



Appeal Decisions

Site visit made on 15 August 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 September 2023

Appeal A Ref: APP/F1610/W/23/3315488

Abbotsbury Westington, Chipping Campden GL55 6EG

- 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 Christopher Bell against the decision of Cotswold District Council.
 - The application Ref 22/01390/FUL, dated 17 April 2022, was refused by notice dated 4 November 2022.
 - The development proposed is erection of single storey extension at rear of house.
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Appeal B Ref: APP/F1610/Y/23/3315505

Abbotsbury Westington, Chipping Campden GL55 6EG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Christopher Bell against the decision of Cotswold District Council.
 - The application Ref 22/01391/LBC, dated 17 April 2022, was refused by notice dated 4 November 2022.
 - The works proposed are erection of single storey extension at rear of house.
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Decision

1. Both appeals are dismissed.

Preliminary Matters

2. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.

Main Issue

3. The main issue in both appeals is whether the proposal would preserve the Grade II listed buildings or any of the features of special architectural or historic interest that they possess and whether it would preserve the significance of the designated heritage assets.

Reasons

4. The dwelling (listed as Abbotsbury) was listed in 1983 (Ref.1304671) and is a Grade II listed building within the settlement of Chipping Campden and the Chipping Campden Conservation Area (CA). It is of two storeys and an attic and is constructed in stone with a part stone and part slate roof. The list description states that the building is late 18th century. It has been extended and altered several times and is a mix of architectural styles. The earliest part is a vernacular cottage with steeply pitched gable roofs covered in stone slates in diminishing courses and mostly side-hung casement windows with leaded

lights. To the south east is a mid-19th century extension with a shallow hipped slate roof and its end gable has a classically detailed elevation with large sash windows in raised surrounds and a coved eaves cornice. The appellant's Heritage Statement notes that the property was significantly remodelled by the architect CR Ashbee in the early 1900s and it describes the architect as a leader in the Arts and Crafts Movement. The copies of original survey plans, elevations and architect's notes show that the architect had a dislike for classical architecture and described the mid-19th century extension as a 'rather pompous villa'. He sought to demolish much of this classically designed extension at the rear and to remodel it in an Arts and Crafts style, wanting the earlier vernacular building to be prominent again and to let more light into it. His plans also show the addition of a two storey bay and an oriel window to other elevations facing the garden.

5. Having visited the site, it is evident that many of the proposals of CR Ashbee were faithfully carried out and the rear elevations facing the garden appear to largely accord with the drawings attributed to him. To my mind the adapted elevations fronting the garden were an intrinsic element of his design and fundamental to the building's relationship with the garden and are not of lesser historic significance compared to the rest of the house. The building has a long, linear plan which follows the alignment of the road, and its articulated form allows multiple views of the building from within the predominantly enclosed garden. From the details available to me, including the list description, I consider that the special interest and significance of the listed building, insofar as it relates to these appeals, is predominantly derived from its age, form, fabric, its alterations by a named architect and its architectural features.
6. Within the garden is a separate Grade II listed building (listed as Garden Walls and Gazebo at Abbotsbury) (Ref.1078362) listed in 1983. The list description mentions the stone garden walls extend from the house towards Woodroffe House and along to Little Hay and include a hipped roof pavilion with stone slate roof and ball finial. From the details available to me, including the list description, I consider that the special interest and significance of the listed building, insofar as it relates to these appeals, is predominantly derived from its age, form and its fabric. Abbotsbury and the garden walls and gazebo are collectively identified as having group value. Although the list description suggests that the garden walls and gazebo are early 19th century, in my experience the gazebo appears to be later and inspired by the Arts and Crafts Movement considering its design and materials. The picturesque gazebo is an eye-catching focal point within the garden and its placement in the corner of the garden walls was likely to maximise views across the gardens and to appreciate views of the house. There is a shared architectural language in the materials and design of the two listed buildings and the intervisibility between them, across the intimate and enclosed garden, is a key part of their special interest and significance.
7. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 189 of the National Planning Policy Framework (the Framework) advises that heritage assets are an

irreplaceable resource and should be conserved in a manner appropriate to their significance.

8. The proposal would involve a single storey 'orangery style' extension to the rear of the building facing the garden which would be located within the footprint of the demolished part of the building. Its design has been inspired by the classically proportioned and detailed gable of the house. It would have dwarf walls of dressed stone with a steel frame clad in timber, small pane timber windows and timber doors, a parapet and flat roof with a lantern.
9. Although the classically designed gable of the house is mentioned in the list description and would be viewed alongside the proposed extension, the list description is primarily for identification purposes only and is not a definitive description of the building's special interest/significance. It therefore cannot be assumed that classical architectural design is appropriate for this proposal, even though the demolished part of the building may have been classically designed with French doors and tall windows. In this instance, the proposed addition of an elaborate, classically designed extension onto the Arts and Crafts designed elevations attributed to CR Ashbee would be a clash of architectural styles and a jarring and inappropriate addition. Although it would utilise an existing doorway and avoid significant disruption to the building fabric it would impose a structure over an elevation designed to be without windows or embellishment. Also, the intentional squat, horizontal form of the proposed structure would conflict with the existing vertical proportions and detailing of the building which would exacerbate the inappropriateness of the appeal proposal and would harm the building's special interest/significance.
10. Furthermore, whilst the proposed addition might be subordinate in size in relation to the dwelling, it would still have a large footprint and massing, and the stone walling and timber construction would prevent it from being transparent and lightweight. It would jut out into the garden disrupting the angled, linear plan form of the existing building, be visually dominant within the garden and would considerably disrupt the intervisibility between the house and listed garden walls and gazebo.
11. The design and siting of the proposal would draw the eye from the dwelling's vernacular detailing including the bay and oriel windows, and in some views the proposal would block views of those details or visually clash with them. The proposal may well be on the site of an earlier building, and be smaller than that footprint, and may well extend from a previously internal wall but that does not justify rebuilding in this location, especially when the early 20th century remodelling, and the linear form are such a major part of the building's special interest/significance.
12. I recognise that efforts have been made to help the proposed extension assimilate with the existing building, including reflecting the height of the adjoining bay window, respecting the proportion of the ground floor sash windows, setting the extension in from the quoin stones, drawing on a traditional orangery design and using materials and a colour scheme to match the house. The existing external wall would also remain exposed, and the proposal would read as a legible addition. However, these factors would do little to address the inappropriateness of the design, siting and size of the proposal. Furthermore, whilst the structure would be self-supporting, I have no construction details to indicate how the proposed extension would be linked to

the host building and which if not detailed sympathetically could have an adverse effect on the historic fabric. Furthermore, whilst theoretically the proposal would be reversible, due to the financial outlay and facilities to be provided it would be unlikely to be removed. Although it would be largely hidden from public view, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views are afforded.

13. Whilst an extension of this size and location may be permissible under permitted development rights, this does not remove the need for listed building consent and to observe the statutory duty with regard to listed buildings and their setting. I recognise that most historic buildings are adapted over time to suit the needs of their owners and buildings need to continue to adapt; many historic properties also have garden room extensions. However, it has not been demonstrated that such an alteration could not be achieved through alternative means, thereby avoiding the harm identified to the heritage assets.
14. Considering all of the above, I find that the proposal would fail to preserve the special interest and significance of the listed buildings. Therefore, the expectations of the Act are not met. Paragraph 199 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal.
15. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. I recognise that the owners have maintained the property to a high standard and clearly invested time and effort into looking after the building and gardens. The proposal would be clearly beneficial to their living conditions, providing an attractive space for the family and to entertain, provide a lighter and more airy room and a space by which to enjoy the garden throughout the year. However, I regard this as a private rather than a public benefit. Moreover, I have been given no evidence that the continued viable use of the appeal property as a residential dwelling is dependent on this proposal, as the building has an ongoing residential use that would not cease in its absence.
16. It is stated that the house and gardens are currently enjoyed by members of the public during charitable, open garden events and it is suggested that this could be expanded in the future. The proposed extension would provide another aspect of the experience to enjoy the garden and the historic buildings. However, I have no evidence before me that the appeal proposal is essential to the participation in these events and therefore this can only be considered as a limited public benefit.
17. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the

Grade II listed buildings. As such, the proposal would not comply with paragraph 202 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed buildings.

18. The proposal would fail to preserve the Grade II listed buildings and any of the features of special architectural or historic interest that they possess and would not preserve the significance of these designated heritage assets. It would fail to satisfy the requirements of the Act and paragraph 199 of the Framework. It would also conflict with Policies EN2, EN10 and EN11 of the Cotswold District Local Plan (2018). These policies, amongst other things, seek to protect and enhance the significance of heritage assets. As a result, the proposal would not be in accordance with the development plan as a whole.

Other Matters

19. Whilst the Council makes no reference in their reason for refusal to the effect of the proposal on the character and appearance of the CA or on the setting of other nearby listed buildings, as a statutory consideration, I am required to have regard to these matters when determining these appeals. From my observations at the site visit and the details available to me, I consider that the significance of the CA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with the use of materials, the pattern of development and the relationship of buildings to the spaces around them.
20. The Council's officer report states that the proposal would be well screened and have limited visibility. I have no reason to disagree with this statement. Owing to the proposed siting of the extension, the height of the surrounding boundary walls and surrounding mature planting I consider that it would have limited impact on the wider area and have a minimal impact on the streetscene. I therefore consider that the proposal would have a neutral impact on the character and appearance of the CA and the expectations of the Act would be met in this regard.
21. Although the Council has not mentioned Woodroffe House which is next door to the appeal building, the list description for the garden walls and gazebo at Abbotsbury makes reference to having group value with this property. It is Grade II listed (1983) and I have been provided with the list description (Ref.1078361). From the information before me, including the list description and my visit, I consider that the special interest of Woodroffe House largely derives from its age, form, fabric and architectural features. The list description mentions that this 17th century building was also significantly altered by CR Ashbee. Whilst it would appear that the appeal building lies within the setting of Woodroffe House because it contributes positively to the aesthetic value of the streetscape, there would be limited intervisibility with the appeal proposal due to its siting and the intervening vegetation. As such, I consider that in relation to these appeals, the setting of Woodroffe House would not be detrimentally affected.
22. The appellant refers to other listed buildings adjoining the boundaries of the appeal property and nearby. Having viewed the presence of other buildings identified as listed buildings on the Council's Conservation Area Map, I consider that given the distance of these buildings from and their siting in relation to the appeal site, they would have very little if any intervisibility with the proposal. Nor do I have any evidence of a functional link between the appeal site and

those listed buildings. As such I consider that the proposal would not be within the setting of those other buildings.

23. The appeal property lies within the Cotswolds Area of Outstanding Natural Beauty (AONB). Consequently, I have had regard to the statutory purpose of ensuring that proposals conserve and enhance the natural beauty of the AONB. Whether or not the appeal scheme's elements conserve and enhance the natural beauty of the AONB are not points in dispute between the parties. Nor have I been presented with any evidence that would lead me to conclude otherwise. However, the agreed absence of harm to the AONB does not alter my conclusions regarding the impact of the proposal on the designated heritage assets.
24. Although I note that the Council's suggested conditions have not been made available for comment by the appellant, as I am dismissing these appeals it is not necessary to consider this any further.

Conclusion

25. For the above reasons, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR