



Appeal Decisions

Site visit made on 31 July 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2024

Appeal A Ref: APP/K0235/W/24/3340202

Cottage Retreat, 5-7 Bedford Road, Wilstead, Bedford MK45 3HN

- 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 Mr Alessandro Dinghile against the decision of Bedford Borough Council.
 - The application Ref is 23/02298/FUL.
 - The development proposed is Repair, alterations and extensions to existing building, including reconfiguration of residential units, single storey and two storey rear extensions, creation of natural swimming pool, associated parking, hard and soft landscaping.
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Appeal B Ref: APP/K0235/Y/24/3340204

Cottage Retreat, 5-7 Bedford Road, Wilstead, Bedford MK45 3HN

- 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 Mr Alessandro Dinghile against the decision of Bedford Borough Council.
 - The application Ref is 23/02299/LBC.
 - The works proposed are the same as for Appeal A.
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Decisions

1. The appeals are both dismissed.

Preliminary Matters

2. I note that separate listed building consent (LBC) was granted¹, since this appeal was submitted, for various works to the building concerned. That application was submitted a short while before those relating to this appeal and relates to refurbishment works to include replacement doors and windows, plaster and render removal and replacement, replacement roof coverings, repairs to timber frame, infill panels and roof structure. I saw that none of those approved works appeared to have been implemented. Furthermore, they are either shown on the plans relating to this appeal or referred to in the written submissions, including in terms of any differences between the current appeal proposal and the LBC following further consideration by the Council. I have no substantive evidence to indicate that they do not form part of this appeal proposal, albeit in some respects subsequently amended as part of the LBC referred to above. Whilst that existing decision is nevertheless a material consideration, I have determined this appeal on its own merits.

¹ Listed Building Consent Ref. 23/02083/LBC

Main Issues

3. The main issues are, for both Appeals A and B, whether the proposals would preserve the significance of the Grade II listed building known as 5 and 7 Bedford Road (Ref: 1312324) (the LB), and any of the features of special architectural or historic interest that it possesses; and for Appeal A only, whether the proposed development would provide acceptable living conditions for prospective occupiers with particular regard to the provision of private garden amenity space.

Reasons

Listed building

4. The LB derives its significance primarily from its historic 3-bay late medieval hall house with a cross wing, a former public house. It is recorded in the listing record as dating from Circa 1700, albeit that submitted evidence indicates that it could be from the 16th century or possibly earlier. It has since undergone some alterations and additions, including extensions, internal layout changes, and the insertion of various 20th century replacement windows, together with the formation of No. 7 from a previous outbuilding. The building's significant features also include the old clay tile roof over the attic element relating to No. 5, together with red brick chimney stacks, with the remainder comprising a pantiled roof; and some wattle and daub and lath and plaster walls. Despite the various changes to the LB over time, it nevertheless retains sufficient vernacular character and appearance to make an important contribution towards understanding how the settlement of Wilstead has evolved historically.
5. The building is partially occupied, relating to the single storey element of No 7 together with the ground floor front facing room annotated on the existing ground floor plan as a lounge, and the bedroom above that. That occupied part of the building has been refurbished and appears in good condition. The remainder of the building is unoccupied and in a poor state of repair, with the ceiling structures in several rooms having to be supported by temporary metal supports. There is also significant damage to the walls in places, including where the wattle and daub or lath and plaster has been revealed and various signs of cracking. Nevertheless, due to the retained features referred to above, the LB retains architectural and structural significance.
6. The LB's historical significance in the context of the locality and its community derives from its use up until the mid-1930s as a public house, a focal point in that community for a significant number of years. Despite the nearby presence of more modern buildings, the LB retains a good degree of space around it, including a large rear and side garden area which includes a natural pond surrounded by mature trees.
7. With regard to the proposed extension to the rear of No. 5, this would have a roof shape similar to that of the corresponding pitched roof of the LB. The new roof structure would not be connected to that existing roof, and the proposed glazed connection would provide some sense of separation between the two buildings. I note the intention for the main body of the extension to reinforce the existing building form. However, its similar sized gable form, width and ridge height, albeit slightly lower, together with its significant projection, in such close proximity to the LB, would cause it to significantly obscure and dominate that existing gable and that part of the LB generally, an important

feature of the LB's architectural heritage. Due to the proposed lowering of ground levels to accommodate the extension, its external walls in themselves would also be of noticeably greater height compared with the respective adjacent elements of the existing LB, thereby increasing its massing effect.

8. The proposed rooflights in the extension would be prominent roof features, devoid of sub-dividing glazing bars. However, they would not be so large as to dominate that new roof space and are shown to have a shallow conservation type profile such that they would not be dominating features. Nevertheless, that extension would include large ground floor window openings wrapping around one corner, a wide first floor window within the gable end, extending to the eaves on either side, and a significant amount of timber cladding to the ground floor alongside the render. I acknowledge the intention to avoid a pastiche design. However, such significant features, which are also uncharacteristic of the existing LB, together with the additional massing effect, would contribute to the dominant appearance of the extension relative to the LB.
9. That use of glazing to link the extension to the LB together with use of existing openings in the gable wall, would be likely to minimise loss of existing historic building fabric. However, the proposed ground floor doorway would require the loss of an albeit 20th century metal framed window and the small amount of fabric beneath it. Furthermore, the proposal would create a first floor link from the landing to the proposed extension's master bedroom via a corridor. That would involve opening up a section of the existing external wall in that key gable element, again with the resultant likely loss of some of the historic fabric, including wattle and daub. I acknowledge that there is some existing damage to, and exposure of, the existing fabric on that gable wall that would likely require works to make it good. However, notwithstanding any need to replace existing rendering, the full extent of that existing fabric that would require attention is currently unclear. In any case, the proposed removal of fabric to form openings would represent permanent loss.
10. The proposed extension to No. 7 would involve a similar type of glazed link to that intended for No. 5 referred to above, which again would provide some sense of separation of the main body of the extension from the existing building. I also acknowledge the extent to which No. 7 has historically evolved from an ancillary outbuilding. However, such evolution has been in the simple form of a pitched roof continuing along the north-south axis of the LB. The main body of the proposed extension would be significantly closer than the existing ancillary outbuilding that would be demolished to make way for it. That outbuilding is also of significantly lesser height than the main body of No. 7. The ridge height of the extension would be slightly lower than that of No. 7 and would include a similar gable form to the end elevation of No. 7. However, the overall massing effect generated by the width, depth and height of the extension, in that close proximity and at right angles to that existing simple pitched roof building form would have a significantly dominating and jarring effect on that part of the LB.
11. My findings relating to the proposed rooflights of this second extension are the same as for the extension to No. 5 set out above. However, again, the mix of a significant amount of timber cladding alongside rendering would be an uncharacteristic feature of the existing LB that would further draw attention to the extension's jarring nature.

12. The above factors relate to the integrity of the LB in its own right, regardless of the extent to which the proposals would be visible from surrounding vantage points. Nevertheless, as well as the extent of visibility from within the site and notwithstanding existing and proposed new tree planting, it is likely that the proposed extensions would also be visible to varying degrees from neighbouring properties and the allotments to the rear of the site, albeit limited by that intervening vegetation. It is also likely that any screening by trees would be less so in the winter during any leaf fall relating to deciduous species.
13. There is some indication that the existing wall between bedrooms 1 and 2 in No.5 may not be an original feature of the LB. However, it does align with a jowlpost and truss timber such that it is nevertheless still likely to have some historic interest. From the evidence provided, including the submitted Heritage Asset Impact Assessment, in removing that wall, whilst exposing more of the historic jowlpost and truss and allowing them to be seen more clearly, there would therefore be a likelihood of some loss of historic fabric relating to the wall, albeit minimal. That would be together with any associated loss of historic plan form layout, albeit potentially making the original layout more evident, and regardless of it being at the first-floor level. The insertion of the proposed ensuite partition wall to create that smaller room serving proposed bedroom 3 would also be at odds with the historic floor layout.
14. The proposals would also include the provision of a natural swimming pool that would be located in between the existing pond and the intended extension to No.5. The significance of the LB is in part derived from its siting within its spacious and fairly informal associated garden area, including an established pond separated from the main building by mature trees and grass area. The design of the pool is intended to have a natural appearance, including in the use of waterside planting. Nevertheless, it would sit tightly in between the existing pond and proposed decking that would surround the extension, rather than enlarging the former. As such, it would undermine the sense of detachment of that existing pond and introduce a fairly large area of water immediately adjacent to the extended building. The pool would relate more closely with the proposed extension to No.5 rather than the existing LB. Nevertheless, and notwithstanding the concerns I have raised previously about that extension, for the above reasons, it would appear as a further uncharacteristic feature relating to the LB.
15. For the above reasons, the proposals would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses. The proposed works would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons in respect of this issue, they would be contrary to policy 29 of the Bedford Borough Council Local Plan 2030 (the Local Plan) and policy BE1 of the Wilshamstead Neighbourhood Plan 2021-2035 which, amongst other things, state that new development should protect and where appropriate, enhance heritage assets and their settings and successfully integrate with the historic environment and character; and that all development proposals affecting heritage assets will be required to take into account the significance of affected assets, as well as the contribution made by setting. The works would also be contrary to paragraph 203 of the National Planning Policy Framework (the Framework) which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. Consequently, I

give this harm considerable importance and weight in the planning balance of these appeals which I shall return to later.

16. Whilst the Council's decision notice also includes reference to policy 41S of the Local Plan, that policy generally relates to the requirements for submitting, and the processes involved in determining, applications concerning the historic environment and heritage assets. That includes in relation to conducting the heritage balance, weighing harm to the LB's significance against the public benefits of the proposal. I shall return to this in my planning balance.

Living conditions relating to provision for private garden amenity space (Appeal A)

17. The proposed development makes no clear provision for screened and separate private rear garden areas for prospective residents, and in fact intends to include a shared courtyard area. Nevertheless, there would also be amenity areas relating more directly and closely with the respective proposed extensions, separated by that courtyard, albeit not indicated to be screened from each other. Furthermore, the building as a whole is set in substantial grounds such that residents of the respective dwellings would have options to use other garden areas, albeit again not segregated, including significant areas of land to the rear and side of each dwelling. As such, regardless of whether or not occupants of both properties would be related, there would be the potential for residents to enjoy a good degree of privacy if not formally provided by way of screening.
18. I acknowledge that occupiers of No 7 using the proposed natural swimming pool could impinge on the privacy of occupiers of No 5 due to its close proximity, including the associated decking area to habitable space of No 5. However, I have no substantive basis to consider that the natural swimming pool would necessarily be shared and, in any case, for those same reasons referred to above, it is unlikely that there would be pressure on such use when there is such a large area of other remaining land that occupiers of No 7 could use.
19. For the above reasons, the proposed development would provide acceptable living conditions for prospective occupiers with particular regard to the provision of private garden amenity space. As such, in respect of this issue, it would accord with policies 28S, 29 and 30 of the Local Plan which amongst other things require high quality design and for planning applications to give particular attention to various considerations relating to the principles of good design, including the provision of private space where appropriate. In this respect it would also accord with section 12 of the Framework which amongst other things states that planning decisions should create places that have a high standard of amenity for existing and future users.

Planning balance

20. In respect of Appeal A, I have found the proposed development would provide acceptable living conditions for prospective occupiers with particular regard to the provision of private garden amenity space. This is therefore a neutral factor in the planning balance relating to Appeal A. However, for both Appeals A and B, I have found, for the reasons given, that there are proposed works that would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses.

21. Paragraph 205 of 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. Paragraph 206 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
22. Given the relatively small-scale nature of the harmful works in the context of the LB as a whole and the extent to which the existing LB would be retained, the harm that I have found would be caused is less than substantial in this case. Such harm would nevertheless be of considerable importance and weight. Having regard to paragraph 208 of the Framework, as I have found there to be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As referred to previously, this is reflected in policy 41S of the Local Plan.
23. Those works found to be acceptable subject to conditions in respect of the recent extant LBC, would be clearly beneficial in addressing the existing poor condition of the currently unoccupied element relating to No.5. Furthermore, I have no substantive basis to find differently to the Council in respect of those matters covered in that LBC. It is claimed that the proposed extensions and other alterations to the building would enable the continued use of the building and secure its future, citing that current living arrangements are significantly below standard. However, with those other works where I have found harm would be caused, I have no substantive evidence that they would be necessary to ensure or enable the preservation of the LB as a whole, either in physical, layout or financial viability terms or in respect of living arrangements, including for extended family members. The benefits associated with the elements of the proposals relating to the extant LBC works are therefore a neutral factor in this planning balance, as I have no substantive basis to consider that they could not be implemented regardless of my decisions on these appeals.
24. Furthermore, I have no substantive basis to consider that without those elements of the proposed works that would cause harm, this would prevent any potential findings arising from the LBC works that would contribute to a better understanding of the chronology of the LB.
25. For the above reasons, the public benefits are insufficient to outweigh my finding that the proposals would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses.

Other Matter

26. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the various other listed buildings in the vicinity of the site referred to in the submissions, including All Saints Church to the south-west. However, due to the intervening distances between those other buildings and the appeal building, and the positioning of the proposed extensions to the rear of the LB contained well within its grounds, I am satisfied that the settings and significance of those surrounding LBs would be preserved.

Conclusion

27. For the reasons given above both appeals should be dismissed.

A Dawe

INSPECTOR