



Appeal Decision

Site visit made on 18 May 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/J0405/D/22/3303599

5 Castle Lane, Whitchurch, Aylesbury HP22 4JD

- 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 Chris Connor against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/01665/APP, dated 6 May 2022, was refused by notice dated 5 July 2022.
 - The development is described as in August last year we instructed a local fence maker to erect a hand-made close board fence which was under 2m in height. We honestly had absolutely no idea that we needed Planning Permission for this fence so can only profusely apologise. The close board fence is next to, but not touching garden wall nor the house in any way and situated at one end of house next to five bar gate. This fence was erected to provide protection from people entering the property and more importantly to provide security for our future child and our animals in the garden. It takes its design from multiple other fences both opposite our property and in Castle Lane as well as in Whitchurch and therefore we believe is in keeping. We can only apologise once again for this error, as just mentioned we honestly didn't realise Planning Permission was needed for the fence.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. At the time of my site visit the development was already in place. I have considered the appeal on that basis and exactly as described on the application form.

Main Issue

3. The effect of the development on the character and appearance of the area bearing in mind it would be within the setting of the grade II listed 5, Castle Lane, the setting of the Bolebec Castle, a motte and bailey castle 300m west of St John's Church scheduled monument and within the Whitchurch Conservation Area.

Reasons

4. The appeal property is a grade II listed dwelling and associated structures known as 5, Castle Lane (No 5). It is within the Whitchurch Conservation Area (CA) and close to Bolebec Castle, a motte and bailey castle 300m west of St John's Church scheduled monument (Bolebec Castle).

5. The Planning (Listed Buildings & 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 No 5, the CA and Bolebec Castle

6. No 5 is a C17 two storey detached dwelling of brick, rubble stone and timber frame construction with a thatched roof. It has brick chimneys and casement windows of different ages. With an elongated form, it sits prominently close to the road along the Castle Lane frontage. Insofar as is relevant to this appeal the significance of the grade II listed building derives from its traditional architectural detailing and prominent positioning on a narrow rural lane.
7. The CA covers a large part of Whitchurch and some of the surrounding agricultural countryside. It includes a variety of traditional properties some dating back to the medieval period. The buildings utilise traditional materials such as thatch, brick and slate and display many traditional architectural details. 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 and the positioning and layout of the buildings in relation to the surrounding countryside.
8. Bolebec Castle is believed to date from the reign of Stephen, first mentioned by Pope Eugenius in 1147. It served as a stronghold of the De Bolebec and De Vere families in the early years. It is an artificially scarped natural mound, with its top bounded around its northern arc by a low internal bank. Today, surrounded by mature trees and vegetation, the large, grassed mound appears as a tranquil semi-natural open space. Insofar as is relevant to this appeal the significance of the scheduled monument is derived from its ancient history as a medieval fortification which is still visually evident today through its landscape character.

Effects on the significance of No 5, the CA and Bolebec Castle

9. The development is two separate sections of timber fencing. The first is parallel with Castle Lane and positioned just behind a low rubble stone boundary wall and verge between the side elevation of No 5 and a timber gate. The second section runs perpendicular to Castle Lane, between the same timber gate and thick hedging along the boundary between the appeal site and Bolebec Castle.
10. I acknowledge the fence panels are not attached to the listed building or the rubble stone boundary wall. I note the fencing has been hand built by a local contractor and has been designed to match the existing fencing on the opposite side of the appeal property which has been in place for some time. I also note that there are many other similar close boarded timber fences nearby related to traditional buildings and I have considered all the examples raised in the evidence. I also acknowledge the fencing provides privacy for the occupants of the appeal property.

11. However, although neither section of fencing is particularly wide, the first section rises significantly above the eaves and guttering of the listed building. Being so close to the listed building, this creates an awkward visual juncture between the obviously new timber fencing and the traditional materials and character of the listed building. The second section of fencing although some distance away from the dwelling, through its height and new un-weathered finish, is also visually prominent, such that when both tall modern sections of fencing are viewed together the visual conflict between the traditional listed building and the solid, tall modern sections of fencing is exacerbated. Thus, through their height and hard modern appearance both sections of fencing harm the setting and significance of No 5.
12. Consequently, as I have found the scheme to be harmful to the significance of a traditional building within the CA on a main route in and out of the CA, it follows, in this case, that the proposal would also fail to preserve the character, appearance and significance of the CA as a whole. Furthermore, positioned directly next to a footpath which passes by the scheduled monument, through its height and stark modern appearance the second section of fencing appears incongruous in the otherwise predominantly verdant setting of Bolebec Castle. The fencing therefore also harms the setting and significance of the scheduled monument.
13. The harm I have identified to the significance of all three heritage assets would be less than substantial. 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.
14. It may be that landscaping could soften lower height fencing in the same location, however, without details I cannot be satisfied that such measures would overcome the harm I have identified. I acknowledge the fencing provides privacy for the occupants of the appeal property. However, even if I accepted this as a public benefit, it would not outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
15. In reaching these conclusions I have also noted the comments about the Council's handling of the appellant's proposals. However, I confirm I have determined the appeal on its planning merits only.
16. Overall, I find the development fails to preserve the grade II listed building and its features of special architectural or historic interest, harms the character, appearance and significance of the CA and harms the setting and significance of the scheduled monument. For these reasons the development conflicts with the development plan, particularly Policies BE1 and BE2 of the Vale of Aylesbury Local Plan 2013-2033 (2021) which amongst other things seeks to ensure good design and that development does not cause harm to designated heritage assets.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR