



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/19/3227125

Listed barn at Waldley Manor, Waldley Lane, Waldley, Doveridge DE6 5LR

- 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 Christopher Parkes against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00043/LBALT, dated 14 January 2019, was refused by notice dated 12 March 2019.
 - The works proposed are to enlarge an existing window opening to west elevation of original barn.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used a shortened version of the description of the works in the interests of clarity.
3. In 2015 planning permission and listed building consent were granted for the residential change of use of the barn, including demolition of an attached 20th C cow shed, alterations and an extension connected to the northern elevation. I was able to see on my site visit that these works and development have been substantially completed.
4. I was also able to see that the appeal works, that is the enlargement of the window on the western elevation, has already taken place.

Main Issue

5. 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

6. The appeal building is Grade II listed and is a former barn constructed as an outbuilding to Waldley Manor, located directly to the south of the building. Waldley Manor is also Grade II listed. The former barn dates from the 17th Century and is a timber framed and brick building with an asymmetrical roof. The western gable, which has brick work on a stone plinth, is thought to date from this period. This elevation has stone coped gable and moulded stone kneelers. It also has a high level 'taking in' hatch, possibly to a hayloft. On the northern side of this opening are two stone blocks, characteristic features

which provided housing for the hinges to the timber hatch cover. On its southern side is the single block which housed the latch keep. This opening also had a broad timber lintel and base plate.

7. Whilst the approved works include a substantial extension to the north, they also sought to repair and protect the existing character and significant elements of the building. This included the filling in of the original taking-in hatch with a plain and simply detailed glazed window frame. Additionally, it included the restoration of the timber framed eastern gable which relates closely in visual terms to Waldley Manor, as well as the two cart openings on the southern elevation which have been retained though glazed. I also understand that an original timber first floor has been retained within the new floor.
8. Overall the significance and special interest of the building relates to the integrity of the structure, including the extent of original fabric. It can also clearly be seen as an ancillary building to the adjacent Waldley Manor.

Impact of the works

9. The original approval for this opening retained the basic form and character of the taking in hatch, which was closely associated with its former agricultural use. Its basic attributes could therefore continue to be appreciated.
10. The alteration has involved the removal of the timber lintel and base plate and the dropping of the window sill by some seven courses to increase the depth of the opening. This has noticeably altered the shape of the original opening, distorting this feature and the way that it previously aligned to the stone blocks. These works have therefore undermined the ability to appreciate the previous form and character of this opening.
11. The new window frame has a fixed upper section and opening lower section. I could see that the frame is set close to the level of the gable wall, that there is a projecting wooden sill, and that the previously apparent timber lintel and base plate have been removed. Two courses of brickwork have been inserted in place of the timber lintel. This design is not in accordance with what I understand to be the approved the detailed drawing (EKV01306-301). I appreciate that the enlarged window may have the same sub frame timber and glazing as the original window, and that the glazing may comply with the original consent condition 16, though such details are not before me. However, overall the details of the new frame do not accord with the simple qualities previously characterising this opening.
12. I was also able to see that the metal hinge pin and latch keep, which were visible in the Council's photograph dated 2013, have been removed. Their retention would have supported an appreciation of the former function of this opening. This is therefore an unfortunate omission, further eroding the appreciation of the former function of the taking-in hatch. Whilst the previous drawing (EKV01306-211) did not include these fittings, neither did it specify their removal. Such elements are usually protected by the listed status and on this basis by default should be protected. Furthermore, the fact that their retention was not required by condition does not indicate that their removal was either authorised or acceptable.

13. The works undertaken have significantly altered a surviving original architectural element of the building. This has resulted in harm to the integrity of the fabric of the building, an element of its special interest and significance. The appellant has suggested that a new timber oak lintel, base plate and hinges could be required by condition. However in the absence of specific details I cannot be confident that this would address the harm identified.

Consideration

14. 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 designated heritage asset overall. In these circumstances paragraph 196 of the National Planning Policy Framework (the Framework) requires that any identified harm is weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. During the conversion works the appellant faced issues with securing suitable and safe means of escape from the first floor bedroom of the original barn. In this regard the alterations to the window opening have enabled a larger lower opening window light to provide an emergency escape option. I appreciate the importance of fire safety, and also that this issue emerged during the building works. Email evidence indicates that this was discussed with the Council's Building Control Manager, with his view that the appeal works represented 'a good solution' to a safety matter. However, the same email refers to the fact that planning and building control professionals must try to accommodate each other's views. On this point there is no evidence before me to indicate that any attempt was made to engage with planning and heritage interests to seek alternative, less harmful, ways of addressing this matter. I therefore give such considerations limited weight.
16. In this case the appeal building has had the benefit of planning permission and listed building consent for its change of use, alteration and extension to provide a family dwelling. In this sense these previous approvals have engaged the principle of securing the future of a designated heritage asset by identifying its optimum viable use. The appellant argues that the appeal works have resulted in a habitable bedroom, thereby providing a public benefit. Additionally, it is suggested that without this the scheme of conversion and extension would not be economically viable. Specifically, it is suggested that this would result in only two habitable bedrooms.
17. However, there is no evidence to indicate that without the use of this room as a bedroom the development as a whole would not be viable. Further, whilst full plans of the permitted scheme are not before me, on my site visit I was able to see that, in addition to a bathroom, there are three separate rooms in the extended portion of the building. Finally, whilst I appreciate that an additional safe and habitable bedroom space is clearly desirable for the appellant, this would be a private benefit which does not weigh significantly in the balance.
18. There is limited visibility of the appeal works from public vantage points, though this elevation is glimpsed from Waldley Lane. I am aware that there are clearer views from the public footpath to the east, though this was not accessible at the time of my site visit. However, the lack of general visibility does not negate the harm caused to the intrinsic interest of the listed structure.

Conclusion

19. I have found harm to the special interest of the listed building, contrary to the duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard be had to preserving any features of architectural or historic interest. This would also be contrary to paragraph 193 of the Framework which 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.
20. Whilst the harm caused is less than substantial, I have not identified any public benefit or other considerations which serves to outweigh that harm. I therefore conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR