



Appeal Decisions

Site visit made on 17 September 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal A Ref: APP/F1610/W/24/3337154

Lavandula, Becky Hill, Lower Slaughter, Gloucestershire GL54 2HS

- 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 Trevor Daniel against the decision of Cotswold District Council.
- The application Ref is 23/02207/FUL.
- The development proposed is for alterations and additions to form glazed link walkway between the principal house and outbuilding.

Appeal B Ref: APP/F1610/Y/24/3341799

Lavandula, Becky Hill, Lower Slaughter, Gloucestershire GL54 2HS

- 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 Trevor Daniel against the decision of Cotswold District Council.
- The application Ref is 23/02208/LBC.
- The works proposed are alterations and additions to form glazed link walkway between the principal house and outbuilding.

Decisions

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

Preliminary Matters

3. Lavandula is a Grade II listed building (the official list entry refers to the property as Rose Mullion Cottage), that lies within the Lower Slaughter Conservation Area (CA). The description of the proposals is similar for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. Accordingly, and as relevant, 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). However, to reduce duplication, I have dealt with both appeals together in this decision letter.
4. Notwithstanding references to 'Becky Lane' on the application forms, other parts of the appellant's evidence refer to the appeal site being at 'Becky Hill', which is consistent with the Council's decision notices. Therefore, I have referred to 'Becky Hill' in my headings above.

Main Issues

5. The main issue common to both appeals is the effect of the proposed works or development on the special interest of the Grade II listed building, and whether the character or appearance of the CA would be preserved or enhanced.
6. There is an additional main issue in relation to Appeal A, that is the effect of the development on drainage and flood risk.

Reasons

Listed building and CA

Special interest

7. The listed building is a modest, detached two-storey plus attic dwelling probably dating from the early 17th century. It is constructed in limestone with Cotswold stone roof slates and features, amongst other things, steeply pitched gables, stone mullioned casements with drip moulds and ashlar gable stacks.
8. Special interest is derived from its aesthetic and architectural interest as a good example of a modest rural cottage typifying traditional Cotswold vernacular architecture. The proportions, composition, detailing, use of local materials and evidence of traditional construction techniques all contribute positively in that respect. Although there have been some single storey additions and minor alterations, the extent of surviving historic fabric and unaltered parts of the elevations underline the architectural quality and historic authenticity of the building.
9. The relatively simple form and two-cell floor plan reveal the modest scale and nature of the cottage, which in turn provides clues as to the likely social status of former occupants.
10. Historic interest is also derived from the wider configuration of the plot. The elongated footprint of the dwelling is on a broadly north/south axis towards the eastern side of the grounds, with a gap between it and the outbuilding to the west. The surviving traditional form of the single storey outbuilding is generally consistent with the vernacular style and materials of the main house, which reinforces the overall architectural interest of the listed building. The gap between the two respective structures gives emphasis to the informal rural qualities of the immediate surroundings and allows for glimpses of greenery that soften the effect of the built form, thereby allowing a greater appreciation of its architectural quality.
11. Further interest comes from the discernible building hierarchy established by the separation of the outbuilding and its comparatively lower height, massing and more functional appearance relative to the cottage. This gives some insight into how the plot functioned historically, and how relationships between such principal and ancillary buildings likely influenced the settlement pattern in Cotswold villages.
12. The wider traditional Cotswold village setting is another component of the listed building's special interest, as it reads as part of a group of historic vernacular buildings which display homogeneity in terms of their prevalent use of local materials and traditional architectural form.

13. In this respect, there is some crossover with the special qualities of the CA, which covers most of the village, including older parts of the settlement close to the appeal site. This part of the CA contains a high concentration of well-preserved vernacular buildings that broadly follow the gently curving street and course of the River Eye. The natural and spacious qualities of the central stream, grass verges and mature trees combine to enhance the rural characteristics of the settlement. Their interrelationship with the honey-coloured traditional buildings provides a visual harmony that is particularly picturesque and recognisably rooted in the Cotswolds. Hence, part of the significance of the CA is derived from the historic built form and traditional materials found in the attractive, largely vernacular village streets, which includes the appeal site.
14. Lavandula is apparent from Becky Hill and the footbridge opposite that crosses the River Eye. Consequently, the appeal site makes a notable positive contribution to the distinctive character and appearance of the CA as a whole.

The effect on the listed building and CA

15. The proposed works and development would introduce an L shaped, single storey, flat roofed, largely glazed corridor link between the main house and ancillary outbuilding.
16. The boxy form of the corridor, and use of expansive glazing is intended to read as an overtly modern addition to the listed building. Whilst such a contemporary approach can sometimes be successful, in this instance there are aspects of the proposals that would be harmful to the traditional vernacular architecture of the listed building. Consequently, they would dilute an important component of its special interest and significance. I say this for the following reasons.
17. Firstly, the length of the addition would be disproportionate to the modest scale and character of the main house. The initial section would run adjacent to a considerable proportion of the western elevation of the cottage, which remains largely unaltered. Therefore, despite the glazing, the structure would, to a degree, conceal rather than reveal its architectural and aesthetic interest.
18. In addition, it would stretch across the gap between the cottage and the outbuilding, spanning a distance that is broadly equal in width to each structure. Consequently, the overall size of the addition relative to the modest proportions of the listed building would be out of balance. In combination with its overtly modern form, this would result in it having an uncharacteristically stark appearance that would harmfully undermine and distract from an important elevation of the cottage and prominent spacing between it, and the outbuilding.
19. In this respect my findings are reinforced by paragraph D.30 of the Cotswold Design Code contained in Appendix D of the Cotswold District Local Plan 2011-2031, August 2018 (LP). It states that on many listed buildings, in some prominent locations, or within consistently historic and traditional village and town street scenes, a contemporary building may appear too starkly out-of-keeping.
20. I acknowledge that the appellant has given considerable thought to the route and nature of the addition to avoid interference with original historic fabric.

Moreover, factors, such as the use of glazing are intended to make the addition appear lightweight. Nevertheless, the structure would not be invisible, as the glazing would have a discernible physical presence and reflectivity and the flat roof and associated stone walling would be more substantial. Even if it would be relatively easy to dismantle the walkway, it is intended to be a permanent alteration. Hence, whilst these factors would limit the degree of harm arising from the addition, I cannot agree that the effect would be neutral.

21. In addition, the physical connection of the presently separate structures would erode the clear building hierarchy within the plot, which is in part defined by their configuration with an intervening gap. Although there are other characteristics that also signal the hierarchical relationship, that would not negate some harm arising from the loss of the tangible historic separation.
22. The appellant highlights that the outbuilding has already been extended, and describes the garage structure as inconsistent, and one which detracts from the hierarchical relationship¹ between the two structures. Be that as it may, in these circumstances it becomes more important to avoid blurring that hierarchy further.
23. Reference is made to the use of planted trellises, which the appellant indicates could be used to partially shield the proposed walkway in views from Becky Hill. However, I am not convinced such an approach would be consistent with the Act or national heritage policy, whereby there is a strong presumption to firstly avoid harm to the special qualities of designated heritage assets. In any event, partial shielding would not negate the harm identified altogether.
24. My attention is drawn² to a permitted glazed link at Greystones which lies across the road from the appeal site, as well as a glass extension at Brook House. Nevertheless, the limited information provided in relation to those examples does not fully explain the nature or context of those extensions, and therefore, inhibits a comprehensive comparison with the appeal scheme. From the evidence that is supplied, there appear to be notable differences. The glazed link at Greystones appears proportionately smaller relative to the dwelling. The internal photograph of Brook House relates to a conservatory which is different in scale and form to the appeal proposals. Consequently, it is not demonstrated that these examples are directly comparable. Whilst I have credited them with limited favourable weight, they ultimately do not lead me to a different view in relation to the merits of the case before me.
25. The appellant contends that the Council have taken a dogmatic approach to conservation which prevents the incorporation of changing residential standards. Nevertheless, the National Planning Policy Framework (the Framework) sets out a clear process for decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance. This is the approach that has informed my determinations.
26. Taking the above factors together, the proposals would have an unsympathetic and discordant effect on the listed building which would fail to preserve its special interest. Conflict would therefore arise with sections 16(2) and 66(1) of

¹ Paragraph 7.9 Appellant's Heritage Appeal Statement prepared by Ridgeway Heritage Consultancy

² Appellant's email dated 25.7.24

the Act. In terms of the CA, the proposals would weaken the positive contribution made by the listed building to the wider area. As such, it would neither preserve nor enhance the character and appearance of the CA as a whole. Therefore, conflict would also arise with section 72(1) of the Act.

27. In terms of the Framework, the listed building and the CA are designated heritage assets. For the reasons outlined, the proposals would cause harm to the significance of both. Paragraph 206 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Given the relatively minor nature of the proposals, the degree of harm to the significance of each heritage asset would be less than substantial. In these circumstances, paragraph 208 of the Framework indicates that this harm should be weighed against the public benefits of the proposals.

Heritage balance

28. Planning Practice Guidance³ advises that public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. The appeal scheme would primarily benefit existing and future occupants of Lavandula by providing more convenient and comfortable access to ancillary accommodation in the outbuilding. However, I accept that in broad terms, raising levels of comfort in listed buildings can be in the public interest as it improves their usability. Nevertheless, the degree of such benefit in this instance would be small. Similarly, given the minor scale of the scheme, any economic benefits arising from its construction would be very modest.
29. Balanced against this is the great weight⁴ carried by the less than substantial harm to each designated heritage asset. Hence, I find that the sum of public benefits would not be sufficient to outweigh the less than substantial harm to the respective significance of the listed building and CA. Conflict therefore arises with the historic environment protection policies within the Framework.
30. I further find that there would be conflict with policies EN2, EN10 and EN11 of the LP, insofar as these encourage proposals to comply with the Cotswold Design Code, respect the character and distinctive appearance of the area and sustain or enhance designated heritage assets.

Drainage and flood risk

31. Amongst other things, policy EN14 of the LP requires development to avoid areas at risk of flooding, minimise flood risk and incorporate a Sustainable Drainage System. Refusal reason 2 on the Council's decision notice for Appeal A states that these were not sufficiently demonstrated.
32. Parts of the appeal site lie within Flood Zones 2 and 3, and there have been recent incidents of flooding at the property. However, the walkway would be in Flood Zone 1⁵, an area at lowest risk, which generally accords with the sequential approach advocated in local and national policy.
33. In addition, the appellant explains that a flood water mitigation drainage scheme has been designed for the appeal site and separately approved (under

³ Paragraph: 020 Reference ID: 18a-020-20190723

⁴ Paragraph 205, National Planning Policy Framework

⁵ Response of Council's Consenting and Enforcement Engineer

reference 22/01105/FUL). In broad terms, this allows for a land drainage system consisting of granular soakage trenches, land drains and soakaways to convey surface and ground water from the rear to the front of the site. However, the related drawing (reference TD L0) and schematic provided do not explicitly refer to the proposed walkway as part of the details.

34. It is intended to connect runoff from the proposed linking corridor via guttering and downpipes to two existing gullies attached to the rainwater system serving the existing ancillary outbuilding. These feed into existing soakaways, and the two gullies would be connected to the approved land drainage system.
35. There is little substantive evidence to find that the probable small amount of runoff arising from the proposed development could not be satisfactorily accommodated by the approved land drainage system. In these circumstances, further details to verify that point could be required by planning condition. Such an approach would be consistent with paragraph 55 of the Framework which stipulates that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
36. Accordingly, I am satisfied, that with the application of an appropriate condition, the development would have an acceptable impact in terms of drainage and flood risk. On that basis, I find no conflict with policy EN14 of the LP.

Conclusions – both appeals

37. Even though I did not find harm in relation to the second issue for Appeal A, I have found that the works and development would conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified.
38. In relation to Appeal A, material considerations do not indicate that I should make a decision other than in accordance with the development plan.
39. Therefore, for the above reasons, I conclude that both appeals should be dismissed.

Helen O'Connor

INSPECTOR