



Appeal Decision

Site visit made on 2 April 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/U3935/Y/23/3329844

Westrop Cottage, 24 Cricklade Road, Highworth, Swindon SN6 7BL

- 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 S Sheikh against the decision of Swindon Borough Council.
 - The application Ref S/LBC/23/0753/JAAB, dated 22 May 2023, was refused by notice dated 14 August 2023.
 - The works proposed are the widening of the existing access and extend existing dropped kerb to 4.2m.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Westrop Cottage, Westrop House, its boundary wall and its covered and vaulted passages and underground chambers, are all grade II listed buildings within the Highworth Conservation Area. As required by Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issue

3. The main issue is whether the works would preserve a listed building and its setting and any features of special architectural or historic interest which it possesses, and linked to that whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. Westrop House (the House) is an imposing two storey ashlar stone building, positioned to the northern side of Cricklade Road. Attached to the western side of the House is Westrop Cottage (the Cottage), which is a two-storey roughcast walled dwelling. Within the gardens of this property are the covered and vaulted passages and underground chambers that were part of a complex serving the House. To the front of both the House and Cottage is a stone wall. The section in front of the House comprises low ashlar walling and piers, with ashlar stone continuing along the frontage of the Cottage, albeit at a higher

height. There is an existing vehicular access in the wall that serves the Cottage, and near to the House there are two pedestrian entrances.

5. The boundary wall to the House is a distinctive feature within the area. The wall legibly demarcates the private realm of the House, with its substantial length along Cricklade Road reflecting the former extent of the gardens and service areas. The change in materials from ashlar stone to coursed rubble stone denotes the functional and social hierarchy of the wall, with the use of local stone for the rubble section emphasising this hierarchy. The ashlar stone section near to and in front of the House harmonises with and enhances the high-quality, elegantly mannered appearance of this building. The increased height and change to rubble stone reflects the role of the wall in delineating the public and private realms, as well as screening the gardens and service buildings and activities associated with a high-status home. Stone piers define the pedestrian entrances to the property, and the repeated presence of similar piers within the rubble stone sections provides decorative interest as well as a clear, legible linkage to the House. All these features are part of the special architectural and historic interest of the wall, as well as being integral elements of the setting to the House and Cottage.
6. The wall makes a positive contribution to the character and appearance of the conservation area. Not only does it clearly emphasise the high social status of the House, but its height and substantial length to one side of Cricklade Road makes it a landmark feature. Within the town there are a number of historic buildings, and near to the appeal site there are other tall walls, many of which are constructed of local stone. They too create a deliberate separation of the public and private realm along a principal route into the town. The presence of so many walls, their functional and decorative roles, along with their construction from mostly local materials, are all part of the significance of the conservation area.
7. Unlike the historic pedestrian entrances within the wall, there are no piers defining the existing vehicular access to the Cottage, with its height to either side having been lowered and the coursed rubble stonework having been mortared with cement. To increase the width of the access, one side of the wall would be removed. Not only would a large section of historic fabric be lost, but the works would also result in an abruptly truncated end to the lower section of wall that would appear curiously stunted. To create such a conspicuously unbalanced appearance would be disruptive in a wall that has a defined, and deliberately planned appearance, particularly as historic openings have been defined by piers. The access would harmfully draw the eye, eroding the functional and social importance of the wall within the setting of both the Cottage and the House, as well as detracting from the imposing impact the wall makes to the character and appearance of the conservation area.
8. The appellant has pointed out that the wall is eroding and crumbling, but this is not a justification for the works, particularly as the National Planning Policy Framework (the Framework) makes it clear that where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state should not be taken into account in any decision.
9. Similar gates to the existing ones or wrought iron ones would be installed, although limited detail of the style, materials and fittings of the gates to the wall have been provided, all of which would be required to assess the impact of

the works upon the wall, its historic fabric, and the settings of nearby listed buildings. No conditions have been suggested to minimise the impact of the works, albeit the appellant has stated the gates would be no higher than the opening and has provided examples of possible styles. Nevertheless, the substantial breadth of the opening would result in them becoming a prominent feature within the wall, and any gates would harmfully exaggerate the impact of the breadth of the gap. As well as undermining the dominance of the wall in front of the Cottage, their size would make them a disruptive and conspicuous feature. Although the appellant considers the gates would allow passers-by views of the chambers and vaults, neither these nor the service buildings and areas to the side of the House would have been available to public view. The works would erode the deliberate hierarchy of form and function that is part of the special interest of the wall, thereby unacceptably detracting from the settings of this group of listed buildings.

10. Other nearby accesses have been drawn to my attention, including some that are within Westrop House's boundary wall. However, from the evidence before me, including what I saw at my site inspection, it is not clear whether these are historic openings or recent ones. Furthermore, to either side of the accesses to Westhill House and Copper Beeches there are piers and the height of the walls either side has been maintained. Given these considerations and differences, these comparisons do not determine that I should allow the appeal.
11. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given my findings, the works would not preserve a listed building and its special architectural and historic interest, and would also fail to preserve the settings of those listed buildings nearby. Nor would the works preserve or enhance the character or appearance of the conservation area. These harms would be less than substantial as the works would affect only a small part of the wall, the settings of the other listed buildings, and the conservation area, although such harms would be of considerable importance and weight.
12. Under such circumstances, the Framework advises that where development would lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. As recognised by the Inspector for the planning application appeal (ref: APP/U3935/D/23/3329848), the existing access would be a snug fit for a single vehicle to pass through. Increasing its width would improve access to the property and allow more vehicles to be parked within the site, rather than on the public highway. However, these would be private benefits for the appellant and his family, and I saw at my site inspection that there is unrestricted on-street parking along Cricklade Road and that the existing access does not preclude parking within the property.
13. Reference has been made to speeding motorists and consequential safety concerns. The former would be for enforcement under other legislative regimes, although improved visibility when emerging from the access would result in a public benefit for all users of the highway. Nevertheless, the public benefits arising from the scheme would be modest, particularly as vehicles manoeuvring into and out of the site would have to proceed with caution irrespective of the breadth of the access. Consequently, the public benefits would not outweigh the substantial harms I have identified. Furthermore, the continued viable use of the appeal property is not dependent on the works as

the building has an ongoing vehicular access and residential use that would not cease in its absence.

14. Policies within the Swindon Borough Local Plan (2015) (LP) and guidance within the Highworth Conservation Area Appraisal and Management Plan (2006) have been brought to my attention. Although I have taken them into account as material considerations in the determination of the appeal, development plan policies are not determinative in listed building cases. Nevertheless, for the reasons given above the works would fail to accord with the requirements of LP Policy EN10. This policy seeks amongst other things, that development conserves and where appropriate enhances the significance and setting of heritage assets, and that changes to a listed building will not be permitted where they would have an adverse impact on its special architectural and historic significance, including their settings, thereby reflecting objectives of the Framework.

Conclusion

15. For these reasons, the works would not preserve a listed building, and its features of special architectural and historic interest, nor would it preserve the settings of nearby listed buildings. The works would also neither preserve nor enhance the character or appearance of the conservation area. There would be no public benefits that outweigh these significant harms, and the works would thereby fail to accord with objectives of the Framework.
16. Thus, for the reasons given above, and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR