



Appeal Decisions

Site visit made on 18 September 2019

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 02 October 2019

APPEAL A

Appeal Ref: APP/P4415/W/19/3222083

5 Hall Mews, Ravenfield, Rotherham, S65 4PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Slater against the decision of Rotherham Metropolitan Borough Council.
- The application Ref RB2018/1496, dated 14 September 2018, was refused by notice dated 5 December 2018.
- The development proposed is installation of window to side elevation at first floor level.

APPEAL B

Appeal Ref: APP/P4415/Y/19/3222084

5 Hall Mews, Ravenfield, Rotherham, S65 4PW

- 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 Slater against the decision of Rotherham Metropolitan Borough Council.
- The application Ref RB2018/1498, dated 14 September 2018, was refused by notice dated 5 December 2019.
- The works proposed are installation of window to side elevation at first floor level.

Decision

1. The appeals are dismissed.

Procedural Matters

2. The Council determined the appeal on the basis of drawing number 1885 001. The submitted documents include an additional plan ref 1885 001 A. This shows an alternative design for the proposed window which varies from that originally submitted.
3. I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision. Nonetheless, and irrespective of the merits or otherwise of a alternative proposal, I have considered whether it would be appropriate to take the additional drawing into account in this case and whether a smaller window could be appropriately secured by condition. I have concluded that it would not. Firstly because to do so would result in a substantially different scheme to the one originally applied for, which *Planning Practice Guidance*¹ advises should be avoided. Furthermore, to do so would

¹ Planning Practice Guidance ID 21a-012-20140306 - 'Can conditions be used to modify plans and other details submitted with an application?'

potentially run contrary to the *Wheatcroft* principles². The key test in this regard, is whether dealing with the proposal in that way would so change the development that to grant permission on that basis would deprive those who should have been consulted on the changed development, the opportunity to make representations. As I cannot be assured that all those consulted would not be prejudiced by a revised scheme I cannot proceed on that basis.

4. I have therefore determined the appeal on the same basis as the Council did, using the original plan.

Main Issues

5. The main issue for both appeals is the impact the works would have on the listed building, known as "farmbuilding approximately 140 metres to north of Ravensfield Hall Farmhouse", or on any features of special architectural or historic interest that it possesses.

Reasons

6. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policies SP40 of the Rotherham Local Plan Sites and Policies Document 2018, (DPD) amongst other things seeks development which contributes to the conservation, enhancement or restoration of historic assets and this reflects the statutory duties defined in the Act.
7. The listed building in this case, formerly listed as Ravensfield Hall Barn, is a former agricultural building which forms part of a group of farm buildings which formerly served the now demolished Ravensfield Hall. The building dates from the mid to late 18th Century and is Grade II listed. I am advised that it is believed to have been designed by John Carr who designed the original Hall.
8. The building comprises a three storey central tower with lower barns extending either side. A row of circular windows, or "oculi" appear on the front elevation of the eastern range. Arched head openings at ground floor have been bricked in but are still clearly evident. A number of smaller windows have been inserted throughout the building over time. Although these are at odds with the original function of the building, many appear to be of some age and illustrate the adaption of the building over time. Joinery throughout the building also varies in form. The structure as it stands is therefore likely to have been significantly altered from its original state. Nevertheless, the balanced appearance of the building, which is derived from the classical arrangement of openings along the facades, remains evident. The significance of the asset is therefore derived in the fact that the building is an attractive surviving example of a building of its type, and the fact that it forms part of a wider group associated with Ravensfield Hall and a prominent architect from the period.
9. The proposal relates to the insertion of an arched head window in the side elevation of the building. The design seeks to replicate a similar opening on the northern elevation. The side elevation already has two side windows, positioned at differing heights at ground floor level. The upper floor remains unbroken. The side profile of the building is relatively shallow and so in nearly

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, p37]

all views of this elevation the contrast between the relatively solid form of the end of the building and the regular punctuation of the front and rear facades is clearly evident. The provision of an additional window of the size proposed would erode the solid appearance of the side elevation and would result in an uncharacteristically open and decorative façade. As this solidity is a feature which complements the regularity of the front façade, its loss would cause some harm to the character of the building. It would also result in a small loss of historic fabric which would also harm the significance of the building.

10. The harm identified would amount to “less than substantial harm” which the Framework advises must be weighed against the public benefits of the scheme. The appellant has advised that the proposal is justifiable as it would provide light to the stairwell, which is currently relatively dark and needs to be artificially lit. I noted during the site visit that the early morning sun provided some light through the ground floor window. Nevertheless, I accept that on a gloomy day, or later in the afternoon, the stairs and landing would be likely to be poorly lit and that further natural lighting would improve living conditions at the property and reduce energy use. Nevertheless, I do not consider that a window of the size and style proposed would be necessary to achieve this, and so I give only limited weight to this matter as a public benefit.
11. The building lies within the Ravensfield Conservation Area. Taking into account the wide extent of the Conservation Area, and the very limited prominence of the proposal within it, any harm to the wider Conservation Area would be negligible.
12. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset’s conservation. The significance is partly derived from its appearance which would be harmed by this proposal. I therefore attribute great weight to the harm which would arise to the significance of the asset. The public benefits would not outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework and with policy SP40 of the DPD.
13. The Council referred in its decision to policy SP46 “Conserving and Recording the Historic Environment”. As Policy SP46 relates to War Memorials, this would appear to be a typographical error, which should read policy SP43. Policy SP43 requires that an appropriate assessment of the impact of development proposals on the significance of heritage assets is carried out as part of the application process. In this case, an adequate heritage statement was provided as part of the scheme, which was proportionate to the development proposed and I therefore find no conflict with this policy. The Council have referred to a number of other design related policies in their submission, although none formed part of the reasons for refusal. As my conclusion in relation to SP40 is determinative, these do not add to my concerns.
14. The Council have referred to Chapter 5 of the Supplementary Planning Document “Development in the Green Belt”. This guidance appears to relate to the conversion of dwellings and so is not applicable to the proposal before me. Furthermore, the guidance does not specifically exclude the provision of new openings in existing buildings in appropriate circumstances.
15. The proposal would harm the significance of the listed building. No public benefits identified would outweigh this harm. Accordingly, for the reasons

given above, and having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR