



Appeal Decision

Site visit made on 26 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/C1625/Y/24/3340151

Brookthorpe Court Farmhouse, Stroud Road, Brookthorpe with Whaddon, Gloucestershire GL4 0UJ

- 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 A and Mrs A Munarriz against the decision of Stroud District Council.
 - The application Ref is S.23/1946/LBC.
 - The works proposed are described as Demolition part conservatory; reconstruction as dayroom, internal alterations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr A and Mrs A Munarriz against Stroud District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the proposed works in the above header is taken from the original application form. The description in the Council's decision notice and the appeal form is stated as *Partial demolition of conservatory and erection of single storey extension*. Whilst that more clearly describes the external works, that in the header also includes reference to the associated internal works. I have determined the appeal on that basis.
4. Amongst the plans submitted with the appeal are Drawing Nos 5C and 10. These appear to show amendments to the proposal comprising the removal of steps serving the external side access to the proposed dayroom, and resultant re-landscaping of that external paved space. However, notwithstanding the plans pre-dating the Council's decision and reference to Drawing 10 having been submitted in January 2024, this appears to represent a change to the proposals that the Council considered at the application stage. The Council and any interested parties may therefore be prejudiced were I to take these amended drawings into account, and the appeal process should not be a forum for evolving a scheme. I have therefore not taken account of Drawings 5C and 10 in my considerations and decision.
5. The Council also refers to both Drawings 5A and 5B as having been considered at the application stage and are for consideration in the appeal. However, I note that drawing 5B supersedes 5A and I have determined the appeal on that basis.

6. The submitted plans also indicate the provision of an external new entrance door/screen into the proposed enlarged utility room; and an alteration to the existing window opening into what is annotated on the plans as the kitchen, comprising the creation of a new doorway. However, those external works are not included in the descriptions referred to above. As such, the Council and any interested parties could again be prejudiced were I to consider these elements as part of the proposals relating to this appeal. Furthermore, I note that the submitted elevation drawings do not include that of the new entrance door referred to above. I have therefore not taken those specific works into consideration in this decision.
7. Furthermore, there is a significant discrepancy between Drawing Nos 4C and 5B, whereby the latter shows the proposed complete removal of the wall between the existing utility room and lobby, unlike the former which maintains the existing doorway between those two spaces. That wall is external to the existing open lobby area, and therefore again, not an internal alteration. Given the description of the proposed works not including reference to such external works, I have based my decision upon the proposed detailed layout shown on Drawing 4C rather than that on the element of Drawing 5B described as 'proposed hard landscaping'.
8. The submitted plans do not include an elevation drawing to show the shortest of the proposed dayroom's elevations, which would abut the existing courtyard-facing elevation of the utility room. I shall address this later in my decision.
9. I note that only an appeal against a refusal to grant listed building consent under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) has been submitted. Even if I were to have allowed this appeal, it would still have been necessary to apply for and gain planning permission for the proposals.
10. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Main Issues

11. The main issues are:

- i) whether the proposed works would preserve the significance of the Grade II* listed building known as Brookthorpe Court (Ref: 1304418) (the LB), and any of the features of special architectural or historic interest that it possesses; and preserve the settings of the Grade II* listed Church of St Swithin and Grade II listed Old Vicarage;
- ii) the effect of the proposed works in respect of biodiversity, in particular relating to European protected species comprising bats.

Reasons

Listed Building

12. The LB derives its significance from its original late 16th century form and subsequent 17th and 19th century extension and alterations, and including its

close connection with the neighbouring Grade II* listed Church of St Swithin. Those two buildings can also be seen together from various directions, including from the access drive serving the LB and other properties.

13. Significant features of the LB include its coursed, squared, and random rubble limestone main elevations with half-timbered cross wing and stone slate roof. Prominent features on the main north and south elevations are its matching gables the easternmost in each case being half-timbered.
14. The LB has been subdivided into two dwellings, one retaining the name of Brookfield Court with the other relating to Brookfield Court Farmhouse. Those gables on the north elevation, referred to above, now appear to relate solely to Brookthorpe Court. Furthermore, Brookfield Court Farmhouse has been prominently extended on its northern side with a relatively modern conservatory, which I understand does not have any consent. It is also in a poor condition, including some signs of rotting timber. That extension does not therefore have any particular significance in the context of the LB, but rather is a somewhat detracting feature, albeit located where it appears previous utilitarian type buildings had been before. The conservatory forms an extension to an existing utility room which itself is of a more utilitarian form than the LB generally, built with red brick and a plain tiled roof.
15. Despite the various alterations and subdivision, including significant external boundary treatment dividing the two properties, the LB maintains a high degree of historic and architectural integrity. The front boundary subdivision on the northern side of the LB also serves to isolate, and highlight to some extent, those prominent gables relating to Brookthorpe Court, particularly given the protruding presence of the conservatory extension to Brookfield Court Farmhouse.
16. The proposed replacement extension would occupy the same space as the existing conservatory, albeit with a small additional corner section. It would still therefore be prominently positioned in front of the main LB. However, it would be in that location where it appears historically there have been ancillary, utilitarian type buildings, and now segregated from the distinctive gable fronted part of the LB comprising Brookthorpe Court by that boundary treatment referred to above.
17. The proposed brick walls of the extension would differ from the characteristic limestone of the LB generally. However, in the context of the retained utility room, to which it would adjoin, that would not be an alien feature, along with the intended plain tile roof, both of which are intended to be as existing. Such brick type and associated mortar could also be secured through the submission of details via a condition, were the appeal allowed.
18. Furthermore, the extension's roof height would be minimised by the proposed flat roof element at its highest point, such that it would not be substantially higher than that of the utility room. Like the existing conservatory, it would also be set away from the main LB elevation. As such, whilst it would still partly screen that elevation as seen particularly from the driveway access, the extent of its effect would be minimised.
19. In conjunction with the proposed extension, it is proposed to re-landscape the existing courtyard. That would include re-laying the existing stone paving in relation to the proposed introduction of steps up from the extension's side

- doors and then up to the higher section of the courtyard nearest to the main house. In the context of the existing paving and low wall to the front of the courtyard, such works would not be prominent or alien features.
20. For clarity, from the Appellants' submissions, the intention is to retain the existing brick chimney stack above the utility room. Although it is not shown on Drawing 4C, it is clearly shown as retained on Drawing 5B, albeit appearing to be differently referred to as a brick chimney or flue. Its position is also shown incorrectly on the 'proposed hard landscaping' element of that drawing, as I verified at my site visit and as shown on photographic evidence submitted. Nevertheless, I am satisfied that there is sufficient evidence to demonstrate that the chimney would be retained as existing, and I have determined the appeal on that basis.
21. Furthermore, the existing modern metal flue, positioned close to the brick chimney stack, would be removed in connection with the proposals. Given its height and existing shiny metal finish, it currently has a jarring effect in relation to the LB. As such, the removal of this modern addition would be of benefit to the LB's integrity.
22. In terms of the setting of the Grade II* listed Church of St Swithin, the proposed works would be on the opposite side of the LB from the church and so not clearly seen from its grounds, albeit likely to be partly glimpsed over the gated gap between the LB and associated garage/barn. Nevertheless, particularly from the access drive serving the LB, and to varying extents from the properties associated with that driveway, the church would be clearly seen together with the proposals. However, those factors referred to above, together with the degree of physical separation, would be likely to ensure the preservation of the listed church's integrity as a heritage asset. Additionally, due to a further degree of separation and intervening buildings, the works concerned would not harm the setting and integrity of the Grade II listed Old Vicarage located beyond the church to the south-east.
23. Notwithstanding my findings above, importantly, as referred to previously, the submitted plans do not include an elevation drawing to show the shortest of the proposed dayroom's elevations, which would abut the existing courtyard-facing elevation of the utility room. I acknowledge that this elevation would not be clearly visible from outside of the site. However, and having regard to paragraph 207 of the Framework, in the absence of such a drawing, I am unable to fully and properly consider the appearance of that element of the proposals and how it would relate to the retained building, and hence the effect on the integrity of the LB.
24. As such, for the above reasons, I cannot be certain that the proposed works would preserve the significance of the LB, and features of special architectural or historic interest that it possesses. I cannot therefore be certain that the proposals would accord with the requirements of section 16(2) of the Act; policy ES10 of the Stroud District Local Plan, November 2015 (the Local Plan) which seeks to preserve, protect or enhance the District's historic environment; and Paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.
25. As I have not been able to fully assess the effect of the proposed works on the integrity of the LB, having regard to paragraphs 212 to 215 of the Framework,

I am therefore unable to weigh any potential harm to the LB against any public benefits of the proposals.

Biodiversity

26. I note that it is disputed as to whether additional bat surveys were needed prior to the Council's decision. Nevertheless, such further survey work has now been undertaken, set out in a Bat Assessment by Noctua Ecology, dated 18 September 2024 and submitted during the appeal process. Whilst this represents additional new evidence, the Council was given an opportunity to comment on it, and as such, would not be prejudiced by it being taken into consideration in my decision.
27. The assessment included a dusk bat roost survey of the utility room and found there to be no evidence of roosting, albeit acknowledging that bats are transient animals and that where suitable potential roost features remain, they could be used in the future. As a result of the survey work it is considered that the site nevertheless supports common pipistrelle foraging and commuting activity, with occasional individual commuting bats of other species. However, such activity would not be affected by the proposed works.
28. I have no substantive basis to find differently to the findings of the above assessment and as such conclude on this issue that the proposed works would not have a harmful effect in respect of biodiversity, in particular relating to European protected species comprising bats. As such, the proposals would accord with policy ES6 of the Local Plan which, amongst other things, requires the protection of European Protected Species from any adverse effects of development.

Conclusion

29. Whilst I have found that the proposed works would not have a harmful effect on bats, for the reasons given above relating to the first main issue, concerning the absence of a drawing for one of the elevations of the proposed extension, the appeal should be dismissed.

A Dawe

INSPECTOR