
Appeal Decision

Site visit made on 3 March 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/Y3940/D/24/3352664

D Arenberg House, Chandlers Yard, High Street, Marlborough, Wiltshire SN8 1HT

- 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 Ms Felicity Simpson against the decision of Wiltshire Council.
 - The application Ref is PL/2024/02829.
 - The development proposed is to erect an open sided veranda attached to the house to provide shelter for existing patio to provide a cattery running the length of the garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council revised the description of development and refer to a “retrospective veranda” and the “provision of domestic outdoor secure cat pen”. Retrospective is not an act of development and the evidence that I have before me does not provide details of the appellant’s agreement to change the wording of the development description. However, a veranda is a roofed platform attached to a house, whereas a gazebo is typically a free-standing garden structure, sited away from a house. Therefore, I have used the description of development provided on the application form, albeit I have replaced the word gazebo with veranda.
3. During my site visit I was able to see that the development is already in place. I have determined the appeal on that basis.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Marlborough Conservation Area (MCA).

Reasons

5. The appeal site lies within the MCA, on the edge of the settlement’s historic core. The MCA is characterised by the great width of the High Street and the continuous frontage of its impressive historic buildings, occasionally punctuated by narrow passages leading to detached properties and their large gardens behind. In so far as relevant to the proposal, this opening up behind the town’s main street, positively contributes to the significance and special interest of the MCA, along with its historical origins and architecture.
6. The development comprises a timber framed veranda with a bitumen tiled hip to gable roof. The veranda’s sides have been enclosed with wire mesh. With the use of repetitious timber supports, the mesh extends outwards and overhead to where it

has been affixed to a brick boundary wall to form a relatively low level outside enclosure. The enclosure extends the length and approximately half the width of the property's rear garden, incorporating a summer house and patio area located at the end of the garden. From what I saw on my site visit, the ample dimensions, and the secure anchorage of the enclosure, confirm that it is intended to be permanent.

7. Although not listed, the Council consider D Arenberg House, with its traditional brickwork and tiled hipped roof, to be a non-designated heritage asset (NDHA). I have no evidence to make me differ from this view.
8. The Wiltshire Design Guide 2024 Shaping the future: My Place, Your Place, Our Place (Design Guide), promotes the use of traditional tile or slate roofs in historic areas and advises that extensions should be designed so that they do not dominate the original building. The bitumen tiles and the shallow pitch of the veranda roof, jar with the building's traditional roof tiles and its more pronounced roof pitch, to the detriment of the NDHA. Furthermore, despite its low height and the mesh itself being transparent, the considerable size and positioning of the enclosure is such that it overwhelms the NDHA and its garden, and subsequently erodes the spacious setting of this part of the MCA. The design of the development therefore conflicts with the Design Guide.
9. Whilst the appellant has suggested a suitable worded condition would allow the roofing materials used in the development to be controlled, due to the scale of the development, this would not overcome the harm that would be caused.
10. Based on the above, and in the terminology of the National Planning Policy Framework (the Framework), the development has caused significant harm to the significance of the NDHA. It has also resulted in less than substantial harm to the significance of the MCA, the desirability of the preservation or enhancement of which I am required to pay special attention. Whilst I accept that views of the development are mainly private, this does not diminish the harm that has occurred. As the harm to the MCA is less than substantial, it should be weighed against the public benefits of the proposal. As there are no public benefits, the proposal conflicts with the historic environment policies of the Framework. Furthermore, it conflicts with core policies 57 and 58 of the Wiltshire Core Strategy adopted January 2015 and policy MARL9 of the Marlborough Area Neighbourhood Plan 2021 – 2036. These require development to be of a high standard of design and to be complementary to the locality and to protect, conserve and where possible enhance the historic environment, including the MCA and NDHAs.

Other Matters

11. Section 66 (1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
12. Nos 138, 139 and 140 High Street are grade II listed buildings located to the southeast of the appeal site. No 138 dates from the 18th century and is constructed from chalkstone, flint and chequerbrick. The building frontage features a 19th century shop front under a pent roof supported by doric columns, red hung tiles and a large angular bay window with a wooden mullion window above. No 139 and no 140 High Street are covered by a single listed building designation. The buildings

date from the 16th and 17th century and feature red hung tiles and a 19th century shop front under a colonnaded pent roof.

13. The significance and special interest of these listed buildings is derived in part from their age, traditional fenestration and the use of traditional vernacular materials and their position along the town's main thoroughfare. In that context and with the separation distance between them and the appeal site and the position of the development behind the intervening host building, I consider that the appeal site contributes little, if anything, to the significance of those buildings or their setting. Consequently, the proposal has not caused harm to these listed buildings or their setting.
14. With regards to the appeal site's location in the North Wessex Downs National Landscape (formerly referred to as the North Wessex Downs Area of Outstanding Natural Beauty) I am mindful of my duties to further the purpose of conserving and enhancing the natural beauty of National Landscapes. Whilst I have found above that there has been less than substantial harm to the MCA, that impact is localised, as the scale of the development within the confines of the town, is not substantial enough to have impacted the wider landscape designation.
15. I have considered the appellant's arguments that pet enclosures are not unusual and the suggested fallback position, that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the rear garden could be enclosed, outbuildings erected that could cover a significant proportion of the rear garden and a single storey extension built, which in combination could cover a significant proportion of the garden. Given the pets that the appellant owns, there is a real prospect that elements of such development would occur to create a cat enclosure. As the existing scheme has been built by the appellant to meet the needs of her pets, it is reasonable to assume that such development would be of a similar size. The harm that it would cause would therefore be similar to that of the existing scheme. However, given the significant harm that I have identified the existing scheme is causing to the NDHA and the less than substantial harm to the MCA, the existence of a fallback that would cause a similar degree of harm is a consideration of only moderate weight in favour of the appeal and is not sufficient to outweigh the conflict with the development plan and the Framework that would be necessary to justify the development.

Conclusion

16. For the reasons given above the appeal should be dismissed.

SE Hughes

INSPECTOR