no overall objection to the appeal site being identified as a NDHA and I have no reason to conclude differently so will proceed on the basis of the site being an NDHA. The refusal reason is essentially based upon a disagreement between the parties as to the protection and approach the NDHA should receive and the application of policy relating to NDHAs. NDHAs are not intrinsically protected and they are, compared to designated heritage assets, of lower significance and should be assessed accordingly with regard to harm and significance.
 10. The proposal would involve relatively substantial alterations to the appeal site; however, the existing building(s) already represents one which has undergone significant evolution over many years with a large proportion having been re-built. Despite this acknowledged re-building, and lack of retention of historic fabric, I find that this existing rebuilding work in fact demonstrates that more modern building works can, with thought as to material and sympathetic design, appropriately replicate, and maintain the historic character and feel of the appeal site as well as its rural setting without appearing out of place.
 11. The most substantial changes are to the western sections of the northern wing and the front of the appeal site as a result of the proposed parking area. The alterations to the northern wing would raise the ridge of the western and central sections. I find that this would retain the stepped roof profile. Whilst this would reduce the scale of the steps, I do not find that this reduction would diminish the character of the wing as it would take design queues from the existing roof form and relationship between the existing sections. Visual subordination would be reduced as a result of both the raised ridge height and the change in overall roof design, however, I do not find that this would warrant refusal. It would still remain subordinate as far as this would still have the lowest eave, and ridge heights compared to the remainder of the building and would retain the cascade of roof forms as it currently the case.
 12. I do not find the proposed changes to the northern wing to result in a loss of the resemblance of ancillary agricultural outbuildings. I found, at the time of

my site visit, that the western section of the northern wing does not realistically present as an ancillary outbuilding which is (or was) agricultural in character but one which is already domestic in presentation as a result of its use as a garage with modern white garage doors and overall domestic use for several decades. Features that would distinguish it as an ancillary agricultural building are therefore already extremely limited and the changes proposed would not result in a substantial, overly domestic, or dominant features with the northern elevations as proposed having been amended accordingly. The design would be, I find, in keeping with both the character and appearance of the remainder of the appeal site and still resemble a series of buildings.

13. The single storey rear extension would, as a result of proposed glazing and design, be a contemporary additional which would be viewed as a clear addition to the appeal site. It would be subservient to the host building. There is no objection to the loft conversion. The Council have found no reason for refusal based upon these elements and based upon the evidence before me, and my site visit, I have no reason to conclude differently on these elements.
14. The proposed two-storey extension to the front would replace an existing porch using natural stone wall treatments and a contemporary glazed roof. The glazing would be limited in views from one direction. The gable projection would, I find, be in keeping given that the northern wing is essentially made up of gable projections from the main dwelling which step down following the site levels. This element would result in an overall appropriate addition as a result of a short projection and matching roof pitch, ridge, and eave levels. The use of glazing would also tie-in with the single storey rear extension design which would be largely glazed. Despite its scale I do not find it would compete with the host building as it would present as an evidently later and contemporary addition. The elevations of the scheme cannot be viewed in isolation and, when viewed in the context of the entire building, I find it would not overwhelm. This is well-illustrated in the artist's impression provided for the planning committee.
15. The proposed parking area would result in the garden and driveway set over two levels, separated by a retaining wall. There is evidence before me to suggest that, previously, the garden and parking areas were separated by a retaining wall and the current arrangement is uninspiring as a tarmac slope. There would be some reductions in land levels to accommodate the parking area, but I find the Council's assessment as to impact of this element to be limited. The excavation of land to achieve this element of the proposals would be notable but I do not find the scale, or engineering works, would produce a corporate or urban appearance given the design and character appropriate materials as submitted (which could further be controlled by condition). Whilst this element may be or may not be uncharacteristic of the District I do not find, in isolation, that this is sufficient to support refusal when assessing the actual impact of the proposals upon the appeal site itself.
16. The Council appear to have misapplied approach with regard to the difference between designated heritage assets and NDHAs and have not in any case, at any point, quantified the harm claimed as a result of the proposals. Paragraph 201 of the National Planning Policy Framework 2021 (the Framework) is clear that it is applicable to designated heritage assets (which this site is not). Where there is less than substantial harm, for example, this should then be weighed against the public benefits. Paragraph 203 of Framework confirms

that the effect of an application on the significance of a non-designated heritage asset (which this site is) should simply be taken into account in determining the application. In weighing applications that directly, or indirectly, affect non-designated heritage assets a balanced judgement is required having regard to the scale and harm or loss and the significance of the heritage asset. Paragraph 203 does not reference public benefits.

17. The proposals would result in a degree of impact on the heritage interest of the building as an NDHA as well as some, limited, impact to its character. The proposal would not, however, represent anywhere near total loss of the NDHA and the changes would be limited to some parts of a NDHA which has, overall, undergone alteration and rebuild to date which I find reduces its overall significance as an NDHA. The main features, and character, of the building would remain legible and it would be appropriate for its setting. The appeal site has some merit in heritage terms, but this is limited given its history, alterations and re-build and assessment as being of insufficient merit for formal listing. The scale of harm is limited compared to overall limited significance of the NDHA which is the subject of this appeal. The proposal is not one to balance public benefits against harm as with a designated heritage asset.
18. The proposal would be consistent with the requirements of paragraph 203 of the Framework. Furthermore, I find that there has to be a balanced approach to alterations to encourage people to invest in, and maintain, such buildings of this scale for years to come. There is no policy basis for such proposals to enhance NDHAs with each and every project, only enhance where possible, and such assets should not be treated with the same approach as designated heritage assets. Despite this there would be, overall, notable benefits and improvements to the appeal site including biodiversity net gain (whether required by policy or not), improvements to energy performance and improvements to accessibility. In addition, there would be structural works and a removal of more unsympathetic modern fittings and materials to the existing building which would result in enhancement to the character of the NDHA in line with LP Policy EN12.
19. Change is not always negative but can be part of the positive and appropriate evolution of a site for future generations. The proposals certainly represent notable change but change which I find would be appropriate in providing a more modern, improved, building at the heart of a rural estate which has undertaken significant high-quality development within the vicinity, but which respects the character of the remaining built form and area. The proposals are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change in accordance with paragraph 130 of the Framework.
20. The proposal would be consistent with LP Policy EN1 which seeks to ensure the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset. The proposal would also be consistent with LP Policy EN2 which requires proposals to be of design quality that respects the character and distinctive appearance of the locality and LP Policy EN12 which permits development affecting a non-designated heritage asset where it is designed sympathetically having regard to the significance of the asset, its features, character and setting.

Other Matters

21. The Council have referenced conflict with the Cotswold Design Code within their decision notice, however, the committee report provides only limited assessment of the proposal within the context of the design code with regard to the front extension. In addition, it does not provide any explanation as to which specific elements of the design code the Council consider the proposal to be contrary to other than reference to guidance regarding front extensions.
22. I note comments from the Parish Council and that amendments have been made to ensure that rooflights are placed in the north elevation, instead of dormer windows, from the most visible part of the site including that of the adjacent graveyard.

Conditions

23. The Council have suggested a number of conditions in the event this appeal is allowed. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. Conditions requiring materials and details (external doors, windows, roofs and walls) to be approved prior to installation on site, as well as rooflights to remain flush to the roof and appropriate rainwater goods, are required to ensure a satisfactory and appropriate finish.
24. Conditions requiring development to be undertaken in accordance with the Ecological Impact Assessment Report, as well as details of the bat loft, are required to ensure that protected and priority species (including bats) are protected in accordance with the relevant legislation and Local Plan policies.

Conclusion

25. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR