

Appeal Decision

Site visit made on 5 May 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Reference: APP/W2845/D/23/3314216

Land at 'Milton House', Rectory Lane, Milton Malsor, Northamptonshire NN7 3AQ

- 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. K. Hennessey against the decision of West Northamptonshire Council.
 - The application (reference WNS/2022/1426/FUL, dated 17 July 2022) was refused by notice dated 19 December 2022.
 - The development proposed is described in the application form as a single storey detached double garage.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of 'Milton House' and its setting.

Reasons

3. Milton Malsor is an attractive village, located in the countryside to the south of Northampton and west of the M1 motorway. The village has an ancient street pattern and many historic buildings, often of stone construction, although there are also some more modern buildings in different parts of the village. Most of the village, including some areas of open land, lies within the Milton Malsor Conservation Area.
4. The appeal site is located at the southern edge of the village, within the Conservation Area, but with open farmland opposite, across Rectory Lane. The modern housing development that now adjoins the property on its northern boundary has been excluded from the Conservation Area, however.
5. 'Milton House' is an imposing residence, dating from the eighteenth century with twentieth century alterations. It is constructed of stone with a hipped main roof and a central classical entrance embellished with Doric columns supporting a pediment. The original country house appears to have become neglected during the twentieth century, prior to being subdivided (with its

- outbuildings) to create a number of separate dwellings. In its new form, 'Milton House' has more recently been refurbished and restored with interiors that are very impressive, creating a building of considerable quality. The house has some associated small outbuildings at the rear of the main block but it does not have a garage. It is an important building in its own right, however, and is listed (Grade II) as a building of special architectural or historic interest.
6. The main access to the appeal site is shared with other properties that have been created within the subdivided house and its original, more extensive, outbuildings (including some new construction). A secondary access, which may once have been more important to the country house, sweeps round from the front elevation to a gateway at the junction of Rectory Lane and High Street. A high wall defines the main frontage to Rectory Lane and the short return frontage to High Street and, as a result, this secondary exit is awkward and is unsafe for cars in its present layout.
 7. The grounds of 'Milton House' are laid out alongside Rectory Lane, behind the boundary wall, and are generally at a higher level than the road. The land is mainly laid to grass, with some trees and shrubs, including some mature and significant trees. The house enjoys extensive views over the countryside opposite and, in turn, it makes an important contribution to the character and appearance of the Conservation Area.
 8. It is now proposed that a single-storey detached double garage should be built in the grounds of 'Milton House', to the west of the house and located close to the northern boundary of the garden.
 9. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect the setting of a listed building and, in such cases, it is necessary to have special regard to the desirability of preserving the setting. Other provisions in the Act require decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
 10. Those formal requirements in the primary legislation are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
 11. Policies in the Development Plan also reinforce the underlying principles that are established in the primary legislation. Policies in the Development Plan are especially aimed at protecting designated heritage assets, including listed buildings and conservation areas, notably in Policy BN5 of the 'West Northamptonshire Joint Core Strategy Local Plan (Part 1)' and in Policies SS2, HE5.1 and HE6 of the 'South Northamptonshire Part 2 Local Plan 2011-2029'.
 12. The proposed new double garage would be located relatively close to the west elevation of the listed building. The submitted "Block Plan" shows that it would be 5.5 metres from the house and 1.5 metres from the northern boundary. The new building would be constructed of materials to match the existing house but it could not be considered to be merely a miniature version of the grand house.

13. The character of the new building would be very different from that of the country house and it would be obviously modern in its function and proportions, alien to the character of the historic house. It would, moreover, have an unfortunate impact on the outlook from the west facing rooms of the house. It would form part of the same overall architectural arrangement as 'Milton House' itself and would clearly have an impact on the setting of the listed building. Hence, it would directly affect the architectural and historic quality of the listed building.
14. In short, I am convinced that the project would have a significant harmful impact on the setting of the listed building, contrary to both national and local legislation and policies.
15. I have considered the arguments relating to the proposed location of the garage, since it has been indicated that the proposed location has been chosen because alternative locations for the garage would adversely affect certain mature trees. It is true that some trees in the grounds of the listed building are significant elements in its setting and in the wider townscape. Nevertheless, I must attach great importance to the protection of the setting of the listed building and I consider that the proposed garage would cause significant harm.
16. I am not persuaded that the benefits of a new garage would outweigh the harm to the setting of the listed building (even though there is currently no garage at the property) and I must conclude that the appeal should fail. It is not, however, the purpose of this appeal to judge any alternative scheme that may come forward affecting mature trees.
17. I am convinced that the harm that would be done to the setting of the existing house and to the Conservation Area outweigh the benefits of the project, even though the proposed development would make a useful addition to the existing house. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR