
Appeal Decision

Site visit made on 14 January 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/P0240/D/24/3343954

**Hockliffe House, The Old Chapel, Watling Street, Hockliffe, Central Bedfordshire
LU7 9NB**

- 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 A Tullett against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03599/FULL.
 - The development proposed is dropped kerb and create a driveway for one car to allow for wheelchair accessibility.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I learned from the current occupiers that the appellant had sold the property and no longer lived there. The appellant has since confirmed the appeal is to continue in their name. However, in the interests of fairness and natural justice the new owners/occupiers of the appeal property have had the opportunity to comment on the appeal, but no comments have been received.
3. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.
4. During the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework (and paragraph numbering) in reaching my decision.

Main Issue

5. The main issue is whether the development would preserve the setting of the Grade II listed building, known as the 'Congregational Chapel'¹ (hereafter the Chapel).

¹ National Heritage List for England: list entry number 1311367

Reasons

Special interest and significance of the heritage asset

6. The Chapel dates from the early 19th century. It is red brick with a first floor band and slate roof, circular headed windows and double doors with fanlight. There is a stone plaque in the gable that reads “Hockliffe Chapel 1825”. From the evidence and my observations, the special interest and significance of the listed building, insofar as it relates to this appeal, are largely derived from its historic and architectural interests as an example of a vernacular early 19th century chapel building. The building’s age, surviving historic fabric and limited external intervention, although now converted to a dwelling, make important contributions in these regards.
7. The special interest and significance of the asset are also derived in part from the surroundings in which it is experienced. The Chapel fronts the main road through the village and is part of the wider street scene. However, it is set back behind a low wall, metal railings, pedestrian gate and a grassed forecourt, and together with its relatively unchanged elevation as a Chapel, the setting is peaceful and the building has a quiet reverence and grandeur. The listed building and its heritage merit are further appreciated more intimately from within the grassed forecourt progressing up the stone pathway to the front door from the road. Hence these wider and immediate settings positively contribute to the special interest and significance of the listed building. The building also has group value with other buildings as part of the wider street scene along Watling Street, the principal road through Hockliffe.

Appeal proposal and effects

8. The proposal would see the creation of a parking space adjacent to the front door of the listed building. This would involve the formation of a dropped kerb on the pavement and the partial removal of a central section of the low front wall and railings to create a car-width opening. New 2.75m wide black metal gates would be installed, designed to match the existing railings. The grass and flagged stone path would be dug up and an MOT base and grids for grass to grow through would be laid to create a hard surface for the driveway and parking space. The stone path would be re-laid to the front door on a similar alignment and grass would be able to grow through the grids. Vehicles would then be able to drive across the forecourt area and park directly outside the front of the building.
9. The new gates would be more centrally positioned with respect to the front door but would remain off-centre with regard the frontage wall. The proposed reinforced base would allow grass to grow through the grids and retain some semblance of the grassed forecourt, and both could be driven over without the need to demarcate a separate driveway. The proposal would not involve loss of historic fabric to the Chapel building itself.
10. That said, the installation of double gates for vehicles and removal of part of the front wall would change the appearance of the Chapel frontage with the street. It would also change the proportions of the approach and frontage openings and reduce the pedestrian scale. Furthermore, the combined works to drop the kerb, the installation of wider gates and the parking of a vehicle in the forecourt in front of the building would be incongruous to the historic setting of the former Chapel, even

if a vehicle was not parked there all of the time. It would overtly urbanise the forecourt and reduce the authenticity of how the heritage asset is experienced and affect the ability to appreciate the building's significance. The proposal would thus erode and degrade the setting of the Chapel. For the reasons above, I conclude that the proposal would fail to preserve the setting of the Grade II listed building and would harm its significance.

11. National Highways have no objection to the formation of a dropped kerb and new vehicular access on to the A5, which is a trunk road. They recommended a number of conditions should the permission be granted. However, the Council's Highways Development Management Officer comments that one National Highways condition requires confirmation that when the gates are closed a car does not overhang the A5. From looking at the plans that indicate the size of a vehicle, there would likely be an overhang of the highway. This could have implications for the safe operation of the access and highway safety and could mean needing to set the gates back into the site, which would have implications for the heritage asset. Therefore this casts doubt as to the technical suitability of the formation of the proposed vehicular access.
12. The appellant draws my attention to a dropped kerb and off-road courtyard parking at the adjacent Gable End² and 3, 4 and 5 The Square. I saw that the courtyard parking is in the centre of an existing residential built form in an obvious domestic context. This is a very different setting and relationship to the forecourt of the Chapel, which according to the submitted evidence was purpose-built as a Chapel. Therefore I find the example is not directly comparable nor does it set a precedent for parking within the forecourt of the Chapel. In any event, I must consider the appeal on its own merits.

Public benefits and heritage balance

13. I have found the proposed development would cause harm to the significance of the heritage asset. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. With reference to paragraphs 214 and 215, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
14. Given the nature and extent of the development that has taken place and in line with the Framework, I find the harm to the significance of the listed building would be 'less than substantial'. Nonetheless this harm carries considerable importance and weight. Under such circumstances, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal.
15. There would be some short-term economic benefits to the wider local economy during the construction phase.
16. The proposal would remove one vehicle from parking on the street. However there is no substantial evidence to demonstrate that there is a shortfall of on-street parking or that the on-street parking situation is causing congestion and highway safety issues. I saw there was a layby in use for parking immediately adjacent the appeal site, and other newer development nearby either had its own parking or court parking.

² As stated on the name plaque for the property.

17. Moving the refuse bins away from the entrance gate closer to the house would have a marginal improvement on the visual amenity of the Chapel forecourt and street scene. However, the bins could be moved any time without the need to drop the kerb and provide an on-site parking space, such that any public benefit would be negligible.
18. The provision of a dedicated parking space for the use by a relative of the appellant who has suffered ill health would improve their accessibility, convenience and well-being. However, this is a private, not public benefit which I deal with under other matters below.
19. The property was first granted planning permission for the conversion into a residential dwelling back in 2001 and again in 2015, and remains in residential use today, having recently been sold to new owners. There is no substantive evidence before me that demonstrates that the proposed parking space is necessary to secure the continued use of the building as a dwelling or that the use of the building would be at risk if the appeal was to fail. In other words, the building is already in use as a dwelling and that use would not cease in the absence of the proposed vehicular access and parking space.
20. The weight I ascribe to the limited public benefits above are not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the significance of the listed building. Accordingly, the proposal would fail to preserve the setting of the Grade II listed building. As a result the proposal would fail to satisfy the requirements of the Act and the Framework.
21. The proposal would also conflict with Policies HQ1 and HE3 of the Central Bedfordshire Local Plan which together seek to ensure high quality design and that development, including hard and soft landscaping proposals, preserves the setting of designated heritage assets. The proposal would also be contrary to the guidance on development affecting the historic environment in section 5 of the Council's Design Guide³.

Other Matters

22. There are other listed buildings in the vicinity of the appeal site, particularly Nos. 3, 4, and 5 The Square, to which the statutory duty set out in section 66(1) of the Act also applies. They are a row of black and white timber framed cottages perpendicular to the road, but whose rear elevation forms the southern boundary enclosure to the Chapel forecourt. From the evidence and my observations, the special interest and significance of the cottages mainly stem from their architectural and historic interests, but are also derived, in part, from their townscape setting. The position, form and extent of the proposal would not diminish the authenticity of how the assets are experienced or affect the ability to appreciate their significance. On this basis, I find that the setting of the listed cottages would be preserved, and the significance of the assets would not be harmed. I note the Council did not raise this matter in its reason for refusal either.
23. The proposal would create a car parking space for wheelchair accessibility. I am bound to have due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The application was supported by limited evidence to support the appellant's personal circumstances, apart from a claim the

³ Central Bedfordshire Design Guide - August 2023

appellant's wife has been ill and a dedicated parking space would be practical and beneficial and would enhance accessibility, convenience and independence. However, no medical diagnosis, doctor's report or other medical records to substantiate the situation have been submitted. Nor is there any evidence to indicate the person is registered disabled, which is a protected characteristic for the purposes of the PSED. But moreover, the appellant and his wife have since sold the property and moved away such that the particular circumstances that prompted the need for a vehicular access for a car parking space within the Chapel forecourt no longer exist. The new owners/occupiers have not commented on the appeal nor provided any evidence of a need for on-site wheelchair accessible parking.

24. The support of the Parish Council does not diminish the harm I have identified.

Conclusion

25. The proposals would conflict with the development plan when taken as a whole and there are no material considerations that outweigh this conflict. Therefore, for the reasons above the appeal should be dismissed.

K. Stephens
INSPECTOR