
Appeal Decision

Site visit made on 31 July 2017

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/E2734/F/16/3158980

The Old Chapel, Coltsgate Hill, Ripon HG4 2AB

- 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 Knowll Charitable Trust against a listed building enforcement notice issued by Harrogate Borough Council.
 - The enforcement notice was issued on 19 August 2016.
 - The contravention of listed building control alleged in the notice is 'Four steel beams have been inserted across the light well in the ground floor atrium. These beams carry a frame of timber joists from which a lower suspended ceiling has been installed. The timber joists also support a chipboard floor over, and within the ceiling void are conditioning units have been sited'.
 - The requirements of the notice are i. Remove the unauthorised suspended ceiling, timber joists and flooring over, and remove the steel beams across the opening; ii. Replace removed sections of coving to match existing and make good any damage to the internal fabric of the listed building using matching materials; iii. Paint the area of repair with undercoat and top coat, colour finish to match the existing gallery structure.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1)(e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed, the listed building enforcement notice is quashed, and listed building consent is granted for the retention of 'a steel and timber support structure, a chipboard floor and a suspended ceiling incorporating air conditioning units' at The Old Chapel, Coltsgate Hill, Ripon.

Procedural matter

2. The contravention of listed building control set out in the enforcement notice is overly descriptive and has, for the purposes of the consent granted in this decision, been amended to be 'a steel and timber support structure, a chipboard floor and a suspended ceiling incorporating air conditioning units'.

Reasons

3. The Old Chapel was built as a Wesleyan Chapel in 1861. It was in use as a warehouse when the building was listed in 1977 and is now in partial office use at ground floor level; the first floor of the building is unoccupied. The listing description does not mention the interior of the building but it was built with a large atrium opening in the first floor. The works that are the subject of the enforcement notice have filled in this opening. The main issue is the effect of the unauthorised works on the significance of the listed building.

4. Apart from the large opening the first floor of the building, which is probably unaltered from when it was installed, is almost wholly tiered. It is therefore unusable for any use other than probably its original use as a place of worship. The Appellants have been seeking to achieve a permanent re-use of the building and alternative uses have been discussed with Officers of the Council and others, and all have included infilling the opening to create a full ceiling to the ground floor. It is likely, if not in fact virtually certain, that any realistic and viable re-use of the building would include the infilling of the atrium opening.

5. The existing office use of the ground floor has been introduced to provide an income and to maintain the building in an active use. This has been an important initiative because a historic building will soon fall into disrepair if it is not used and therefore heated and otherwise maintained. The infilling of the opening has provided a suitable environment for the office use, which could not otherwise have been achieved. In this regard the Council's suggestion that 'office pods' could have been created to obviate the need for infilling the opening is impractical given the size of the opening and the volume of the upper floor of the building.

6. If a permanent re-use of the building included the atrium opening, and the infilling of the opening was to be removed, the harm caused to the significance of the listed building has been minimal and could easily be reversed as part of consented works of conversion. Only small sections of plaster cornice have been removed to facilitate fixing of the four steel beams to a ring beam and full reinstatement of the cornice would be a simple task. Even if the infilling of the opening became a permanent feature, and this is likely in the long term, the harm caused to the significance of the listed building is no greater.

7. The works that are the subject of the enforcement notice, 'a steel and timber support structure, a chipboard floor and a suspended ceiling incorporating air conditioning units', have not materially affected the significance of The Old Chapel. The works do not conflict with policy EQ2 of the Harrogate District Core Strategy and paragraph 134 of the National Planning Policy Framework is not engaged.

8. The ground (e) appeal succeeds and listed building consent has been granted for the retention of 'a steel and timber support structure, a chipboard floor and a suspended ceiling incorporating air conditioning units' at The Old Chapel, Coltsgate Hill, Ripon. The ground (h) appeal does not thus need to be considered.

John Braithwaite

Inspector