
Appeal Decision

Site visit made on 12 December 2016

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/P0119/F/16/3153055

Annexe to Champion House, Moorend Road, Hambrook, Bristol BS16 1SP

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr G O'Donnell against a listed building enforcement notice (LBEN) issued by South Gloucestershire Council (the LPA).
- The enforcement notice, numbered COM/15/0985/OD1 was issued on 5 May 2016.
- The contraventions of listed building control alleged in the notice are:
 - a. The construction of a shallow mono-pitch tiled roof enclosed with stone coped parapet to three sides, the associated rebuilding and alteration of the stone walls on all elevations to correspond with the new roof line and the introduction of a continuous gutter supported on a fascia board fixed to exposed rafter ends on the east elevation. All completed works are not in accordance with drawing reference 1011/41 approved under applications PT00/0965/F & PT00/0966/LB (included with this notice as Annex 3).
 - b. The reconfiguration of the eaves detail and the construction of the single storey privy building to include the introduction of a tilted tile course, exposed rafters and projecting eaves.
 - c. The removal of a flight of stone steps to east elevation in front of a single storey privy building.
 - d. The installation of an internal dry-lining system at both ground and first floor level not in accordance with drawing reference 1011/41 approved under applications PT00/0965/F & PT00/0966/LB .
- The requirements of the notice are as follows:
 - a) Remove the mono-pitch roof structure including the stone parapet copings and construct a new dual-pitched gabled roof in accordance with drawings 1011/40 and 1011/41 (approved under PT00/0965/F & PT00/0966/LB), including any adjustments to the external wall heights to correspond to the approved roof lines. The new roof shall be covered with reclaimed double roman clay tiles with lime mortar bedded clay ridge tiles to match the main house and code 6 lead flashing to the valleys. All gables shall have plain, mortared verges with natural slate undercloaks. All rafter ends must be concealed, not exposed. All new stonework shall be constructed using natural stone to match the existing building in terms of colour, coursing, jointing and pointing. Install new half-round cast iron gutters and downpipes fixed on mild steel galvanised rise and fall brackets to all eaves in accordance with approved drawing 1011/41. All external rainwater goods and brackets are to be painted black.
 - b) Reconfigure the eaves construction of the single storey privy to match the construction and profile of the original roof. This will include removing the tilted tile course, the exposed rafters and the projecting eaves. Replace the fibre cement verge undercloak with a natural slate under cloak (see picture of privy in Annex 4).
 - c) Reinstate the flight of steps on the north elevation of the two storey outbuilding to match the originals in dimensions, construction and use of materials. All new stonework to be built using traditional lime mortars. (See picture of original stone steps Annex 4).
 - d) Remove all internal plasterboard dry-lining, insulation and membranes to ground and first floor walls, replace with a traditional 3-coat lime plaster and decorate with a breathable finish such as limewash, distemper or clay paint. All corners are to be

formed by hand and there shall be no plaster beads used.

e) Remove the double glazed leaded-light casement windows to the east and west elevations and replace with single glazed leaded light metal casements to match the design, construction and pane configuration of those used in Moorend Farm.

- The period for compliance with these requirements is 12 months.
 - The appeal is made on the ground (e) only, as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) as amended.
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Decision

1. The appeal is allowed in part and dismissed in part. See formal decision.

Matters of clarification and background information

2. The address given on the appeal form is 'Annexe to Champion House'. I have retained this address. However, Champion House is one of four separate dwellings within the listed curtilage of Moorend Farm. The appeal building is a detached former outbuilding to the west of the farm. The whole grouping was initially listed in Grade II in September 1952. This listing was upgraded on 29 March 2000 to Grade II*. The appeal building is of the 17th century and was initially in 3 main sections with its oldest part, a 5 seater privy, to the north. There was an external stone staircase adjacent to the privy and attached to the north east corner of the main part of the outbuilding (see below).

3. The appellant purchased Moorend Farm in 1999, with others, as tenants in common. The appellant purchased the appeal building separately in 2015. In July 2000 planning permission (PP), reference PT00/0965/F, was granted for conversion of the outbuildings at Moorend Farm to form 4 dwellings, the re-building of rear extensions and the construction of garages. At the same time listed building consent (LBC), reference PT00/0966/LB, was granted for demolition and rebuilding of rear extensions/conversion to three dwellings and one granny annexe; structural and demolition works and construction of garages. The applications were for the one overall scheme and were not separate applications for the individual buildings.

4. Following a complaint to the LPA in October 2015, a site inspection indicated that changes to the appeal building had been carried out which were not in accordance with the PP and LBC granted in July 2000. The LPA considered that the changes had detrimentally altered the character and appearance of the curtilage building and that enforcement action was considered to be expedient.

5. The works carried out differ from the approved drawings in many ways. The external differences are that walls and eaves levels have been raised by about 1m; a shallow mono-pitched roof has been erected in place of the approved gables; half round gutters have been fixed to a fascia on the east elevation; four metal framed oak windows have been installed to the east and west elevations and the short flight of pennant stone steps and projecting gable slabs have been removed.

6. The changes internally include the dry-lining of the majority of walls and ceilings rather than them being plastered; new floors and ceilings; changes to the internal layout and the position of the main staircase. In addition works have been carried out to the privy with the eaves being tilted and projected outwards; a change in pitch of the tiles and a fibre cement undercloak.

The main issues

7. The main issues are the effects of the works carried out on the character and integrity of the listed appeal building, on its setting and on its features of architectural and historic interest and, the effect on the setting of Moorend Farm and its curtilage listed buildings within the grouping.

Reasons

8. In reaching my conclusions, I have had regard to the relevant policies within the National Planning Policy Framework (NPPF). In particular to section 12 which seeks to conserve and enhance the historic environment. Paragraph 132 clearly indicates that when considering the impact of any development on the significance of a designated heritage asset, great weight should be given to its conservation. This complex of buildings is listed Grade II* and is, therefore, of the highest significance. I have had special regard to the requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas Act 1990 (PLBCAA).

9. Having seen the appeal building within its context and having considered the works carried out (against what was initially approved), I share some, but not all, of the LPA's concerns about their specific effects on the outbuilding.

10. I acknowledge that urgent structural works were necessary and that the outbuilding was in a precarious state and particularly to its western elevation. This is clear from the structural survey; subsequent advice about the necessary cross-bracing and the submitted photographs. It is also clear that significant structural works would have been necessary to support the double gables and that these works would have affected the rest of the fabric of the outbuilding. I also acknowledge the issues with regard to head heights, although for Listed Buildings, such matters can be, and are, often relaxed.

11. I have considered the details set out in the appellant's statement under the various headings: Roof (a); Privy Eaves (b); Stone Steps (c); Dry Lining (d) and Windows (e) and I now refer to each of these elements below in relation to the appeal on ground (e) and whether or not LBC should be granted.

Roof (a)

12. The works have clearly not been carried out in accordance with the approved drawings, but there were no fully detailed drawings for the conversion submitted at the time of the LBC application. If there had have been they would clearly have shown that the outbuilding could not have been re-built in accordance with the permitted scheme, without significantly increasing the overall height of the building and causing possible structural damage to the remaining fabric.

13. This became clear to the appellant when works began and works should have ceased at that point. They did not cease and instead the appellant resolved to stabilise the building and in doing so indicates that the aim was to ensure that any new fabric was '*completely non-invasive*' with an internal wooden structure to afford the necessary lateral bracing to ensure stability. The question now is whether or not these works preserve the listed building.

14. Having seen the roof works I do not consider that, as a whole, they preserve the building. The roof pitch is much shallower than the original (which was around 20°) and the overall effect is one of a box-like, rather than mono-pitch structure as when listed. The difference in pitch is most noticeable. However, I find that the principle of a mono-pitch to be acceptable and particularly because the complex gable structure would have been impossible to construct without affecting the rest of the structure. In my view, and taking into account the necessary structure and foundations for such a gable structure, it would have resulted in the necessary demolition of most of the remaining fabric and a complete re-build.

15. In conclusion on the roof works, I consider it to be reasonable, therefore, to allow the retention of a mono-pitch roof and to vary the requirements accordingly to require the roof to revert to a 20° pitch. I consider that this would then

preserve this aspect of the building as well as preserving its setting and that of the Grade II* main house. Although it would be taller than the original it would have less of an effect in my view, than the complex gables would have had on the integrity and character of what in effect was a simple farm outbuilding.

Privy Eaves (b)

16. The LPA contends that the tilted, or swept, eaves were not original to the privy and refers to the LBC granted for cast iron gutters. However, it is highly unlikely than an outbuilding of this age would have had gutters and downpipes. I agree therefore with the appellant that a swept eaves is more appropriate. Having seen the works as carried out I consider that they are acceptable in preserving this part of the building. I do not consider that the eaves detailing is harmful to the character of the outbuilding and nor, in my view, is it harmful to the setting of the Grade II* Moorend Farm. LBC will, therefore be granted for this aspect of the works as carried out and the LBEN will be varied accordingly.

Stone Steps (c)

17. The stone steps are an important architectural and historic feature and their removal caused significant harm to the character, integrity and special features of this outbuilding. I have noted that the appellant has commenced to put the stone steps in place and that the tread of one step can be seen from inside of the building. The LPA welcomes this re-building of the steps and I agree that it is both necessary and appropriate to completely restore them. LBC will not be granted for their removal and this part of the LBEN will be upheld as drafted.

Dry Lining (d)

18. The LPA indicates that the approved use of dry-lining within the main house was due to the fact that part of the structure was below ground level and was subject to water ingress. The appellant indicates that the dry lining was installed in the appeal building to enable its appropriate use as a dwelling and to allow him a comfortable environment taking into account his medical condition. It is stressed that the same specification was used in the main house and that the roosting holes were retained behind the dry lining.

19. Having seen the works and the submitted photographs, I am satisfied that the dry-lining has not harmed the building. Basically a framed system has been carefully placed within the re-built structural walls and historic features have been retained. Such works are reversible and I can see no advantage (relating to the preservation of the building) in requiring the internal lining to be removed and to be replaced by plastered walls. Again, therefore I consider that the building, its architectural and historic features and its character have been preserved by these works. LBC will, therefore be granted for the dry-lining works and the LBEN will be varied accordingly. These works do not affect the setting of the main house.

Windows (e)

20. Having seen the windows as installed, I share the LPA's concerns about the effect that they have had on the character of the building. Although, from a distance, they have some similarities with those in the main house, I do not accept the appellant's contention that they are appropriate conservation double glazed units. The narrow oak frames to the east elevation are overpowered by the black casements and the double glazing is particularly obtrusive.

21. They do not exactly match others on the main house and nor do they match each other on the east and west elevations. They appear as somewhat alien

additions particularly when seen against the acceptable oak lintels. The LBC required that details be submitted to the LPA before any windows were installed. In my view this is still necessary and LBC will not be granted for their retention.

Other Matters

22. In reaching my conclusions on all aspects of the works as carried out I have taken into account all other matters raised by the Council and the appellant. These include the initial grounds of appeal; the detailed planning history; details of the LBC as granted; the detailed statement and photographic record of the works as and when carried out and the appellant's final comments (September 2016). I have particularly taken into account and given weight to the appellant's medical condition and his specific living requirements and accept that the works carried were to provide him with reasonable and manageable living.

23. However, none of these matters carries sufficient weight to alter my conclusions on any part of the works. Nor is any other factor of such significance so as to change my conclusion that a split decision should be made in this case.

Formal Decision

24. The appeal succeeds in part and listed building consent is granted for:

1. Reconfiguration of the eaves detail and construction of the single storey privy building to include the tilted tile course, exposed rafters and projecting eaves.
2. The installation of an internal dry-lining system at both ground and first floor levels,
both at,
Annexe to Champion House, Moorend Road, Hambrook, Bristol BS16 1SP

25. I direct that requirements 5a); 5b) and 5d) as drafted be deleted in total.

26. I direct that a new requirement 5a) be added as follows:

- 5a) 'Rebuild the mono-pitch roof, including the stone parapet copings to a pitch of no less than 20°, including any adjustments to external gable and side walls. The new roof shall be covered with reclaimed double roman clay tiles to match the main house with lime mortar bedded clay ridge tiles. All rafter ends must be concealed, not exposed. All new stonework shall be constructed using natural stone and lime mortar to match the existing building in terms of colour, coursing, jointing and pointing. Install new half round cast iron gutters, hoppers and downpipes fixed on mild steel galvanised rise and fall brackets. All external rainwater goods to be painted black.

27. Otherwise the appeal is dismissed and the listed building enforcement notice is upheld as varied. Listed building consent is refused for the other works carried out in contravention of the Planning (listed Buildings and Conservation Areas) Act 1990.

Anthony J Wharton

Inspector