



Appeal Decision

Site visit made on 20 January 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Appeal Ref: APP/P0240/W/25/3374785

United Reformed Church, Edward Street, Dunstable, Central Bedfordshire LU6 1HE

- 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 Mark James against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/02020/FULL.
 - The development is described as the installation of two air conditioning units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Dunstable Conservation Area (the 'CA').
3. During the appeal process, a noise assessment has been submitted by the appellant. Following this submission the Council has determined that the proposed development would not result in unacceptable noise concerns, and this matter has now been resolved to its satisfaction. I find no reason to disagree with the Council's decision. Accordingly, it is not necessary for me to address this matter further.
4. During my site visit, I observed that the two air conditioning units have already been built. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the development preserves or enhances the character or appearance of the CA, with specific reference to the air conditioning unit on the front elevation.

Reasons

Conservation Area

6. The appeal site is comprised of a single-storey building constructed in 1868 as a congregational church. It is set back from the public footway, with a low brick wall forming the front boundary. The front elevation faces the highway and is finished in red brick with areas of white stone render. Two large windows flank the main

entrance, creating a symmetrical frontage. Within the CA, it is categorised as a 'positive contribution building' and, as such, makes an important contribution to the character and appearance of the area.

7. While the CA does not exhibit a single dominant architectural style, it is unified by a number of defining characteristics, such as the use of a rich variety of traditional materials and construction techniques, including stone, timber framing, gauged and patterned brickwork, and slate and clay roof coverings. Within the North West quadrant, particularly along the more residential streets, many of the principal frontage buildings display fine brick detailing and a widespread use of tuck pointing. The resulting architectural diversity of the town's traditional building stock, and the historic record it represents, is a key component of local character. In this context, I consider the significance of the CA, insofar as it relates to this appeal, to derive primarily from the varied and legible use of traditional materials, which together chronicle the historic development of the area.
8. The development comprises two single split-system air-conditioning units. The Council's reason for refusal relates solely to the front-mounted unit, owing to its prominent visibility from the public realm. This unit is mounted on the front elevation of the church, positioned above the entrance porch at a height of approximately 3.5 metres above ground level. Although the unit is coloured white, it would remain clearly visible against the white stone render. The unit has a distinctly modern appearance, incorporating metal and plastic components, an exposed fan and associated external cabling. Although its elevated position above the entrance porch would afford a degree of screening when viewed from certain points along the adjoining pavement, the unit would nonetheless remain clearly visible from most viewpoints on the opposite side of the street, as well as to passing vehicular traffic. The introduction of these modern materials and design features therefore imparts the visual impression of a contemporary intervention that contrasts sharply with the traditional character of the host building and its surroundings. Consequently, notwithstanding that the unit is an isolated element, it would appear visually obtrusive and discordant within the CA. Furthermore, the unit's placement above the entrance significantly limits opportunities for any effective screening, which might otherwise have assisted in reducing its visual impact.
9. In reaching this view, I have considered the appellant's reference to the presence of air-conditioning units at a nearby property, The Globe Public House. These units are highly visible and are situated on an elevation which faces Edwards Street. However, the Council has confirmed that those units do not benefit from planning permission and that the pub nonetheless lies outside the CA. Given these material differences in location, together with the lack of clarity as to whether those installations constitute lawful development, I am not persuaded that their presence provides a sound justification for the development.
10. Given such, the proposal fails to preserve or enhance the character and appearance of the CA. The level of harm is less than substantial. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Harm should have a clear and convincing justification.

11. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal. I acknowledge that this air conditioning unit assists in maintaining a comfortable internal environment, particularly during the summer months. This, in turn, could improve the accessibility of the church as a community facility. In addition, the ability to keep windows closed may help to limit noise transmission associated with congregational singing, which might otherwise necessitate the opening of windows for ventilation. However, there is limited evidence before me demonstrating the extent to which internal temperatures previously affected the use of the building prior to the installation of the air-conditioning units. Moreover, no substantive information has been provided to confirm that acceptable internal conditions could not be achieved through continued reliance on the remaining unit located on the side elevation alone. As a result, while I acknowledge that these factors carry some weight as public benefits, they attract only a moderate degree of importance. Taken together, they are insufficient to outweigh the harm identified above to the significance of the heritage asset.
12. Drawing my findings together, I conclude that the development fails to preserve or enhance the character or appearance of the CA, with specific reference to the air conditioning unit on the front elevation. It fails to satisfy the requirements of the Act and the Framework. It does not preserve the special character of heritage assets and their settings or relate well to the existing local surroundings, contrary to Policies HQ1 and HE3 of the Central Bedfordshire Local Plan 2021.

Other Matters

13. The appeal site is located within the Chilterns Beechwoods Special Area of Conservation (SAC). As the proposal does not involve the creation of any additional independent overnight accommodation, the Council considers that it would not have a detrimental impact upon the SAC. I find no reason to disagree with the Council's decision. Accordingly, it is not necessary for me to address this matter further.
14. The appellant suggests that, should I remain opposed to certain elements of the proposal, a split decision could be issued. In principle, this would allow permission to be granted for the side elevation unit, which both parties agree has a neutral impact while refusing the front elevation unit. However, the plans before me have not been revised to support such an approach. Instead, they continue to show both air conditioning units. In the absence of clearly updated plans enabling a split decision to be issued with confidence, I consider that it would not be reasonable to take this approach. In any event, the Council's reason for refusal relates solely to the air conditioning unit on the front elevation, and I have determined the appeal accordingly.
15. The appellant has also suggested that a personal permission could be granted to limit the benefit of any consent to the current occupants, and that a condition could be imposed to restrict the operation of the units after 23:00. However, neither approach would address the identified harm to the character and appearance of the CA, which would arise irrespective of the identity of the occupiers or the hours of operation. Accordingly, these suggestions do not alter my conclusions.
16. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The

Act sets out the relevant protected characteristics, which for this appeal, includes religion or belief. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.

17. I acknowledge the negative impacts of dismissing the appeal, particularly as the air-conditioning units are intended to facilitate religious services within the church. Their absence may make it more challenging to hold services comfortably, especially during periods of hot or inclement weather. Nonetheless, having due regard to this consideration and my findings of harm, my decision to dismiss the appeal is proportionate and necessary having regard to the well-established policy aims in the development plan and Framework. Taken alongside the other considerations forwarded by the appellant, the PSED does not alter my conclusions on the outcome of the appeal.
18. I have considered the appellants' circumstances in the context of Article 9 of the Human Rights Act 1998, which protects the right to freedom of thought, belief and religion. I recognise that the dismissal of the appeal may have implications for the ability of the congregation to meet its religious needs. However, Article 9 is a qualified right, and interference may be justified where it is lawful, necessary and proportionate in order to protect public interests. In this case, any interference arising from my decision is necessary and proportionate in the pursuit of the legitimate planning objectives reflected in the development plan and national policy. I am satisfied that those objectives could not be achieved by measures that would result in a lesser degree of interference with the community's freedom of religion. Accordingly, the outcome does not amount to a violation of Article 9.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR