



Appeal Decision

Site visit made on 3 February 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/W2845/W/24/3351865

The Old Manse, 29 Mill Lane, Kislingbury, West Northamptonshire NN7 4BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Clucas against West Northamptonshire Council.
 - The application Ref is 2024/0335/FULL.
 - The development proposed is erection of a 2 storey side extension to the west gable end elevation, a 2 storey rear extension, additional rooflights and associated landscaping works.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary matters

2. The appeal was made on 13 September 2024, against the failure of the Council to determine the application within the statutory period. Once the appeal was made, the application was no longer with the Council for determination, so its 'Notice of Decision' dated 9 December 2024 purporting to refuse permission appears to have no legal effect. It does, however, provide a summary of the Council's reasons for objecting to the appeal proposal.
3. Three different sets of plans were submitted during the course of the application. The appellant asserts that the original plans remain the relevant plans for the appeal application, with the 2 additional sets of plans submitted for discussion only. Correspondence from the application process supports this view. I have furthermore seen no evidence that the Council publicised these subsequent sets of plans. The appellant also suggests that any of the 3 sets of plans could be approved, but I can only consider one appeal proposal. I therefore consider the appeal on the basis of the originally submitted plans dated 7 November 2023.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, with minor updates on 7 February 2025, all during the course of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Kislingbury Conservation Area and the setting of the nearby grade II listed building.

Reasons

6. The village of Kislingbury is made up of a network of lanes lined by buildings of various periods, materials and designs. Much of village, including Mill Lane, is designated as a conservation area. The Council's Kislingbury Conservation Area Appraisal and Management Plan (CAA) says that many of the buildings are constructed in a vernacular style and utilise the local ironstone, although red brick is also seen.
7. Mill Lane is aptly characterised by the Council's Conservation officer as a narrow, meandering road with an intimate character due to the enclosure provided by traditional walls and buildings, varying from 18th Century thatched cottages to 19th Century red brick cottages to modern dwellings. The Baptist chapel, at the junction of Mill Lane and Mill Road/Willow View, is an early 19th Century, grade II listed stone building set right up to the street.
8. No 29 is a red brick house sitting side on to the street and backing onto the listed chapel. Originally a modestly scaled building of simple form, it has been extended several times to the side and rear over the years, resulting in a much larger and more complex structure. It is not identified as a significant building by the CAA and its contribution to the conservation area is undermined somewhat by the rear extensions, which are prominent in views from Mill Lane, next to the chapel. It is nevertheless a good quality historic structure of typical vernacular style and proportions, so that it does contribute positively to local character.
9. The CAA advises that extensions to existing properties could, if not handled sensitively, pose a significant threat to the special character and appearance of the conservation area. The appeal proposal would add 2 storey extensions to the side away from the street and to the rear (raising an existing single storey extension), plus rooflights and other minor alterations. An equivalent application for the rear extension was approved by the Council in 2022. This would be broadly in keeping with the existing architecture, not significantly adding to or simplifying the complex built form at the back of the house. Its impact on local character and the setting of the adjacent listed building would be neutral.
10. The Council's main concern is about the proposed side extension, which would connect onto an existing 2 storey side extension and a single storey rear extension. A single storey side extension was approved here in 2022, with a low profile, a flat roof and roof lantern. The 2 storey extension would sit in much the same place but would be a much taller and bulkier structure, with a larger footprint. Its width at 2 storey height would also appear to be significantly greater than that of the original house. Although it would be of traditional materials and detailing, with a pitched roof, its height and deeper plan would mean that it would be an outsize addition to the house - both in terms of its proportions and the cumulative increase in scale, which would start to swamp the original building.
11. The proposed side extension would therefore be an unsympathetic addition to the house. It would be set back from the street, but would nevertheless be seen in views from Mill Lane, Willow View and the new residential development at Ballaster Gardens. Views from Mill Lane are at present partially screened by evergreen trees, but the extension would still be seen and the existence of the trees could not be relied on in the long term.

12. I note that the 2022 planning permission also allows for a detached 1.5 storey garage/annexe. The appellant suggests that this would not be needed if the appeal proposal is allowed. I have no information to confirm whether that planning permission is still extant, but if so then it would remain implementable in the absence of any planning obligation to the contrary. It cannot therefore be seen as an alternative to the appeal proposal, which falls to be judged on its own merits.
13. The proposed side extension would be set away from the listed chapel and would not be prominent in views of that building. Once again, I find no harm to the setting of that building.
14. The Council also raises concerns about the proposed rooflights. These would be small in scale and are fairly common features in the local area, so I find no harm.
15. I conclude that the proposed side extension, and the proposal taken as a whole, would harm the character and appearance of the conservation area, though there would be no harm to the setting of the adjacent listed chapel. The proposal thus conflicts with policy S10 of the West Northamptonshire Joint Core Strategy Local Plan Part 1, policies SS2, LH1 and SDP1 of the South Northamptonshire Local Plan Part 2, policies D1 and HE1 of the Kislingbury Neighbourhood Development Plan, the Framework and the advice of the South Northamptonshire Design Guide Supplementary Planning Guidance, which aim to secure high quality design that sustains and enhances the historic significance of heritage assets.
16. In coming to this conclusion, I give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the conservation area, in the terms of Framework paragraph 212, would be less than substantial, and towards the lower end of that broad scale. I nevertheless give great weight to this matter.
17. Framework paragraph 215 says that where a proposal would cause less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. I recognise that the proposal would improve the amount and standard of accommodation, helping in a small way to improve the local housing stock. I also note the appellant's submission that the proposal would increase natural surveillance of the street. Although this can be an important consideration, I find that the improvement here would be fairly minimal.
18. Weighing this up, I find that the public benefits would not outweigh the harm caused to the significance of a heritage asset, so that the test set out at Framework paragraph 215 would not be met. The proposal conflicts with the development plan for the area. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR