



Appeal Decision

Site visit made on 8 January 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal Ref: APP/J0405/D/24/3340577

51B High Street, Whitchurch, Aylesbury, Buckinghamshire HP22 4JA

- 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 Alec White against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/02324/APP.
 - The development proposed demolition of existing garage. Erection of additional first floor and rear lower ground extensions.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Alec White against Buckinghamshire Council – North Area (Aylesbury). That application is the subject of a separate Decision.

Preliminary Matters

3. As the proposal is in a conservation area and would affect the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and amended on 7 February 2025. It is a material consideration in the determination of the appeal but, as the changes are not directly relevant to the main issue, I am satisfied that the interests of the main parties will not be prejudiced by the changes.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of listed buildings comprising: the Grade II* “Priory Hotel” (Ref: 1159973) and “The Old House and attached garden walls” (Ref: 1332786) and Grade II “Stable Block 20 metres south east of The Old House” (Ref: 1124308), “62-68, High Street, 1 and 2, White Horse Lane” (Ref: 1332751) and “Melbury Cottage” (Ref: 1332789); the setting of a Scheduled Monument “Bolebec Castle, a motte and bailey castle 300m west of St John’s Church” (Ref: 1009536) (the SM); the effect on the setting of The White Horse non-designated heritage asset (NDHA); and the extent to which it would preserve or enhance the character or appearance of the Whitchurch Conservation Area (the CA).

Reasons

The Conservation Area

6. The CA encompasses the medieval and historic settlement of Whitchurch, including High Street, Market Hill and Oving Road areas, as well as Bolebec Castle. It is a largely linear rural settlement characterised in large part by closely spaced buildings in narrow plots. Buildings are varied and include simple cottages and modest terraced properties, semi-detached and, more rarely, higher status detached dwellings and former public houses. External materials include rubble stone, brick, timber frames, render and weatherboarding, with generally steeply pitched tile and slate roofs. The significance of the CA, insofar as is relevant to the appeal, relates to the vernacular building styles and materials.
7. No 51B and No 51A are mid 20th century detached single storey dwellings with shallow pitched roofs, separated from one another by single storey flat roof garages. They are set back from the street behind the prevailing building line and at a lower ground level than buildings to either side. They are finished in brick, with large uPVC windows and concrete roof tiles and No 51B has a large hardstanding frontage. Neither property has any historic or architectural merit and they are discordant and incongruous features in the historic townscape. Notwithstanding that views of open countryside are afforded across its rooftop, No 51B makes a negative contribution to the character and appearance of the CA.
8. The proposal would significantly increase the size and scale of No 51B, resulting in a substantially large and long building with a 2-storey front and 3-storey rear elevation. From the front, its set back from the street and its shallower roof pitch and lower ridge line than nearby 2-storey buildings would help mitigate its large scale. The visual massing would also be disrupted by the stepped front elevation and roofline, partial width jetty, and the partial timber framing with herringbone brick infill in the otherwise rendered frontage.
9. The frontage design and detail would suggest the appearance of semi-detached dwellings, such as would be more in keeping with the prevailing scale of historic buildings and burgage plot development locally. While the proposal would be more prominent in the streetscene than the appeal dwelling, the architectural details and materials would reflect the surrounding historic built environment. The frontage would be more harmonious and it would better relate to local distinctiveness and sense of place than does the existing 1970s bungalow.
10. The increased height of the proposal would interrupt the limited views from High Street towards the surrounding wooded countryside. However, the view across No 51B is not an important view in the Whitchurch Neighbourhood Plan 2020-2040 (the NP). Notwithstanding that the appeal site was open prior to construction of No 51B, there is little substantive evidence that it is a key view in or out of the CA. Taking into account the baseline, the proposal would not result in the loss of an important gap nor sever the link between the settlement and its rural surroundings.
11. The rear elevation and rear roofscape of the proposal would also be stepped and incorporate traditional materials. However, by virtue of its length, 3-storey height and somewhat shallow main roof pitch, the rear would be substantially large and out of scale with the more modest 2-storey historic dwellings to either side. The ground floor gable end extension would be a wide feature with a shallower roof pitch than the main roof gable or nearby historic gables. There would be a large

window with Juliet balcony at first floor and at ground floor there would be large glazed openings to either end of the elevation. The lower ground floor would be substantially glazed. Irrespective that some higher floor windows would be modest in size, overall the extensively glazed rear would be overtly contemporary and out of keeping with the historic townscape.

12. Rear elevations of buildings may be less formal than frontages, particularly where they are not prominent in the townscape. In this case, the rear would not be visible from High Street. However, the 3-D views illustrate that the proposal would be clearly visible in juxtaposition with surrounding historic buildings when viewed from the land to the rear. Vegetation, including mature trees, would provide some screening during the summer months. However, at times of year when trees were not in leaf, the rear of the proposal would be conspicuous. Moreover, the rear would be dominant and visually obtrusive throughout the year during low light conditions and overnight due to the extensive light spill and modern glazing.
13. I have considered whether the adverse visual impact could be mitigated by planning condition. However, the concerns relate not only to the window materials but also to the size, style and extent of openings and the dominance of the rear. I note the suggestion that the extensive rear glazing is necessary to compensate for the reduction in the size of the existing windows in the front elevation. However, there is little substantive evidence that adequate internal levels of natural light could not be achieved by a lesser extent of glazing. The harm could not be adequately mitigated by a condition securing details of the windows as illustrated on the plans.
14. Irrespective that there would be more limited public views of the rear than of the front, the rear would be visible in the townscape from the public realm and also from private land. While No 51B is a discordant and low quality building, its rear is nevertheless considerably more modest in scale and less visually obtrusive than the proposal. Consequently, while the proposed frontage would be more in keeping with the historic built environment, by virtue of its scale, prominence and overtly contemporary rear, the proposal in its entirety would be capable of harming the wider character and appearance of the CA.

Listed buildings and non-designated heritage assets

15. The Old House dates from the 15th century, being a substantial detached building finished in coursed rubble stone with an old tile roof and brick chimneys. It sits in an elevated position above High Street and it occupies a large mature plot enclosed by a rubble stone garden wall, part with tiled coping. Stable block 20m south-east of The Old House is set back from High Street in the grounds of The Old House. It is a low single storey brick building with a hipped tile roof that dates from the mid 18th century, formerly a stable block but now in use as a garage and store. Taking into account their set back, separation and screening, the proposal would not adversely affect the settings of these LBs.
16. 62-68, High Street, 1 and 2 White Horse Lane dates from the mid to late 18th century and it comprises a row of modest cottages and a 20th century shop, with a rear wing now 2 cottages. It has a 4 bay, 1 and a half storey front range, finished in coursed rubble stone with a tiled roof and brick chimneys. The early frontage opens onto the footway which, together with the surrounding built environment, comprises the setting of the LB. Taking into account the distance between the LB and No 51B,

and the intervening road, the proposal would not have a material impact on the setting of this LB, thereby preserving its special interest.

17. The NDHA is a double-fronted brick building on a stone plinth and its rendered front elevation was substantially rebuilt in the early 19th century. It is set back from the road and it lies beyond 62-68 High Street. By virtue of its separation and siting, the proposal would not be viewed in juxtaposition with it and would not detract from the village street setting of the NDHA.
18. Bolebec Castle SM is a motte and bailey castle dating from the 12th century. The masonry castle is long gone, but it remains a largely undisturbed and complete example of a medieval fortification. Its setting, insofar as it relates to the appeal, is associated with its prominent siting and relationship with the medieval settlement. The proposal would disrupt views from High Street towards the SM, but the SM is not readily legible in these views. By virtue of its wide separation, the intervening tree cover and its relatively small scale in context, I find that the proposal would not detract from the significance of the SM as a well-preserved example of a motte and bailey castle that contributes to the understanding of Norman Britain and the development of the feudal system.
19. The Priory Hotel is a 15th century timber frame with brick infill building on a coursed rubble stone plinth. It is a 2-storey building with a 6 bay frontage and a jettied first floor. It was originally a courthouse, later used as a priory and it was a hotel in the 20th century. For the purposes of the appeal, its setting comprises its prominent location in the medieval settlement and relationship to surrounding historic buildings, which contributes to its special interest as a high status medieval building. No 51B is a negative feature in this context.
20. The neighbouring property, Melbury Cottage, is a detached house dating from the 17th century. It is a 2-storey with attic dwelling, with a subservient 2-storey bay to the rear. It has a steeply pitched roof, and it is part timber-framed with rendered infill and part rendered brick. No 51B makes a negative contribution to the setting of the LB and detracts from its special interest as a modest early vernacular dwelling.
21. The proposed frontage details and materials would be more sympathetic to the historic surroundings than is the 1970s bungalow. Nevertheless, there would be a conspicuous increase in the bulk of development in the settings of both Melbury Cottage and The Priory Hotel. In this regard, by virtue of its close proximity, scale and prominence, including the large and contemporary rear, the proposal would dominate and detract from Melbury Cottage. The proposal would disrupt intervisibility between The Priory Hotel and Bolebec Castle site, but the SM is hidden from view by mature trees and, looking back, only the uppermost part of The Priory Hotel is visible above No 51B. Nevertheless, by virtue of its large scale and overtly modern appearance, the proposal would be dominant and urbanising development that would detract from the historic setting of The Priory Hotel.

Heritage conclusion

22. The proposal would not harm the settings of The Old House, Stable Block, 62-68 High Street, Bolebec Castle or the White Horse (former public house). However, by virtue of its scale, dominance and contemporary rear, the proposal would not preserve the settings and thereby the special interest of The Priory Hotel and Melbury Cottage, neither would it preserve the character and appearance and

thereby the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of the appeal.

23. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 advises that the significance of an asset can be harmed or lost through development within its setting and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be towards the lower end of less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
24. As negative features in the CA and the setting of nearby listed buildings, the removal of the low quality bungalow and garage would be a modest public benefit. There would be limited economic benefits in the short-term during construction. Increased energy efficiency would contribute to the aims of the Framework in relation to climate change mitigation but, in the absence of substantive information in this regard, this carries little weight. The enhanced living space would be a private benefit. The collectively limited public benefits are not sufficient to outweigh the harm that I have found, taking into account the considerable importance and weight that must be attached to that harm.
25. Given the above, I find that on balance the proposal would fail to preserve the setting of the Grade II* listed building The Priory Hotel, the Grade II Melbury Cottage and the character and appearance of Whitchurch Conservation Area would be neither conserved or enhanced. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and conflict with policies BE1 and BE2 of the Vale of Aylesbury Local Plan (VALP) 2013-2033 Adopted September 2021 and policy W4 of the NP which require among other things that proposals conserve heritage assets, having regard to local distinctiveness and respecting the form and proportions of the surrounding area. As a result, the proposal would not be in accordance with the development plan.
26. However, I have not found conflict with Code BH 02 of the Respect Setting within the Whitchurch Design Guidelines and Codes Report. This is because the proposal would not significantly diminish an important view to the surrounding countryside and into the parish.

Other Matters

27. The Council did not consult Historic England in relation to the planning application, specifically the effects on the setting of Grade II* listed buildings and the SM. However, Historic England considers that the Council's in-house conservation advice is sufficient to inform determination of the application. This weighs neither for nor against the scheme.
28. The Council did not determine the planning application within the prescribed time period. Moreover, it declined the appellant's invitations to meet on site to discuss the scheme during the processing of the application. However, there is little evidence that the Council's decision was made without due consideration of the scheme in its wider context, taking into account that the Council's conservation consultee made a site visit in September 2023. The appellant's concerns around the processing of the application do not weigh in favour of the scheme.

Conclusion

29. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
30. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR