



Appeal Decision

Site visit made on 26 March 2025

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2025

Appeal Ref: APP/J0405/D/24/3349458

The Ship, Ship Lane, Marsworth, Buckinghamshire HP23 4NA

- 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 Robert John against the decision of Buckinghamshire Council.
 - The application Ref is 23/01080/APP.
 - The development proposed is Garden room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have largely remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.
3. I acknowledge the Appellant's reference to the neighbouring cottage being called Graystones as opposed to Greystones. However, for the purposes of my decision, I will refer to its Official List entry name, being Greystones.

Main Issues

4. The main issues are whether the proposed development would preserve the significance and settings of the Grade II listed buildings (the LBs) known respectively as The Ship (Ref: 1117859), Greystones (Ref: 1117860) and Bridge Number 130 Grand Union Canal (Ref: 1117853), and the extent to which it would preserve or enhance the character or appearance of the Marsworth Conservation Area (the CA).

Reasons

5. The CA's significance is derived from, amongst other things, the pleasant open environs, including mature trees and vegetation, relating to the stretch of the Grand Union Canal running to the north-west, west and south-west of Marsworth; together with the traditional village character associated with the north-west part of the settlement centred on All Saint's Church. That includes a number of the properties, of varying ages and designs, along the north-west stretch of Vicarage Road, The Ship and Greystones on the immediately opposite side of the canal, via Bridge Number 130 (the listed bridge), and most of those along Church Lane.

6. The Ship and Greystones LBs, whilst having been altered and extended, and acknowledging changes over time to make them fit for purpose, derive their significance from their historic nature dating from the 17th and 17th to early 18th Century respectively. This includes their timber frames with whitewashed brick and render infill and brick and weatherboard respectively, and thatched roofs. The Ship also has dark stained weatherboarding relating to an extension to its north-eastern end. Those two LBs form a distinct pair of historic buildings seen in that context from the bridge and Ship Lane, albeit interrupted to some degree by the existing pitched roof outbuilding associated with The Ship, immediately to its north-west, and intervening vegetation depending on the vantage point. There is also a relatively modern outbuilding at the south-western end of The Ship's garden which is clearly visible from those vantage points and the towpath. However, it is set well away from the associated LB and the pair of LBs generally and not a dominant feature in that context.
7. I understand that The Ship was a public House until the late 1940s and then a shop, before becoming a dwelling in 1996 following repair and conversion after a fire. It is apparent that the current garden land relating to the proposal was not originally associated with The Ship, and I understand that older OS maps show the presence once of a building/structure on the plot, albeit with no substantive evidence of its nature. Nevertheless, that garden area contributes to the existing setting and is particularly open to view from the towpath and listed bridge, as well as from Vicarage Road on the opposite side of the canal albeit likely to be less so during the months of leaf cover on intervening trees.
8. Bridge Number 130 derives its significance from its early 19th Century historic nature, including its flattened brick arch design, and parapet with curved coping bricks and square brick end piers. As such it forms a distinct and pleasing feature reflective of the historic character of the nearby north-western part of the village and as part of the canal corridor. Furthermore, it is clearly seen as such from the road on either side and from the towpath approaching from both directions. It also enables clear views along the canal and its immediate environs in both directions. Such views to the north-east take in The Ship and its garden area, despite the partially intervening existing outbuilding at the garden's south-western end. The bridge therefore makes a strong contribution to the character and appearance of the CA.
9. The proposed garden room would be set back from the towpath, adjacent to the Ship Lane boundary, and apart from the main house to some degree. Furthermore, it would only be of single storey height with a flat roof and cut into the slope of the garden to some degree. The roof would also be planted as a 'green roof', with the associated degree of visual softening that would be likely when seen particularly from raised vantage points. Red cedar cladding to the sides and back of the building, left to weather naturally as intended by the Appellant despite reference to dark staining on the plans, would also help to soften its appearance to some degree.
10. Nevertheless, despite the above factors, the proposal would still have a significant footprint and associated massing, exposed in a position at the end of the garden nearest to the main house, and in close proximity to the existing outbuilding closest to the house, albeit with a lower roof height than the ridge of that adjacent building. Together with its modern flat roof design, including extensive glazing in the south-east elevation, it would therefore be a dominating, jarring and uncharacteristic

feature on the site that would significantly draw the eye from the associated LB and its traditional features referred to above. For the above reasons, it would also degrade the degree to which The Ship and Greystones are currently seen together as a distinctive pair of historic buildings, even if not actually significantly further obscuring key existing sightlines of them.

11. Furthermore, those harmful effects of the proposal would be clearly seen, to various extents depending on the viewing position and extent of intervening vegetation or existing buildings, from the towpath, listed bridge, Vicarage Road on the opposite side of the canal, and to some degree from Ship Lane, over the intervening boundary fence.
12. As such, despite the existing presence of outbuildings on the site, the proposal would significantly detract from the predominating and distinctive historic features and characteristics of those heritage assets comprising the CA and the above LBs.
13. I acknowledge that the extent of glazing concerned would have reflective qualities in terms of the surroundings, including of the nearby vegetation and features relating to the canal. However, I have no substantive evidence as to the effectiveness of such qualities from the various different vantage points, or in any case, that this would be to such an extent as to avoid the building appearing as a solid built structure, the reflections themselves also likely to draw attention to it. Likewise, in relation to the claimed effect of the proposed high level windows on the north-west elevation in allowing some views through the building to the horizon, it is likely that the extent to which that would be possible from the different vantage points would be limited, particularly given the relatively small size of those rear openings.
14. I acknowledge and saw the presence of modern buildings, with extensive glazing, at Marsworth Wharf in the CA, as referred to by the Appellant. I do not know the detailed planning circumstances relating to that development. Nevertheless, I saw that it is in a clearly separate location from the appeal site, albeit adjacent to the canal, with a different immediate context. Furthermore, I have determined this appeal on its own merits based on all of the evidence before me.
15. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
16. Given the relatively small-scale nature of the proposal in relation to the CA as a whole, together with the degree of physical separation from the main house comprising The Ship LB, the harm caused to the heritage assets concerned would be less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there would be less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing their optimum viable use.
17. I acknowledge that the proposal would be likely to improve the living space for the property concerned, including enabling a garden view from the comfort of an internal area, where that is not currently possible; and a space to entertain visitors including family members. However, I have no substantive basis to consider that

the LB's ongoing viable use as a dwelling would be at risk without such improvements. I therefore attach limited weight to any such benefits.

18. The intended living sedum roof element would have the potential to provide some biodiversity habitat. However, the extent of that benefit would be limited due to the relatively small area concerned.
19. I acknowledge that no objections have been received from local residents and that Marsworth Parish Council is supportive of the proposal. I also note the Appellant's concerns with the Council's behaviour in dealing with the planning application, and comments relating to The Canal and River Trust's submitted objection. However, I have determined the appeal on its planning merits based on all of the evidence submitted and my observations.
20. For the above reasons, the public benefits would be insufficient to outweigh the less than substantial harm that would be caused to the LBs and CA.
21. In light of the above, the proposed development would fail to preserve the significance and settings of the LBs, and would fail to preserve the character and appearance of the CA. The proposal would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons, they would be contrary to Policies BE1 and BE2 of the Vale of Aylesbury Local Plan 2013 – 2033, September 2021 which together set out, amongst other things, that all development should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible; shall respect and complement the local distinctiveness and vernacular character of the locality; and the requirement for development proposals that would cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use.
22. The proposed development would also be contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.

Conclusion

23. For the reasons given above, the appeal should be dismissed.

A Dawe

INSPECTOR

