



Appeal Decisions

Site visit made on 29 July 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2024

Appeal A Ref: APP/F1610/W/24/3341063

Priests House, Beeches, Elkstone, Gloucestershire GL53 9PB

- 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 J Peterson Gilbert against the decision of Cotswold District Council.
 - The application Ref is 23/03309/FUL.
 - The development proposed is a first floor balcony to end gable.
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Appeal B Ref: APP/F1610/Y/24/3339631

Priests House, Beeches, Elkstone, Gloucestershire GL53 9PB

- 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 J Peterson Gilbert against the decision of Cotswold District Council.
 - The application Ref is 23/03310/LBC.
The works proposed are a first floor balcony to end gable.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeals relate to development and works at The Priests House, a Grade II listed building (list entry no. 1088447) (the listed building) located within the Elkstone Conservation Area (CA). The description of the proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B). To reduce repetition, I have dealt with both appeals together in this decision letter. I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate.
4. The appellant asserts that the Enterprise and Regulatory Reform Act 2013 provides that certain structures which are part of a listed building are not to be treated as listed, and that the statements by the Council do not accord with that Act. However, it is not expressly part of the appellant's case that the proposals do not affect a listed building. Having regard to the definition of what constitutes a listed building within section 1(5) of the Act, I have made my determinations on the basis that The Priests House is a listed building, including extensions to it.

5. The appellant refers to an adjusted design in relation to the window opening serving the proposed balcony¹. However, amended scaled drawings have not been submitted to substitute those originally provided, rather a photograph² of an image is shown in the appendix to the appellant's statement of case. Whilst I have had regard to this information, I have made my determinations in relation to the drawings upon which the Council made their decisions.

Main Issues

6. The main issue for both appeals is the effect of the development and works on the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which the character or appearance of the CA would be preserved or enhanced.
7. There is an additional main issue for Appeal A, namely the effect of the development on the special qualities of the Cotswolds national landscape (also referred to as the Cotswolds Area of Outstanding Natural Beauty).

Reasons

Listed building and CA

Significance and special interest

8. The listed building is a former priest's house dating from the late 15th or early 16th century. The detached house comprises two storeys plus attic and is constructed in random rubble limestone, with ashlar dressings. There is a stone slate roof to the main part of the building. Notwithstanding later additions, the older structure of the house is clearly discernible from the plan form and architecture. This has a simplicity of form and uses local materials. The fenestration on the main body of the dwelling incorporates an element of irregular positioning and includes an off-centre main doorway. The proportions of the mullioned and casement windows in the main building are modest, giving prominence to sizeable areas of stone walling.
9. The principal elevation of the listed building addresses the winding lane, but the property is constructed into a bank such that it stands in the southeastern corner of the churchyard to the Church of St John the Evangelist (the church).
10. The significance and special interest of the listed building is derived in part from its plan form and aesthetic composition which possess a simplicity and charm typical of good quality Cotswold vernacular architecture. Given its considerable age, further significance is derived from surviving historic fabric embodied within the building, as it is a tangible connection with the past.
11. In addition, historic significance comes from the past use of the building as a priest's house and probable close association with the church. This is linked to the configuration and setting of the listed building, which also forms an intrinsic part of its value.
12. The Grade I listed church possesses exceptional special interest and significance. For the purposes of this appeal, it is unnecessary to go into great detail, but in summary this includes its interest as an example of Norman architecture. Given its ancient origins, the architecture also reveals how church

¹ Page 5, Appellant's Statement of Case

² Photograph 7

aesthetics evolved over time. The church has considerable importance as a longstanding physical, spiritual and community focus for the parish. Part of that relates to its association with the Priest's house. Hence, the listed building lies within the setting of the church and vice-versa, with each thereby positively contributing to the significance of the other.

13. The proposals relate to an extension at the eastern end of the listed building understood to be constructed in 1974. Although built at a subordinate scale and in broadly sympathetic materials, it nevertheless detracts from the significance of the listed building as an entity. This is primarily owing to the unsympathetic positioning and proportions of the windows in the east end gable. The horizontal proportions and extent of glazing contrasts harmfully with that seen in the fenestration in the older part of the building. Not only does this undermine the traditional solid to void ratio, but it also gives unwarranted emphasis to what is a flank side elevation. Hence, it disturbs the hierarchy of elevations within the building.
14. The extent of harm is exacerbated by the relatively prominent position of the side elevation, which I was able to observe from the lane and adjacent green space to the east. Moreover, there is a pedestrian approach through the green space allowing access to the churchyard that runs close to the listed building.
15. The CA has two parts, the first encompasses the main body of the village to the north, the second, an area focussed on the church to the south. Built form within the southern section of the CA is fairly limited, comprising mostly of clustered groups. The interrelationship of the church, Old Rectory and The Priests House and spaces between them reveal clues as to how the church functioned and evolved within Elkstone. The intervening open spaces, gardens, hedgerows, trees and soft verges along narrow informal lanes, together with glimpses of wider countryside give the CA a strong rural character.
16. Overall, the positive architectural qualities and historic value of the listed building make a valuable contribution to the aesthetic significance of the CA and enrich an understanding of how the settlement has evolved over time. As such, the appeal site forms a notable and positive component of the distinctive character and appearance of the CA.

The appeal proposals

17. The proposals would introduce a first floor balcony projecting from the eastern elevation of the 1974 extension. It would comprise a rectangular structure with a timber frame and posts enclosed by metal balustrading in a black finish. Coated aluminium glazed doors would replace the existing bedroom window to allow access to the balcony.

The effect on the listed building and CA

18. The proportions of the glazed doors would increase the extent of glazing in the eastern elevation. This would exacerbate existing harm I have already identified by further undermining the historic solid to void ratio. The physical presence of the doors and projection of the balcony at an elevated level would give further undue emphasis and complexity to the side elevation. This would be particularly acute when the bedroom is lit and/or there was activity on the balcony.

19. Although reference is made to first floor entrances having existed in the listed building³, there is little evidence to demonstrate where or how these functioned. In any event, it is not shown that these were balcony structures as opposed to means of access. The introduction of a modern balcony on the eastern extension would do little to reveal the 15th or 16th century origins of the building, rather it would make them harder to discern by distracting attention away from the principal elevation and the simple form of the building.
20. Hence, the proposals would further weaken the architectural consistency and quality of the building overall, thereby undermining an important component of the special interest of the listed building. The degree of harm would be heightened owing to the visibility of the glazed doors and balcony from the lane and land to the east.
21. My findings are generally reinforced by the Cotswold Design Code contained in Appendix D of the Cotswold District Local Plan 2011-2031, August 2018 (LP). Amongst the key design considerations⁴ identified for residential extensions is that large upper floor openings should generally be avoided on buildings of traditional design. Furthermore, I am not convinced that an adjustment to the window design as described and shown in photograph 7 of the appendix to the appellant's statement of case would surmount the extent of my concerns.
22. Taking these factors together, rather than revealing the significance of the building, the proposals would emphasise negative aspects. The appellant acknowledges that the 1974 extension is large and has undermined the significance of the listed building. To my mind it therefore becomes more important to avoid amplifying those negative attributes.
23. Consequently, the proposals would fail to preserve the special architectural and historic interest of the Grade II listed building, leading to conflict with sections 16(2) and 66(1) of the Act.
24. For the reasons set out above, the proposals would have a disjointed visual effect harmful to the aesthetic value of the listed building. In addition, probable activity associated with the balcony would unduly draw the eye to negative elements of the building. As such, the proposals would fail to preserve or enhance the character and appearance of the CA as a whole. Hence, conflict would also arise with section 72(1) of the Act.
25. The appellant asserts that the balcony would not be visible from the church or churchyard and that existing trees provide shielding when in leaf. Be that as it may, my observations were that from the east, the side elevation of the listed building could be seen from the lane with the church tower in the background. The presence of a projecting balcony and glazed doors in the foreground would detract from that view. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
26. Although it is suggested that additional trees planted on the adjacent land would provide mitigation, little specific detail of such planting has been provided. Moreover, the land in question is not shown to be in the ownership or control of the appellant and is described as common land⁵. No evidence is

³ Page 5, Appellant's Statement of Case

⁴ D67.1k

⁵ Page 4, Appellant's Statement of Case

provided to show that the owner of the land would agree to such measures. Therefore, doubt remains as to whether such planting could take place, or how it could be secured. Moreover, such an approach would not accord with the general statutory presumption to avoid causing harm to listed buildings and conservation areas.

27. My attention has been drawn to an extension at Manor Farm Cottage, and a balcony in Cockleford⁶. However, it is not shown that either property is listed, and based on the limited information provided, owing to differences in form and design it is unlikely that either would possess heritage significance similar to that of the appeal property. Moreover, the development permitted at Manor Farm Cottage relates to external steps rather than a balcony and Cockleford is a notable distance from the appeal building. As such, and on the evidence provided, neither is directly comparable to the appeal proposals, and therefore, carry little weight in its favour.
28. It follows that the proposals would cause harm to the significance of both the listed building and the CA as designated heritage assets. Given the relatively modest nature of the proposals, in the terms of the National Planning Policy Framework (the Framework), this would result in less than substantial harm in both instances.
29. Paragraph 205 of the Framework stipulates that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 further states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 indicates that harm should be weighed against the public benefits of the proposal.

Heritage balance

30. The provision of a first-floor balcony would primarily be a private benefit to the occupants of the listed building. It is contended that the planting of additional trees and provision of new nesting sites for local wildlife and priority species would provide public environmental benefits. However, I am not convinced that additional tree planting on common land outside of the appeal site could be secured. Even if it were, Planning Practice Guidance⁷ states that public benefits should flow from the proposed development. The improvements to biodiversity outlined are not shown to be directly reliant on the balcony proposals proceeding, rather they are framed as mitigation measures to address the harmful impact. Consequently, I attribute these factors a minor degree of positive weight.
31. Reference is made to the proposed outside space supporting elderly relatives. However, it is not shown that the bedroom that would be served by the balcony constitutes a 'granny annex' nor that occupants of the property presently have inadequate access to outside space. Ultimately, it is not established that such a benefit would be of a nature or scale to be of benefit to the public at large as described in the PPG.
32. Overall, the public benefits attract a minor amount of weight, which is insufficient to outweigh the great weight given to the harm identified. Hence,

⁶ Photographs 4-6, Appendix to Appellant's Statement of Case

⁷ Paragraph: 020 Reference ID: 18a-020-20190723

conflict arises with the national policies in the Framework that seek to protect the historic environment.

33. Furthermore, the proposals would be contrary to policies EN2, EN10, and EN11 of the LP. These policies, when read together, amongst other things, seek to conserve and enhance designated heritage assets in accordance with the Framework, and support proposals which accord with the Cotswold design code and respect the character and distinctive appearance of the locality.
34. Reference is also made to policy EN12 of the LP in the refusal reasons on both the Council's decision notices. However, this refers to non-designated heritage assets. As my concerns relate to designated heritage assets, I do not find conflict in relation to this policy.

Cotswolds national landscape

35. The appeal site is within a designated national landscape. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) sets out a general duty to further the purpose of conserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONB). Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Similar provisions are found in policy EN5 of the LP.
36. The special qualities of the Cotswolds national landscape are largely derived from its underlying limestone geology. This influences the characteristic landform of the Cotswolds escarpment, and the mosaic of high wolds, woodlands and grasslands. It also constitutes the predominant and visually distinctive building material for historic and vernacular buildings that gives a consistency and quality to their appearance.
37. As outlined in the first main issue, the development would affect an important and picturesque historic building, that is constructed in limestone. Nevertheless, the scale of the proposed alterations would be minor in extent. Whilst there would be a localised harmful impact to the CA, I do not consider it would reach a scale whereby the scenic qualities or beauty of the wider landscape designation would be undermined. On that basis, the proposal would not conflict with the general statutory duty or provisions of policy EN5 of the LP.

Other Matters

38. With reference to paragraph 38 of the Framework, the appellant considers that the Council did not approach their decisions in a positive and creative way. It is highlighted that no approach or contact was made. Nevertheless, the behaviour of the Council lies outside the remit of these determinations, which have been made on their respective merits.
39. I have had regard to the representations received, including those expressing support for the proposal. Most of the issues raised are addressed in the main issues. In addition, whilst I recognise that the balcony would be of private benefit to the appellant, ultimately, this is not a matter of sufficient weight to lead me to different findings overall.

Conclusions

40. Notwithstanding that I did not find harm would arise to the Cotswolds national landscape in relation to Appeal A, I do find that the proposals would conflict with the statutory provisions of the Act, the historic environment policies of the Framework, as well as heritage and design policies in the development plan.
41. In relation to Appeal A, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have not found material considerations that would justify taking a decision other than in accordance with the development plan.
42. Therefore, for the reasons given above I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

INSPECTOR