

Appeal Decisions Apr 2019

Site: Pipers Gate, Chapel Leigh Road, Lydeard St Lawrence, TA4 3RB

Proposal: Erection of Single Storey Extension to Front

Application number: 22/18/0018

Reasons for refusal

The extension would be detrimental to the linear form and appearance of the dwelling and would adversely affect the historic nature and character of this curtilage listed building. It would not conserve the original appearance of the building as a traditional rural barn and would serve to domesticate the structure, therefore compromising and harming its appearance as a rural barn. This would be contrary to the very reason for its preservation in the form of a residential dwelling in the first place. The proposal is therefore contrary to Sections 79 and 196 and 127c of the NPPF and policies CP8, DM1d of the Taunton Deane Core Strategy and policy D5(A and D) of the Taunton Site Allocations and Development Management Plan (2016).

Appeal decision: APPEAL DISMISSED



Appeal Decision

Site visit made on 16 April 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 April 2019

Appeal Ref: APP/D3315/D/19/3223303

Pipers Gate, Chapel Leigh Road, Lydeard St Lawrence, Taunton TA4 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Paul and Kate James against the decision of Taunton Deane Borough Council.
 - The application Ref 22/18/0018, dated 31 October 2018, was refused by notice dated 24 December 2018.
 - The development proposed is single storey Kitchen extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of

Taunton Deane Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Taunton Deane Borough Council.

3. The Council refer to the building subject of this appeal as listed, due to its historic association with the adjacent listed farmhouse. There is considerable doubt from the appellants that this is the case. I note that an application for listed building consent was not submitted for the proposed works, and I have no evidence to suggest that one has been requested by the Council. It is not necessary for me to come to a view on this in the context of this Section 78 appeal. The effect of the proposal on the significance of the building as a designated heritage asset would be considered through an application for listed building consent, were the Council to consider such an application to be necessary. However, it is appropriate for me to consider the effect of the proposal on the setting of the adjacent listed building.

Main Issue

4. The effect of the proposal on the character and appearance of the building and the setting of the adjacent grade II listed building, referred to on the list description as Chipley Farmhouse.

Reasons

5. Pipers Gates is a characterful historic stone property, that was converted to a dwelling from a barn in 2003. It has a simple linear form, with half hips at either end and is built from exposed uncoursed local stone, with render to the rear. It forms part of the setting of the listed building as it is approached along the lane to the east of the property, where the appeal property stands adjacent to stone boundary walls and outbuildings that together once formed an historic farmstead. The appeal property is located within a small rural hamlet called Chapel Leigh.
6. From within the garden area of the appeal property the residential character of the converted building is easily appreciated. A number of openings are arranged within its south elevation and the roof is fitted with an array of prominent silver edged solar panels, as well as a flue and the terminus of a soil vent pipe. Into this context the introduction of a simple lean-to extension, which adopts a contrasting roof pitch, thereby maintaining a distinction with the principle roof, and utilises a simple material palette, would not necessarily be harmful. The simple linear form of the building would be largely retained, and easily appreciated.
7. However, the simple form of the proposed extension would be compromised by the incorporation of an inverted dormer, to maintain natural light to an existing first floor room. This would be a significant interruption to the roof of what would otherwise be a suitably simple extension to a former agricultural building. The void within the roof plane, which would be drawn out across almost the entire length of the roof, would result in a complicated form that would not relate well to the simple agricultural character of the host building. I am of the view that this would harm the character and appearance of the existing building.
8. Although views of the extension from the lane are limited to the roof, the broken form of the roof plane would be quite apparent from this perspective. This would not relate well to what is otherwise a simple and pleasant group of buildings as viewed from the lane; comprising the former barn, walls and outbuildings. Although the principle listed building is not visible from this perspective, these buildings relate to the listed building in terms of their historical association. They form a clear component of the listed building's wider setting and contribute towards its significance. The proposal would erode this setting, harming the significance of the listed building.
9. The appellants refer to the existing rendered garaged, which is much closer to the listed building than the extension would be. However the garage has a simpler form, is detached and is not visible from the road.
10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
11. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. There are no public benefits arising from the proposal that would outweigh the harm identified.

12. Therefore, I conclude that the proposal would harm the character and appearance of the appeal property, and the significance of the listed building by harming its setting, and would therefore be contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy adopted 2012, Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan adopted 2016 and the Framework, which together seek to ensure that development proposals are well designed, do not cause harm to the character and appearance of an area and conserve the historic environment.

Conclusion

13. For the reasons above, the appeal is dismissed.

Andrew Tucker
INSPECTOR

Enforcement Appeal

Site: [Insert site address]

Alleged Breach of planning control: [Insert alleged breach]

Reference Number: [insert our reference]

Appeal decision: [INSERT DECISION]