
Appeal Decision

Site visit made on 18 October 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2016

Appeal Ref: APP/Y3940/Y/16/3153801

Former Moravian Church Hall, Oxford Street, Malmesbury, Wiltshire SN16 9AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
 - The appeal is made by Miss Sarah Pitt against the decision of Wiltshire Council.
 - Listed building consent Ref 16/00267/LBC was granted on 8 March 2016 subject to conditions.
 - The works proposed are change of use of former church hall to community art studio and psychological therapy rooms with internal work and external repairs with Velux window to the rear roof.
 - The condition in dispute is No 3 which states that: *within three months of the date of this decision, the roof light shown on the proposed plans and elevations shall be replaced with a conservation type mounted flush with the roof slope, in accordance with the roof light detail submitted on 23rd February 2016.*
 - The reason for the condition is: *in the interests of preserving the character and appearance of the listed building and its setting.*
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Decision

1. The appeal is allowed and the listed building consent Ref 16/00267/LBC for change of use of former church hall to community art studio and psychological therapy rooms with internal work and external repairs with Velux window to the rear roof at former Moravian Church Hall, Oxford Street, Malmesbury Wiltshire granted on 8 March 2016 by Wiltshire Council is varied by deleting condition No 3 and substituting for it the following condition:
 - (1) Within two months of the date of this decision details of the roof light which has been installed shall be submitted in writing to the local planning authority for their approval. Such details shall include the size and manufacturer's specification for the roof light."

and by deleting from Condition 2 the words "Rooflight Detail – Received 23rd February 2016".

Main Issues

2. These are (i) whether the removal or amendment of the condition imposed by the Council would continue to ensure the preservation of the curtilage listed building known as the former Moravian Church Hall and the building listed as the Moravian Church and its setting and any features of special architectural interest it possesses and the setting of the building listed as the Manse of Moravian Church; and (ii) whether the removal or amendment of the condition
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imposed by the Council would continue to preserve or enhance the character or appearance of the Malmesbury Conservation Area.

Preliminary matters

3. The application for listed building consent was made on a single combined form also seeking planning permission. The description of works set out above is taken from the Council's decision notice relating to the listed building consent and includes reference to matters which are not works requiring listed building consent.
4. It was apparent from my site visit that the change of use has taken place and works carried out including the insertion of a roof light which the appellant wishes to retain. The correspondence indicates that this is not a 'Velux' roof light as indicated in the description of the works nor is it the product specified in the drawing referred to in the disputed condition. I have considered the roof light which I saw in place at the time of my site visit and the details shown in the drawing referred to in the disputed condition and my decision is made on this basis.
5. The Council considers that the appeal property is a listed building which, at the time of listing, was within the curtilage of the Moravian Church and which is a Grade II listed building. The appellant's evidence draws attention to the listing description which makes no reference to curtilage buildings or structures. However, the lack of any reference within the listing description is not definitive in determining whether or not such buildings are covered by the listing. An application for listed building consent for works to the building has been submitted and determined by the Council and an appeal arising from that consent is before me.
6. The Council draw attention to Condition 2 of the listed building consent which requires compliance with the approved plans and I address this in my decision. The Council also refers to a similar condition on the planning permission granted at the same time as the listed building consent however there is no appeal before me relating to the planning permission.

Reasons

Significance

7. The former Moravian Church has a frontage to Cross Hayes Lane whilst the former manse occupies a corner site with frontages to Cross Hayes Lane and Oxford Street. Both are stated in the listing descriptions as dating from around 1770. The former church hall building, now converted to a community art building and therapy room, is separated from the original church and manse buildings by a courtyard and burial ground.
8. The disputed roof light relates to the east facing roof slope of the single storey wing at the rear of the former church hall. I have been provided with a copy of drawings and a planning permission dated 1990 ("the 1990 permission") to convert the church hall to a church and erect a single storey structure to provide a vestry/kitchen/toilet/store. The form of the existing wing at the rear of the building appears to correspond broadly to the proposal drawings of the 1990 permission. Accordingly, the appellant's contention that the rear wing of the building is a relatively modern addition appears to be borne out by the evidence, notwithstanding the more recent changes which have taken place

following the grant of planning permission and listed building consent relating to the current use of the building.

9. I consider that the significance of the appeal building lies in it being part of the group of historic buildings which include the Moravian Church (the principal listed building) and the separately listed Manse. Despite none of the three buildings no longer being used for their original purpose, the appeal building including its rear wing is in keeping with the style of the other buildings within this group. The appeal building also makes a contribution to the understanding of the development of the wider site.

Listed buildings

10. The evidence indicates that the recently inserted roof light is not a Velux roof light, nor is it the roof light specified in the disputed condition. Precise details of the roof light which has been inserted have not been provided. The roof light is visible from the courtyard and burial ground around which are sited the appeal building, former church and manse. The frame of the existing roof light projects slightly above the plane of the roof. However, the roof light is small in relation to the size of the roof. The frame has a dark finish and the glazing is sub-divided by a single glazing bar. These attributes, together with the discreet location of the roof light close to the intersection of two roofs, are such that the roof light does not appear as an intrusive element within the slate clad roof of the rear wing. The predominant appearance of both the main roof of the appeal building and the roof of the rear wing therefore remains that of simple, slate clad structures.
11. For these reasons the existing roof light does not harm the significance of the host building or the significance of the former Moravian Church, nor is there any adverse effect upon the setting of the former Manse. Accordingly, I am satisfied that the existing roof light preserves the listed building and the setting of listed buildings and it is therefore not necessary for the existing roof light to be replaced with the roof light specified in the disputed condition.
12. The approved drawings of the 1990 permission show two proposed 'Velux' roof lights within the roof slope subject of the appeal is proposed. The dimensions of the roof lights permitted in 1990 are unclear and the information does not confirm whether or not an application for listed building consent was submitted in relation to these earlier proposals. This matter has not been a determining factor in my decision.

Conservation Area

13. The appeal site lies within the Malmesbury Conservation Area. This is an extensive conservation area covering much of the historic area of the town. The reason for imposing the disputed condition makes no reference to the effect of the proposal on the conservation area. However, there is a statutory duty upon decision makers to take pay special regard to whether a proposal would preserve or enhance the character or appearance of a conservation area. Taking into account my findings in relation to the main issue, and also that the roof light is not visible from Oxford Street, I am satisfied that the existing roof light preserves the character and appearance of the conservation area.

Conclusions

14. I have found that there would be no harm to the significance of the listed buildings and no adverse effect upon the conservation area. Accordingly, the removal of condition 3 is compliant with Policy 58 of the Wiltshire Core Strategy which, amongst other matters, requires the conservation of heritage assets and their settings.
15. For the reasons given above, I am satisfied that removing the existing roof light and replacing it with the roof light specified in the Council's condition 3 is not necessary and I therefore conclude the condition should be deleted. However, as full details of the existing roof light have not been supplied, it is necessary to add a condition requiring the submission of such details for the Council's approval. Condition 2 on the Council's notice of listed building consent requires compliance with specified approved plans and to avoid inconsistency it is necessary to vary this condition to remove reference to the drawing referred to in the deleted condition 3.

Jennifer Tempest

INSPECTOR