



Appeal Decision

Site visit made on 5 May 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/G1630/W/22/3313854

Sunset, Sunset Lane, Southam, Cheltenham, Gloucestershire GL52 3NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Edwards against Tewkesbury Borough Council.
 - The application Ref 22/00759/FUL, is dated 29 June 2022.
 - The development proposed is described as 'The demolition of the existing property and development of a replacement dwelling following the approval of appeal reference APP/G1630/D/21/3277456'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issue of the appeal.

Main Issue

3. The main issue is the effect of the proposal on a non-designated heritage asset.

Reasons

4. The appeal property is a two-storey detached dwelling, located on the edge of the village of Southam and within the Cotswolds Area of Outstanding Natural Beauty (AONB).
5. The dwelling consists of components that have been constructed in phases across multiple eras. The front of the building is an attractive, traditional cottage, finished in Cotswold stone with simple detailing. The frontage is understood to likely date from the mid-18th century. A timber framed section to the rear of the cottage element is understood to partly be the remnants of an earlier dwelling possibly from the 17th Century or earlier. The property also contains later single and two-storey extensions dating from the 19th and 20th centuries.
6. There is no dispute between the main parties that the appeal property is a non-designated heritage asset (NDHA). Indeed, from my own observations its heritage significance is derived from the building's age and architectural form that is reflective of its locality and the periods in which it has been constructed.

7. Despite this, I share the previous Inspector's view¹ that none of the elements of the building are rare or exhibit an outstanding example of architectural style from the relevant era. The significance of the building has also to some extent been compromised by the removal of historic features and the introduction of modern additions. This includes the more recent extensions to the property, use of modern Upvc windows, and non-original roof coverings. Accordingly, whilst the dwelling is a NDHA, I am also of the view that it is of only modest and local significance.
8. The proposed development would involve demolition of the existing property and replacement with a new dwelling. The design of the replacement dwelling would largely follow a scheme that was previously approved at appeal², but would also involve replacing/rebuilding the historic elements of the dwelling that were previously proposed to be retained. Additionally, the current proposal also seeks to provide increased floorspace through the introduction of a lower ground floor.
9. The proposed replacement dwelling would, in superficial terms, recreate the appearance of the cottage frontage and exposed timber elements. However, despite seeking to replicate much of the existing built form, including where possible through reuse of stonework, the proposal would lack the provenance and integrity of the historic dwelling.
10. I recognise that the previously allowed appeal scheme would enable sizeable replacement extensions and make alterations to the fabric of the historic property. However, from the evidence before me, the previously approved scheme would provide a well-designed contemporary extension that would integrate well with the historic elements of the existing dwelling; appropriately conveying its most significant architectural and historic qualities. By comparison, the current proposal would lead to the complete demolition of the NDHA. Consequently, whilst the heritage asset may be of modest local value, the scale of harm to the asset would be substantial.
11. Paragraph 203 of the National Planning Policy Framework (the Framework) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. The appeal scheme would provide environmental benefits through the delivery of a more thermal and energy efficient dwelling, which in turn would lead to reduced carbon emissions. However, there is no robust evidence to verify the appellant's claim that the poor energy efficiency of the existing dwelling makes it unviable to retain the existing structure for residential use.
13. I note the findings of the appellant's energy comparison statement. In particular, that the proposed dwelling would be likely to deliver a markedly improved energy performance compared to the existing dwelling, and would also further improve upon the energy performance of the previously approved scheme. Despite this, given that the proposal relates to a single dwellinghouse, the overall level of sustainability benefits would remain modest.

¹ Appeal Ref: APP/G1630/W/17/3189888

² Appeal Ref: APP/G1630/D/21/3277456

14. I am also unconvinced that the demolition of the current dwelling is the only solution to enable improvements to the property's thermal and energy performance or reduce carbon emissions at the site. Despite the appellant's energy statement providing comparisons between the existing, approved and currently proposed dwellings at the site, it does not provide detailed evidence of whether a combination of alternative less disruptive options, may provide similar environmental benefits. For example, whether enhancements to the historic element (e.g. addition of internal wall/roof insulation, introduction of renewable energy generating measures etc.) could also be undertaken alongside the previously approved extensions and alterations to the property.
15. I appreciate the use of such intermediate measures may not be able to match the energy performance of a complete re-build of the property as proposed. However, from the information before me I am unable to determine whether such measures would lead to a significant difference in the property's overall thermal and energy efficiency and carbon emissions. I also recognise that the historic nature and fabric of the appeal building is likely to impose constraints that may make the use of some measures unviable. Again, however, there is insufficient evidence before me to verify this.
16. Similarly, there is a general lack of evidence that issues of damp and water ingress cannot instead be satisfactorily addressed through other less intrusive means than the entire reconstruction of the building.
17. Overall, whilst I recognise that the proposal would provide environmental benefits, I consider the benefits to be modest. I am also unconvinced that the demolition of the heritage asset is the only suitable manner in which to appropriately address the dwelling's environmental performance. Accordingly, I have given only limited weight to the potential benefits of the appeal proposal.
18. The merits of the proposal as set out by the appellants therefore do not provide sufficient justification for the demolition of the NDHA. Accordingly, the proposal is contrary to Policies SD8, HER5 and RES9 of the JCS. Together these policies amongst other matters seek to protect the historic environment, including conserving and enhancing undesignated assets. It also does not accord with the aims of the Framework in respect of conserving the historic environment.

Other Matters

19. The appeal site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Accordingly, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character, and key features of the AONB.
20. The Council has not outlined particular concerns with the impact of the proposal on the character or appearance of the area or the AONB. From my own observations, the proposed development would be of an overall similar scale and design as the previously approved development at the site, save for the addition of a lower ground floor element. However, due to the site's topography, as well as the siting and design of the lower ground floor element, it would not be perceptible from public vantage points. I am therefore satisfied that the proposal would conserve the scenic and natural beauty of the Cotswolds AONB. However, this does not overcome my previously raised concerns regarding the loss of the NDHA.

21. I note the support that has been received from neighbouring residents. Whilst there are no reasons for me to doubt that the appeal scheme would be complete to a high-standard, this is not sufficient to justify the proposed development.
22. Additionally, reference has been made to other replacement dwellings that have been approved in the surrounding area. However, I have no specific details and so cannot compare whether they have similar contexts. My decision therefore does not turn on this matter.

Conclusion

23. The proposal would conflict with the development plan when taken as a whole and there are no material considerations, including the provisions of the Framework, that justify a departure from the development plan. The appeal is therefore dismissed and planning permission is refused.

Lewis Condé

INSPECTOR