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## Appeal Decision

Site visit made on 18 November 2025

**by Juliet Rogers BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 9 January 2026**

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**Appeal Ref: APP/Y3940/Y/25/3370813**

**Church View, High Street, Hindon, Wiltshire SP3 6DJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr David Budge against the decision of Wiltshire Council.
  - The application Ref is PL/2025/03464.
  - The works proposed comprise the installation of an aluminium conservatory to the rear of the property.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters and Main Issues

2. As the appeal site comprises a listed building, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
3. There is no accompanying appeal relating to the associated planning application<sup>1</sup> for the above development. Therefore, my considerations relate solely to the works that are the subject of the listed building consent application, notwithstanding any requirement for planning permission.
4. Within my decision, I have taken into account that age and disability are relevant protected characteristics for the purposes of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the PSED). The PSED requires due regard to the aim of advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This includes removing or minimising disadvantages connected with a protected characteristic and taking steps to meet needs which differ from those that do not share that characteristic.
5. Consequently, the main issues are:
  - whether the proposal would preserve the Grade II listed building known as Church View Cottage<sup>2</sup>, or its setting, or any of the features of special architectural or historic interest that it possesses; and
  - the benefits of the proposal with reference to the particular needs of the appellant's wife, having regard to the PSED under the Equality Act 2010.

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<sup>1</sup> Council ref: 25/00407/HOU

<sup>2</sup> List Entry Number: 1184014; date first listed: 6 July 1987

## Reasons

### *Listed building*

6. Although now a single dwelling, the appeal property formerly comprised a pair of compact cottages dating from circa 1800. The front elevation of the property comprises two storeys constructed of English bond brick and a clay tiled roofscape with two hipped dormer windows and a central brick chimney stack. The property's façade continues to reflect its past use as separate dwellings, particularly within the fenestration arrangement and the altered brickwork where the front door of the left-hand cottage has been blocked up. Internally, the single living space on the ground floor of each of the cottages can still be appreciated, despite the openings created in the party wall and the rear additions.
7. The catslide roof is a key feature of the rear elevation of the property, with its eaves positioned just above the ground floor windows. Two single storey rear extensions have been constructed at each side of the property, providing additional yet compact living spaces. Mismatched dormers have been inserted at first floor level in the rear roof slope, sited close to the vertical plane of the former party wall. No openings are present at second floor level giving the property an appearance of a 1.5 storey dwelling. Moreover, due to the form and position of the dormers, together with the extensions, from the rear, the ability to appreciate the property as an amalgamation of two former cottages is substantially reduced. Therefore, special interest of the listed building, insofar as is relevant to the appeal scheme, relates to the type and quality of materials used within its construction and the character of its roofscape.
8. The proposal comprises the construction of a conservatory between the existing single storey extensions. Although scaled plans were submitted with the application for listed building consent, these do not show specific details of the interface, including any fixings required, between the rear elevation of the former cottages and the conservatory. On this basis, I am unable to conclude with certainty that there would be no harm to the historic fabric of the listed building, specifically to the brickwork and the roof tiles.
9. Whilst the conservatory would be predominantly glazed, allowing much of the rear elevation and roofscape of the listed building to be appreciated from the garden, nonetheless its white aluminium frame would introduce a starkly modern material which would jar against the historic brickwork and clay roof tiles: materials which positively contribute to the special interest of the heritage asset. This effect would be accentuated by the conservatory's hipped roofscape given it would obscure part of the rear catslide roof. However, were I to conclude that there would be no harm to the historic fabric of the listed building, I would have considered if the imposition of a suitably worded condition to secure an alternative, more sympathetic material was appropriate.
10. Consequently, the proposal would result in the introduction of an unsympathetic material to the rear of the designated heritage asset, which would detract from its importance and harm its significance. Furthermore, given the lack of details relating to the relationship between the rear elevation and the conservatory, it has not been demonstrated that the proposal would not harm the historic fabric of the listed building. Hence, I conclude that it would not preserve the Grade II listed building, or its setting, or the features of historical interest it possesses. It therefore

conflicts with policies 57 and 58 of the Wiltshire Core Strategy (Core Strategy), insofar as they require a high standard of design for all development which enhances local distinctiveness and is sympathetic to the conservation of historic buildings and designated heritage assets.

11. The proposal, therefore, fails to satisfy the requirements to the Act. The level of harm in this case would be less than substantial. Taking into account the absence of details regarding the fixing of the conservatory to the listed building and the contribution the materials make to its special architecture interest, the magnitude of this harm would be towards the lower end of the less than substantial spectrum. In these circumstances, the National Planning Policy Framework (the Framework) states that harm to or loss of the significance of a designated heritage asset requires clear and convincing justification and should be weighed against the public benefits which would be derived from it. This includes securing its optimum viable use, where appropriate.

### ***Benefits***

12. The rear conservatory is proposed in response to the needs of the appellant's wife, both of which are longstanding residents of the property. These needs relate primarily to a chronic medical condition which has necessitated the use of walking aids and a wheelchair, and the appellant's wife now uses one of the single storey extensions as a bedroom. However, due to the internal steps within the property, access to many parts of the cottage, including the kitchen, is restricted. Since the approval of the extension to provide a bedroom, the evidence before me indicates that the health of the appellant's wife has deteriorated and her mobility is likely to reduce further. Given the above, I have kept the circumstances and interests of the appellant's wife at the forefront of my mind in reaching my decision.
13. The proposal would lead to significant private benefits through a substantial improvement to the living conditions of the family member and the appellant. It would also assist in allowing the family member to remain within their home for as long as possible. This would undoubtedly be a positive outcome for both the appellant and his wife.
14. Through reducing the demand on the NHS and the need for the appellant to travel to visit his wife should she need to live elsewhere, public economic and environmental benefits would also be derived from the proposal. Social benefits from the continued residence of two long standing members of the local community within the village would also result. However, due to the small scale of the proposal, the corresponding weight attached to these public benefits would be modest. Although not the ideal arrangement for the appellant and his wife, the ongoing residential use of the listed building is not at risk without the conservatory.

### **Other Matters**

15. Whilst not a reason for refusal, as the appeal site is located within the Hindon Conservation Area (HCA), section 72(1) of the Act is relevant. Central to the HCA is the wide, linear High Street, lined by lengthy terraces of stone and brick houses and cottages, including a significant number of listed buildings, within long, narrow plots. As the topography rises from the High Street's junction with The Dene and School Lane, the stepped roofscapes add interest to its vista. The appeal property and those nearby on this side of the High Street comprise more modest cottages of 1.5 – 2.5 storeys with hipped front dormers adding further interest to the

roofline. In contrast to the linear frontages, various extensions, additions and outbuildings are located to the rear of properties, creating an undulating building line.

16. Therefore, the significance of the HCA, insofar as is relevant to the appeal scheme, includes the abundance of listed buildings with long narrow plots, a consistent front building line and orientation towards a historic linear route, the use of local materials and the variations in the roofscape visible along the High Street.
17. Given its location to the rear of the property where extensions, additions and outbuildings are commonplace and the conservatory can be comfortably accommodated on the listed building's long plot, I conclude that the proposal would preserve the character or appearance of the HCA.

### **Heritage Balance and Conclusion**

18. As identified above, there would be significant benefits to the appellant and his wife from the construction of the conservatory. Whilst largely of a private nature, some social, economic and environmental public benefits would be derived from the works. However, these public benefits attract modest weight due to the small scale of the proposal.
19. The Framework requires great weight to be given to the conservation of a heritage asset, irrespective of whether any potential harm amounts to less than substantial harm to its significance. The totality of the public benefits outlined above does not, therefore, outweigh the level of harm identified above. The proposal would fail to preserve the special architectural interest of the Grade II listed building which, consistent with the statutory duty in the Act and reiterated within the Framework, carries considerable importance and weight.
20. Consequently, I conclude that the proposal would not preserve the Grade II listed building of Church View Cottage or its setting or any of the features or special architectural or historic interest that it possesses. Having due regard to all relevant matters raised, including the PSED, the benefits of the proposal in terms of eliminating discrimination against persons with the protected characteristics of age and disability, advancing equality of opportunity for those persons and fostering good relations between them and others, do not outweigh the harm I have identified above. Consequently, it is proportionate to dismiss the appeal.

*Juliet Rogers*

INSPECTOR