



Appeal Decision

Site visit made on 27 August 2019

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/P1045/Y/19/3225711

The Old Coach House, Gatehouse Drive, Wirksworth DE4 4DL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Jeremy Colin against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00910/LBALT, dated 15 August 2018, was refused by notice dated 11 October 2018.
 - The works proposed are renovations and extensions including some demolition and re-building of existing structure.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The scheme proposed includes both building operations and internal works. As such, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), both planning permission and listed building consent are required to authorise the alterations proposed. Whilst I understand that the appellant applied to the Council for planning permission, that decision is not before me. Therefore, in determining this appeal I have considered the works which require listed building consent only. Should this appeal be successful, it would additionally be necessary to obtain planning permission for alterations which affect the external appearance of the building for the scheme to be fully authorised.

Main Issue

3. The main issue is whether the proposed works would preserve the listed building or any features of architectural or historic interest that it possesses.

Reasons

Is this a curtilage building?

4. The Old Coach House forms part of a series of former service buildings attached to the rear of the property known as The Gatehouse. This is a significantly sized Georgian rebuilding of a former 16thC property. It was listed Grade II* in October 1950. The main property and its service buildings have undergone significant change and conversion, particularly since the 1950's, with the complex now divided into a number of separate dwellings and gardens.

5. The appellant questions whether The Old Coach House should in fact be regarded as a curtilage listed building. The curtilage of a principal listed building is, in general terms, any area of land and other buildings that are around and associated with that principal building. This could mean that considerably more may be protected by the listing than is obvious from the list entry alone, and there can often be considerable uncertainty as to what is covered. Statute indicates¹ that unless the list entry explicitly says otherwise, the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1st July, 1948. However, the law that refers to curtilage only came into effect on 1 January 1969. As such there is some ambiguity relating to the position of buildings listed before that date.
6. Historic England Guidance on this point² suggests that for such buildings curtilage protection could be from 1 January 1969. Although there is no case law to confirm this matter, the guidance sets out that the most logical way of dealing with buildings listed before 1969 would be to consider the position at 1 January, 1969, and apply a three-part assessment of the facts to that situation. These are: 'the physical layout of the listed building and the structure; their ownership, both historically and at the date of listing; and the use or function of the relevant buildings, again both historically and at the date of listing'.
7. Map evidence from 1835 and 1849 indicates that the Gate House was physically separate from the building range to the west, with a separate curtilage. By the time of the map of 1880 the range was physically connected to the Gatehouse, indicating that the additional buildings, including those forming what is now the Old Coach House, were constructed between 1849 and 1880. It is likely that the Old Coach House was constructed as a stable block to the principle house. Also by this time, the curtilage area appears to have been extended to the west to include these buildings with the area to the south of the range laid out as formal gardens.
8. This arrangement of the Gatehouse with its large curtilage appeared to remain until at least the time that the 1955 map was produced. The situation had changed by the time of the 1968 map when the westernmost section of the range, adjacent to the Old Coach House, appears to have been redeveloped with a separate garden, and sub-divisions of the Gatehouse itself were evident. At some point the Old Coach House was converted to garages with four bays. Some further changes with sub-divisions of the Gatehouse and part of the curtilage are visible on the 1968 and 1992 maps.
9. In relation to the key factors in identifying curtilage buildings, specifically historical relationships and the situation at the date of listing, the map evidence indicates that historically there has been a strong physical and functional relationship between the Old Coach House and the Gatehouse. It also suggests that in 1950 the Gatehouse and its large garden area appeared to be intact, and it is likely that the principle building and its curtilage area remained in single ownership.
10. However, the exact point at which the estate began to be divided is unclear. Type written notes on the listing description indicate that permission to convert the Gatehouse into 5 flats was granted in July 1953. The appellant has also

¹ Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² *Listed Buildings and Curtilage* Historic England Advice Note 10, 2018

provided a land registry document from March 1951, which indicates that the eastern portion of the Gatehouse was registered in separate ownership. The appellant speculates that this split could have happened at the same time as the building was listed, on the basis that there could have been a delay in registering the charge. Whilst the evidence on this point is not conclusive, the historical relationship between these buildings is not disputed. I therefore conclude that the Old Coach House should be treated as part of the listed building.

Significance

11. As a single storey structure at the end of a range which drops down from the impressive three storey and three bay Gatehouse, and the connected three then two storey service buildings, the Old Coach House is a subservient structure. It's physical form and function have evolved over time to reflect changing requirements. Indeed, the appellant's evidence suggests that it could have been a taller structure. Whilst this evidence also indicates that the rear elevation incorporates stone quoin detailing from an earlier Georgian range, it is also clear that parts of the building have undergone considerable rebuilding.
12. The conversion of the building to residential use in the late 1980's/early 1990's involved substantial internal alterations, such that its original floorplan is largely illegible. Of the external alterations, the most visible additions are the full height arched windows which replaced the former garage doors on the northern elevation facing onto the driveway. Some openings were also made in the rear southern elevation, including patio type windows on the 'outshut', or lean-to element. This elevation would have been onto the private gardens of the Gatehouse. As such opportunities for viewing this area from service buildings would have been restricted.
13. Whilst much altered the converted structure has retained a relative plain appearance, modesty and blankness to the southern elevation. The ability to appreciate the relationship of the appeal building with the primary listed structure has been undermined by the subdivision of the former garden area. However, the inherent deference of the Old Coach House to the Gatehouse in terms of scale and appearance remains and is of significance.
14. Overall therefore, the Old Coach House retains its appearance as a modest structure, and it is still possible to appreciate its physical and functional subservience to the Gatehouse. As such, whilst it is of modest value when considered in the context of the Grade II* structure, it does contribute to the special interest and significance of the complex of structures connected to the Gatehouse.
15. The site is also located within the Wirksworth Conservation Area, and its roof is partly visible from the Meadows, a key remaining open area in the town.

Impact of the works

16. The appeal scheme would involve significant alterations to the rear southern elevation. This would include the removal of a large area of what appears to be original rear wall, and the dropping of the sill of the window on the eastern outshut wall to enable the living area to open into the steel framed glazed extension. Whilst this box-like addition would be lightweight, the expanse of

- glazing would be an alien addition, and incompatible with the efforts to retain the modest form of this elevation.
17. Two dormer windows would be added to the rear roofslope. The design of these additions appears to have some resemblance to the single dormer previously present and removed as part of the previous conversion. However, they would be more substantial structures, and therefore comparatively intrusive additions, appearing prominent in the otherwise largely plain roof area. The eastern doorway would also be widened, though this would be somewhat masked by the use of a brick slip sliding screen.
 18. Further alterations would also be made to the front elevation, including the replacement of the garage door with further fixed timber frame glazing, and two roof lights.
 19. The appeal scheme would also involve extensive internal alterations including the removal of internal walls, many of which are non-original, to create an open plan living/kitchen and dining area. This would include the lowering of the floor on the western side, which may result in the western and outshut walls, some of which contain surviving original fabric, becoming unstable and having to be demolished. The appellant acknowledges that this would have a negative impact on the building, though it is suggested that underpinning may be viable.
 20. I acknowledge that the proposals contain provision for some areas of historic fabric to be better appreciated. This includes the use of the surviving brick and stone pier as a central feature of the main living area, and the suggestion that the currently enclosed king post truss could be revealed. However, overall the effect of the scheme would be to further erode the integrity of the southern elevation which would be harmful to the special interest and significance of the building.

Consideration and balancing

21. Section 16(2) of the Act requires that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.
22. Applications for listed building consent are not required to be determined in accordance with the development plan, though relevant policies can be material considerations. A number of those policies referred to by the appellant relate to general design and sustainable development principles and are not directly relevant to this case. However, Policy PD2 of the Derbyshire Dales Development Plan 2017 (Development Plan) is of relevance as it refers to the need to conserve heritage assets in a manner appropriate to their significance.
23. In accordance with the Framework, having identified harm to a designated heritage asset, I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial when considered in the context of the significance of the asset overall. In these circumstances paragraph 196 of the Framework requires that any identified harm is weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

24. The appellant refers to the previous conversion to residential use being of poor quality and not fit for purpose. It is also suggested that the scheme was not completed in accordance with the approval for conversion, and that in its current form it does not comply with Building Regulations, with particular reference to emergency escape. Whilst it is suggested that the dormer additions might address this point, it is not clear whether alternative means of addressing any deficiencies have been explored.
25. Whilst it is clear that the size and configuration of the building places restrictions on its adaptation, I understand that it has been occupied in its current form for some 20 years. I saw on my site visit that in more recent times it has fallen into disrepair. As such, it is perhaps unsurprising that the appellant's building survey, which appears to have been associated with the purchase of the property, identifies the need for repairs and further investigations, though no very serious defects.
26. Overall, whilst the appellant may prefer the alterations proposed, there is no evidence before me to indicate that the current internal configuration could not be adapted, nor that it is unviable. As such the appellant's argument that the currently proposed scheme would secure its long term optimum viable use does not gain traction. This significantly limits the weight that can be afforded to this consideration in support of the appeal.
27. I am required, as a statutory consideration, to have regard to the effect of the proposed works on the character or appearance of the conservation area when determining the appeal. My view is that whilst the visibility of the appeal building from the Meadows is limited as it is greatly restricted by intervening vegetation, there would be some minor harm to views from what the Conservation Area Appraisal 2001 describes as an extremely important historic public open area. Whilst the magnitude of harm in this regard may be at the lower end of the less than substantial spectrum in the context of the conservation area as a whole, it would nonetheless fail to preserve it, and so be in conflict with Section 72 of the Act.
28. Whilst in terms of both the listed building and the conservation area I have found the harm to be less than substantial, this should not be equated with a less than substantial objection, particularly where the statutory duties to preserve the listed building and conservation area have not been met. Furthermore, in the absence of meaningful public benefits the identified harm would not be outweighed.
29. The appellant refers to a range of building activity close by, the most recent of which relates to the site known as the 'Hot House', a contemporary development of two properties within the former kitchen garden area of the principle listed building, and abutting a section of the original wall. However, the officer report refers to the fact that the site previously housed a number of workshop buildings which were not considered to enhance their surroundings. Therefore, the circumstances of this case are not comparable to the present appeal.
30. Other additions and alterations to the principle listed building are referred to which, the appellant suggests, demonstrate that this asset and its setting have

been compromised. An Inspector in a previous planning appeal³ relating to the construction of a dwelling in the grounds of the Gatehouse confirmed this view.

31. The full circumstances of the erosion of the setting of the listed building are not fully clear. However, in more recent times, whilst the Council has supported the alteration and adaptation of the wider site, this has for the most part been carefully considered in an effort to retain the special interest and significance of the building and its setting. For example, the appeal referred to above was dismissed on the basis that the addition of a dwelling, along with its domestic paraphernalia, would have a harmful effect on the setting of the listed building, even though the development would have a limited effect on public vantage points.
32. Given the current circumstances of the listed building, and the considerations required by statute and policy, the case for protection and careful consideration of future changes is clearly made. My conclusions are drawn accordingly.

Conclusion

33. The proposed works would fail to preserve the special interest of the listed building, causing less than substantial harm. In the absence of any public benefits to outweigh this harm, I conclude that the works would conflict with the Framework and, insofar as it is relevant to this appeal for listed building consent, Policy PD2 of the Development Plan. Therefore, the appeal is dismissed.

AJ Mageean

INSPECTOR

³ APP/P1045/A/11/2161783/NWF