
Appeal Decisions

Site visit made on 22 November 2019

by A L McCooey BA MSc MRTPI

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

Decision date: 10 December 2019

Appeal Ref: APP/U3935/Y/19/3228124

2 Westleaze, Mill Lane, Swindon, SN1 4HG

- 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 Richard James against the decision of Swindon Borough Council.
 - The application Ref S/LBC/19/0083/PMO, dated 18 January 2019, was refused by notice dated 12 March 2019.
 - The works proposed are: Existing building to be converted to form an annexe as ancillary accommodation to main residence (amended proposal).
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Appeal Ref: APP/U3935/W/19/3228125

2 Westleaze, Mill Lane, Swindon, SN1 4HG

- 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 Richard James against the decision of Swindon Borough Council.
 - The application Ref S/19/0082/PMO, dated 18 January 2019, was refused by notice dated 12 March 2019.
 - The development proposed is: Existing building to be converted to form an annexe as ancillary accommodation to main residence (amended proposal).
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Decision

1. The appeals are dismissed.

Application for costs

2. Applications for costs were made by the Council against the appellant and by the appellant against the Council. These applications are the subject of separate Decisions.

Procedural Matter

3. The descriptions of the development or works in both applications were as follows: Existing building to be converted to form an annexe as ancillary accommodation to main residence (amended proposal). The Local Planning Authority has adopted the following descriptions: Change of use of barn to annexe to main residence, erection of external steps and dormer (amended proposal). This is presumably a reference to an earlier refused proposal. The current applications do not include a dormer and there is no evidence of the appellant's agreement to any change in the descriptions. I therefore use the appellant's descriptions from the application and appeal forms.

Main Issue

4. The main issue is whether the proposal would preserve a grade II listed building or its setting or any features of special architectural or historic interest which it possesses.

Reasons

5. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. I have had regard to the relevant parts of the National Planning Policy Framework (NPPF), in particular paragraphs 127 and 184-202, and Swindon Borough Local Plan Policies EN10: Historic Environment & Heritage Assets and DE1: High Quality Design. In summary, policy at local and national level requires consideration of the significance of the heritage asset, the effect of the proposal on that significance and the heritage asset's features and setting, and consideration of the public benefits that may outweigh any harm caused to the heritage asset.
6. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193).
7. The farmhouse is listed. The historic buildings record indicates that it was re-built around 1800. The coach house and stables are attached to the west end of the house and were added around the same time. It is proposed to convert the coach house only at ground floor and the entire upper floor to ancillary residential accommodation. The stables at ground floor would remain unconverted. The application proposes the addition of an external stone staircase to the rear, leading to a door opening cut into the roof plane. The submitted Heritage statement (HS) sets out the significance of the coach house and stables and the associated heritage values. The HS states that an important element of its significance is its historical and aesthetic value, which is related to its simple form and the features of special architectural or historic interest which it possesses.
8. The background to the proposal is that planning permission and listed building consent for conversion of the building were granted in 2017 and remain extant. Those works proposed complete conversion of the coach house and stables. An existing internal staircase was to be retained and a new spiral staircase was proposed. That approval was subject to a S106 agreement tying the annexe to the main dwelling.
9. The appellant wishes to provide the external staircase in order to improve access to the upper floors. An earlier proposal for a wooden staircase and a dormer was refused. The HS states that, in the appellant's view, the application proposal would not harm the building's significance or associated values. The appellant argues that a key aspect of the building's significance (the fixtures, fittings and joinery in the stables) would be retained and preserved through this amended proposal where they would have been harmed, altered or lost if the extant scheme were to be implemented.

10. The proposed internal works and new windows were largely agreed as part of the extant approval and, with the exception of the steps and door in the roof, the Council raises no objection to the proposal. The reason for refusal clearly sets out the adverse effect on the listed building and its setting. The appellant has not set out why the external steps and door are required, given that there are existing internal stairs in the coach house and the applications are for ancillary accommodation. The HS does not clearly set out the effect of the external steps and door on the significance of the heritage asset. The focus is rather on how the amended scheme seeks to address the concerns raised with the previous proposal.
11. The works to create an inset door at first floor level and external stairs would disrupt the simple form and design of the coach house and stables attached to the farmhouse. The stairs would obstruct the wall of the building and the door would disrupt the simple form of the roof. They would be incongruous and out of keeping with the historic features of the building, particularly the first-floor door in the gable with associated lifting apparatus. They would not preserve the listed building and the features of historic and architectural interest that it possesses nor its setting. I find the proposal would cause less than substantial harm to the significance of the listed building for these reasons.
12. As required by Policy EN10 and the NPPF, I now consider any public benefits arising from the proposals. The basis of the appellant's case is that the appeal scheme would retain internal features intact (principally in the stables on the ground floor) that would have been lost if the previous approval were to be implemented. I have carefully considered these features and the comments of the previous conservation officer regarding them (made during consideration of the approved works). I find that the adverse impacts on the form and simplicity of the listed building and the associated harm to the building's historical and aesthetic significance caused by the external steps and door would not be outweighed by the retention of these internal features. The building is not at risk and is capable of beneficial use, as evidenced by the approved scheme for its conversion. My overall conclusion is that there are no public benefits that would outweigh the harm caused to the listed building.
13. The appellant alleges that the Council erred by concluding that, in the absence of an obligation to relinquish the extant planning permission and listed building consent, both schemes could be implemented were planning permission to be granted for the appeal proposals. The Council points out that even if the appellant is correct it would not have altered its conclusions on the scheme. This is not critical to my consideration because I judge that the merits of the retention of the stables and its features do not outweigh the harm caused.

Conclusion

14. For the reasons given above and having regard to all matters raised, I conclude that the proposed development and works do not comply with the statutory tests in Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DE1 and EN10 of the Swindon Borough Local Plan and Sections 12 and 16 of the NPPF. They would not preserve the listed building or its setting or the features of special architectural or historic interest which it possesses.

15. I have taken account of the evidence in support of the proposal and its benefits. These considerations do not outweigh the harm that has been identified and I therefore dismiss the appeals.

A L McCooey

Inspector