



Appeal Decision

Site visit made on 22 October 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2024

Appeal Ref: APP/W2845/D/24/3349230

1 Canalside Cottages, Bridge Road, Stoke Bruerne NN12 7SE

- 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 Cat Murray against the decision of West Northamptonshire Council.
 - The application Ref is 2023/7529/FULL.
 - The development proposed is described as 'create small removable decking area to the front of the property to create a seating area'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description on the application form includes additional background information that is not a description of development. In the interests of conciseness and accuracy, I have therefore used the first sentence of the description which adequately explains the development.
4. As is depicted on the 'As built site photo' on the 'Proposed Plans and Elevation' drawing (279-007 Rev P01), the development is already in situ, albeit the 'black timber planter' was not in place at the time of my site visit. In any case, I have considered the appeal on the basis of the that planning permission is being sought retrospectively.
5. The Council's decision notice cites harm to the Grand Union Canal Conservation Area (GUCCA). However, the Council have also submitted documents for the Stoke Bruerne Conservation Area (SBCA). Figure 1 in the Stoke Bruerne Conservation Area Appraisal and Management Plan (2016) (SBCAAMP) states that the area of the GUCCA where the appeal site is located is not part of the SBCA. This is different to page 35 of the SBCAAMP which states that the importance of the canal to Stoke Bruerne cannot be underestimated hence its inclusion within SBCA. Due to this ambiguity and in order to comply my statutory duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, my recommendation takes into account both of these conservation areas.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, the Waterways Museum, and whether it preserves or enhances the character or appearance of the Grand Union Canal Conservation Area (GUCCA) and the Stoke Bruerne Conservation Area (SBCA).

Reasons for the Recommendation

Effect on the character and appearance of the local area including the settings of the identified heritage assets

7. The Grand Union Canal Character Appraisal and Management Plan (2014) (GUCCAMP) identifies that the key positive features of the GUCCA include the attractive village setting to the Canal including the designated SBCA, as well as the activity generated by the busy hub of the WM, two public houses, locks, boat related activities and pleasant views. The GUCCAMP also identifies the group of three-storey cottages that the appeal site forms part of as significant buildings in this area and includes them in its schedule of proposed locally listed buildings within Appendix 3.
8. The appeal site also sits within a stretch of the GUCCA which is overlapped by the SBCA. The SBCAAMP identifies the site as within its Character Area 3. The historic environment of this area includes late eighteenth and early nineteenth century buildings and infrastructure on the west side of the canal and later nineteenth century buildings on the east side. The characteristics of the area include the linear development set around the canal, the vernacular style of buildings and the ensemble of historic canal side buildings built within the core of the medieval village after the construction of the canal. The prevalent building materials are identified as a mixture of limestone and red brick.
9. The group of cottages that 1 Canalside Cottages (No 1) forms part of also neighbour the Grade II listed building known as the Waterways Museum (WM) with No 1 the closest cottage to the WM. The significance of the WM derives from it being a nineteenth century former mill on the canal side and being one of the earliest buildings in this area. The WM is of a dominant height and is the terminus building at the end of the row of cottages, such that the eye is drawn towards it along the towpath which together with its traditional appearance and vernacular materials, including course squared limestone and a ridged tiled roof, make for an attractive composition.
10. From my own observations, the general consistency in the cottages including No 1 in terms of their traditional design, their horizontal emphasis, the general alignment of their front elevations including with neighbouring buildings, their vernacular materials and the unobtrusive, low lying, informal parts of their frontages are unifying elements which make a positive contribution to the character and appearance of the local area, including to the immediate settings of the GUCCA, SBCA and the WM which adds to the significance of the respective heritage assets.
11. As the raised decking area is formed of brown timber boards with linear grooves and is of a rudimentary construction, it appears overtly modern. Its formal arrangement, raised height and forward projection from the principal

elevation of the cottages and the WM draws attention to the decked structure. Consequently, and due to its very public position alongside the canal towpath and next to the immediate foreground of the WM, the development unacceptably detracts from the general high quality and prevailing traditional building forms of the vernacular and is harmful to the character and appearance of the locally listed building and the settings of the CAs and the WM.

12. At the time of my visit, the previous 'black timber planter' had been replaced with 'reclaimed lock balance beams'. This is not shown on the proposed drawings. Even if it was, this does not obviate the harm arising from the development's unsympathetic form and materials in a highly visible position alongside the canal towpath.
13. I also saw on my site visit that there is a raised outdoor seating area fronting another section of the wider cottage terrace. The Council's Officer Report suggests that this does not benefit from planning permission and the appellant has not provided any evidence to dispute this. In any case, it is not formed from timber decking. Therefore, it is not the same and does not justify the specific harm which results from the appeal development.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66(1) of the Act states that special regard shall be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.
15. For the reasons set out the development does not preserve or enhance the settings of the GUCCA, the SBCA or the WM and has resulted in less than substantial harm to their settings. In accordance with the requirements of the National Planning Policy Framework (the Framework), less than substantial harm should be weighed against the public benefits of the development including, where appropriate, securing its optimum viable use.
16. The application form indicates that the decking covers 'a current mouldy and quite unpleasant set of stairs to the basement level' that is 'no longer needed'. The appellant suggests that the intention is to use the host property as a holiday cottage and that the development has provided an outdoor space for occupiers to enjoy the canal outlook and vibrancy of the area thereby contributing to the local economy and visitor experiences relating to the canal.
17. However, for the reasons set out, covering the stairs with decking does not reflect the character or appearance of the locally listed building or the local area. Moreover, there is nothing to suggest that without the decking the appeal property would not be desirable for visitors. The development therefore results in no more than a modest public benefit and this is not sufficient to outweigh the less than substantial harm to the identified settings and the great weight I must apply to the heritage assets in line with Paragraph 205 of the Framework.
18. I conclude that the development fails to preserve the setting of the nearby Grade II listed building, the Waterways Museum, and the character or appearance of the Grand Union Canal Conservation Area and the Stoke Bruerne Conservation Area. In this regard, it fails to satisfy the requirements of the Act and conflicts with Policies BN5 (The Historic Environment and Landscape) and

R1 (Spatial Strategy for the Rural Areas) of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) and Policies SS2 (General Development and Design Principles), HE1 (Significance of Heritage Assets), HE5 (Listed Buildings) and HE6 (Conservation Areas) of the South Northamptonshire Part 2 Local Plan 2011-2029 . Together these policies require development that will not adversely affect built heritage, that development preserves the setting of listed buildings and that in conservation areas it respects the character or appearance of the area and preserves or enhance the significance of the asset.

Other Matter

19. I have seen that there is some third-party support for the development. However, this does not overcome the harm identified under the main issue.

Conclusion and Recommendation

20. For the reasons given above, I recommend that the appeal should be dismissed since it conflicts with the statutory presumptions under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR