



Appeal Decisions

Site visit made on 12 March 2024

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal A Ref: APP/W2845/W/23/3316467

Japonica, 23 Main Road, Kilsby, West Northamptonshire CV23 8XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Liz Rochford against the decision of West Northamptonshire Council.
 - The application Ref is WND/2022/0203.
 - The development proposed is described as a single storey extension and conversion of an existing outbuilding to habitable space, proposed developments are all connected by a link block between the main house and extension – then between the proposed extension and the existing converted outbuilding.
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Appeal B Ref: APP/W2845/Y/23/3325990

Japonica, 23 Main Road, Kilsby, West Northamptonshire CV23 8XR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Liz Rochford against the decision of West Northamptonshire Council.
 - The application Ref is WND/2022/0204.
 - The works proposed are described as a single storey extension and conversion of an existing outbuilding to habitable space, proposed developments are all connected by a link block between the main house and extension - then between the proposed extension and the existing converted outbuilding.
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Appeal C Ref: APP/W2845/W/23/3326408

Japonica, 23 Main Road, Kilsby, West Northamptonshire CV23 8XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Liz Rochford against West Northamptonshire Council.
 - The application Ref is 2023/5148/FULL.
 - The development proposed is described as a single storey extension with link block to the kitchen side of the main property. Proposed development are connected with link style block. Amended scheme from previous application WND-2022-0203 and WND-2022-0204.
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Appeal D Ref: APP/W2845/Y/23/3326407

Japonica, 23 Main Road, Kilsby, West Northamptonshire CV23 8XR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mrs Liz Rochford against West Northamptonshire Council.
 - The application Ref is 2023/5149/LBC.
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- The works proposed are described as a single storey extension with link block to the kitchen side of the main property. Proposed development are connected with link style block. Amended scheme from previous application WND-2022-0203 and WND-2022-0204.
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.
3. **Appeal C** is dismissed and planning permission is refused for single storey extension with link block to the kitchen side of the main property, Proposed development are connected with link style block. Amended scheme from previous application WND-2022-0203 & WND-2022-0204.
4. **Appeal D** is dismissed and listed building consent is refused for single storey extension to rear with link block to the kitchen side of the main property, Proposed development are connected with link style block. Amended scheme from previous applications WND-2022-0203 & WND-2022-0204.

Preliminary Matters

5. These decisions concern four appeals by the same Appellant for the same site. Appeals A & B and C & D respectively concern two different schemes for proposed development and works. Each pair of appeals relate to different but complementary legislation. To reduce duplication, I have dealt with all four appeals together in my reasoning.
6. Appeals A & B were refused by the Council and I have assessed these against the reasons for refusal given in the decision notice. Appeals C & D were not determined by the Council, however they submitted a statement and I have taken the putative reasons for refusals from the statement in my consideration of these Appeals.
7. As the proposals concern a listed building, I have had special regard to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
8. The description of development and works in the headings above have been taken from the application forms. However, in Part E of the appeal form, it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the ones given on the original applications.

Main Issue

9. The main issue for Appeals A, B, C and D is whether the proposals would preserve the Grade II listed building, Japonica, Main Road, or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

10. The appeal property comprises a semi-detached property. It is a Grade II listed building known as Japonica, Main Road with list entry number 1076408. It dates from the 18th century and has an attractive double fronted façade with coursed limestone and ironstone rubble, a central doorway, two larger windows with wooden shutters to the ground floor and three smaller windows to the first floor. The roof is thatched and there are brick chimneys at each end of the property. It is thought to have originally formed a smaller agricultural farm cottage with attached barn and it previously had a corrugated roof which was replaced by the current thatched roof in 2017.
11. The rear elevation has been subject to some alterations over the years with part of the stonework rear elevation visible but with a later rendered element obscuring the remaining rear elevation at ground floor level. There is a small panel of stonework and a narrow window set into the thatch at first floor level and the side garden wall adjoins the property.
12. A detached outbuilding is located within the rear garden and comprises red brick construction with a door at ground floor and an opening at first floor. There is a small lamp affixed to the upper part of the main elevation. A similar outbuilding is located in the adjoining property's curtilage, set further back. The outbuilding is currently used for storage. Works to the existing outbuilding relate to Appeals A and B only.
13. The existing dwelling derives its special interest and significance primarily from its historic interest in exemplifying an 18th century vernacular cottage and its architectural interest in its modest form and proportions, along with its traditional method of construction and materials. Despite the later additions and alterations to the rear, its historic features of interest survive, and its historic cottage core remains legible.

The Proposals and their Effects

14. Appeals A & B relate to a proposed rear extension and conversion of the existing rear outbuilding. The extension would be sited centrally on the existing rear elevation, with a glass link between the rear door of the main property and extension. There would also be a narrow gap between the host cottage and the proposed extension. It would have a pitched roof and a modern appearance with the use of metal cladding for the external facades. The existing outbuilding would be refurbished and rendered with the retention of some of the existing brick finish and the timber door at ground floor level. The first-floor timber door would be replaced by a window and the outbuilding would be connected to the proposed extension by a glazed link. The extension would provide a kitchen/diner and the outbuilding would be used for a study area. The existing kitchen would be converted to a utility area and WC.
15. Appeals C & D propose a rear extension only. It would be located off the existing kitchen, abutting the existing side boundary wall. It would have a flat roof with large, glazed doors. The roof and a small part of the upper wall would be visible from the public realm along the adjacent driveway, and it would be linked to the main property by a partially glazed link. The extension would

provide a larger kitchen and dining area with the existing kitchen being converted into a utility and WC.

16. Both of the proposed schemes (Appeals A & B and C & D) would introduce a relatively large extension to the rear of the modest host cottage which would appear disproportionate as a result of its overall size and floorspace. I note the Appellant's view that reducing the size would be an issue nevertheless, the size of both of the separate proposals would lack subservience to the existing cottage, detracting from its historic form and footprint and undermining its primacy. This would be more so in relation to Appeals A and B which incorporate a link to the rear outbuilding also.
17. In both proposals there is a lack of detail regarding the junction of the extensions with the listed building. This is a shortfall of the schemes and limits a thorough assessment of the proposals. Whilst the extensions would sit below the eaves line, both proposals would obscure parts of the historic rear elevation at ground floor level. This would further dilute the legibility of the building's historic form.
18. Appeals C & D would involve the use of a flat roof with two levels which would be partially visible above the existing historic side boundary wall. This would be out of keeping with the traditional design and detailing of the property. Appeals A & B would involve a pitched roof which would better reflect the form and character of the host property and the outbuilding.
19. Appeals A & B would involve parts of the proposals utilising contemporary materials including glazing, insulated render, timber panels and metal roofing to create a separation between new and old. However, this would be at odds and appear incongruous with the current traditional and simple palette of materials. The extension in Appeals C & D would obscure the traditional stone construction of the existing rear elevation, however, would utilise new stonework with barge board detailing. Whilst the materials in Appeals C & D would be more in keeping with the existing cottage, they would still involve a mix of some traditional and some modern materials in a contemporary form which do not assimilate well with, or sit comfortably against, the host property and would therefore be incongruous.
20. Whilst the proposals would result in the removal of some of the later additions to the rear elevations, the positioning of the proposed extension in Appeals A & B would result in a disproportionate addition, poorly related to the traditional form and character of the existing cottage. In addition, the design and materials of the proposals would jar with the modest design, detailing proportions and fenestration of the host property and result in the loss of historic fabric. Furthermore, the use of cladding to the external surfaces of the outbuilding and the extent of internal works proposed would obscure, and result in the loss of, the remaining historic features which would adversely affect the character and its contribution to the historic legibility of the listed building.
21. In relation to Appeals C & D, the proposal would be out of keeping with and fail to assimilate sympathetically with the host property as a result of the design and contemporary elements and materials. It would therefore also result in the loss of historic fabric of the listed building and its traditional form and character.

22. Accordingly, for the above reasons, the proposals in Appeals A, B, C and D would fail to preserve the listed building and any features of special architectural or historic interest which it possesses. As such, there would be harm to the significance of this designated heritage asset to which I return below. This would conflict with the statutory presumption under section 16(2) of the Act.

Other Matters

23. A letter of support has been received which considers that the proposals represent positive and successful additions to the host property and result in the sensitive adaption of historic assets within the village, amongst other things. However, for the reasons given above the proposal would be harmful.
24. I note the number of discussions and site meetings held between the Appellant and Council's representatives and the feedback given throughout. However, these are not matters which I am required to comment upon and do not alter my findings above.

Public Benefits Balance

25. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is reflected in part C of Policy ENV7 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011 – 2029 (2020). I have found that the proposals would result in harm to the significance of the listed building. Due to the nature and the extent of the separate proposals relating to Appeals A & B and C & D I find the harm in both cases to be less than substantial but, nevertheless, of considerable importance and weight.
26. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the heritage asset. The proposals would result in the removal of some of the more modern and unsympathetic rear additions as well as bringing back into use the existing outbuilding (Appeals A & B). Both proposals would result in improved living conditions for the occupier by achieving a larger and more modernised living space. In addition, there would be some short-term economic benefits arising from the construction period.
27. However, I have no substantive evidence that the continued viable use of the appeal property as a residential dwelling is dependent on the proposals as the building has an ongoing residential use that would not cease in its absence. I have considerable sympathy for the occupier due to the modest proportions of the living space within the cottage however, taking into account the public benefits of the proposals, these would not be sufficient to outweigh the less than substantial harm I have identified in Appeals A, B, C and D, which must carry considerable importance and weight and this would be contrary to the requirements of the Act.
28. Furthermore, in relation to the planning appeals (Appeals A and C) I find that the works would not comply with Policies BN5 of the West Northamptonshire Joint Core Strategy Local Plan (2014) and ENV7 and ENV10 of the Settlements

and Countryside Local Plan (Part 2) for Daventry District 2011 – 2029 (2020). Collectively these require development to conserve and enhance designated and non-designated heritage assets and their settings and landscapes, be sympathetic to locally distinctive landscape features, design styles and materials, be of a high quality and respond positively to their context and integrate with the surrounding area, amongst other things. They would also be contrary to Policy K6 of the Kilsby Review Neighbourhood Development Plan 2022 – 2029 (2022) which requires development to sustain and enhance the character of the local vernacular.

Conclusion

29. For the reasons given above, and having had regard to all matters raised, the proposals overall would fail to meet the requirements of the Act, the Framework and relevant local plan policies. Therefore, Appeals A, B, C and D should be dismissed.

R Norman

INSPECTOR