



Appeal Decisions

Site visit made on 19 November 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

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

Decision date: 16th December 2019

Appeal A: APP/P2935/D/19/3220331

Ridley Mill House, Ridley Mill Road, Stocksfield, NE43 7QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission.
 - The appeal is made by Dr and Mrs Martin and Katy Weatherhead against the decision of Northumberland County Council.
 - The application Ref 18/03053/FUL, dated 23 August 2018, was refused by notice dated 29 October 2018.
 - The development proposed is the demolition of existing two storey, flat roofed extension and replacement with a new two storey, pitched roof extension with single storey flat roofed garden room projection.
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Appeal B: APP/P2935/Y/19/3220332

Ridley Mill House, Ridley Mill Road, Stocksfield, NE43 7QU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Dr and Mrs Martin and Katy Weatherhead against the decision of Northumberland County Council.
 - The application Ref 18/03054/LBC, dated 23 August 2018, was refused by notice dated 29 October 2018.
 - The works proposed is the demolition of the existing two storey, flat roofed extension and replacement with a new two storey, pitched roof extension with single storey flat roofed garden room projection.
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Decisions

Appeal A Ref: APP/P2935/D/19/3220331

1. The appeal is dismissed.

Appeal B Ref: APP/P2935/Y/19/3220332

2. The appeal is dismissed.

Preliminary Matters

3. This decision deals with a planning appeal under S78 of the TCPA (Appeal A) and a listed building consent appeal under S20 of the PLBCA (Appeal B). Whilst both appeals are to be considered under these separate processes, to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.

4. I have taken the description of the development and works from the Council Decision Notices as these describe the proposals more concisely.
5. The applications were made on a single application form and the description of the proposals is thus the same for both. Planning permission is not required for internal alterations so 'internal alterations' has been omitted from the decision on Appeal A ref. APP/P2935/D/19/3220331.
6. During the course of the appeal, the appellant in their Statement of Case (SoC) submitted Appendices 2 and 3 which submit further options that change the materials of the refused schemes and has sought that I consider these options as part of the appeals. It is unclear which option the appellant seeks that I am to make my decision upon. The main differences from the refused applications to the options presented are the change from two types of timber cladding where Appendix 2 suggests the extension would be constructed in stone and timber; and Appendix 3 suggests another option where the extension would be of two storey stone construction.
7. In general the appeal process is not the appropriate place to evolve the scheme; and the scheme that is considered at appeal ought to be the same one that was considered by the Council. There is no evidence that these further options formed part of the scheme that the Council made its decision on, or that these options have been subject to any form of consultation. In accordance with the 'Wheatcroft Principles',¹ it would not be appropriate to consider these additional options within my decision as the acceptance of such would deprive those who should have been consulted on the changed development or the opportunity of such consultation. I will therefore base my decision solely upon the plans that were assessed by the Council during the original planning determination.
8. I also note the submission of Appendix 1 as part of the appellant's SoC which is an addendum to the original heritage statement and provides additional justification for the internal works. This information was not made available to the Council during determination and was not subject to any form of public consultation. The Council has had the opportunity to review this addendum and has commented that they still raise concerns with regards to the justification of the proposed development and works. Taking into account the Wheatcroft Principles, I find that the acceptance of the heritage statement addendum would provide further clarification to the main issue and not result in changes to the scheme. I am satisfied that the acceptance of this statement would not deprive those who should have been consulted on the internal works or the opportunity of such consultation. I will therefore accept this addendum as part of the appeals and base my decisions upon it.
9. Both parties agree that the proposed extension would be a proportionate addition/replacement extension to the existing dwelling which is located within the Green Belt. I have no reason to disagree with this assessment that this particular proposal would not be inappropriate development within the Green Belt and will therefore determine these appeals on this basis.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issue – Both Appeals

10. The main issue is the effect of the proposals upon the architectural and historic interest of the Grade II listed building, and whether the proposals preserve the setting or any features of special architectural or historic interest which the building possesses.

Reasons – Both Appeals

11. Sections 16 (2) and 66 of the PLCBA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting.
12. The appeal property is a Grade II listed building which appears to date from the late eighteenth/early nineteenth centuries and faces side-on to Ridley Mill Road. The building is two storeys tall, constructed with rubble stone and has a pitched and gabled slate roof. To the rear of the building is a mid-late twentieth century two storey and single storey extension with flat roof which appears to have been constructed over a historic rear extension. The rear extension results in a poor appearance to the building in that the design and form is poorly related to the host building. The historic component of the building carries a very narrow and linear footprint and according to the Council's Building Conservation Officer response, the appeal building was the mill house which was formerly linked to a corn mill complex that dates back to 1769.
13. I note a Historic Building Report² is submitted with the appeal documents which provides a useful descriptive analysis and synopsis of the physical components and evolution of the building. However, the document is more akin to a building recording, rather than a heritage statement that would be fully in accordance with paragraph 189 of the National Planning Policy Framework (the Framework). Such statements of significance should seek to understand the heritage values which derive from tangible and intangible elements, associations and relationships that make up the significance of the listing, including their setting, in order to understand the potential impact of the proposal on the significance. The Historic Buildings Report does not undertake this assessment of significance and hence is limited in aiding understanding of significance, or harm caused to this significance.
14. It is acknowledged that the building will have a variety of both tangible and intangible elements that contribute to its significance based upon its heritage values. However, the relevant components of the significance of the building to this appeal derive from its historic construction and materials which contribute to its historic form and function; and a design that relays a symmetry to the overall building which has a Georgian-like appearance. The setting of the appeal site and how it is positioned on the site along the road is also important with heavily treed surrounds and the narrow, enclosed access lane having a positive influence to the setting of the building and how it is experienced. I also note the rear extension in my opinion has a detrimental impact upon the significance of the building. However, it does demonstrate the evolution of the building over its lifetime.
15. Both the appellant and the Council agree that the existing later single and two storey flat roof extensions to the rear are detrimental to the significance of the

² Ridley Mill and its rear outshut, By Peter Ryder, September 2017

- listed building and therefore there is no dispute with regards to the demolition of the structure to the rear. The main disagreement between the parties arises from the proposed replacement extensions in terms of their design, massing, form and materials palette.
16. The proposed extensions would contain a two storey glazed link which would attach to a two storey component with a pitched and gabled roof that projects above the eaves of the historic building. The extension would have two flues projecting from either side of the roof, and a single storey element which would wrap around the two storey addition with a flat roof and full height glazing. Materials are proposed to be tight lap horizontal timber cladding to the ground floor and vertical timber cladding to the first floor with a slate pitched roof to the two storey component and a sedum roof to the ground floor component with an SP membrane over the glazed link. Internally, the works would involve the creation of a new opening to the historic fabric, the altering of a doorway and the removal of a historic cupboard which appears to be part of an earlier phase of development.
 17. Whilst there is a poor extension to the rear currently, any new extension should reflect the proportions, form and materials of the historic building, rather than utilising the poor form and dimensions of the previous extension to justify acceptability of proposed extensions. The proposed extension is not subservient to the historic building with a roof form which rises above the eaves of the host dwelling that competes with and detracts from the significance of the historic building.
 18. The two flues to either side of the roof are also detrimental to the appearance and increase roof clutter which detracts from the symmetrical lines and appearance of the historic building. The wrap around component to the ground floor would also dominate and over-complicate the symmetrical and linear nature of the building and would be quite large, being greater than the current extension and greater in width than the host building. This would accentuate the form and status of the extension when seen against the historic building.
 19. Further information presented in the Heritage Statement Addendum provides information as to the proposed internal works. However, it is unclear whether the works are necessary or result in the least amount of impact towards the significance of the historic building.
 20. The use of timber cladding is inappropriate within this context given its application and changing in direction from the first compared to the ground floor. Although I appreciate the design ethos behind this which has a more honest and contemporary design, it creates an incongruous addition which does not harmonise, but rather competes with and distracts from the appearance of the historic building. Whilst materials could be dealt via condition, the use of timber cladding is also not appropriate for this particular building given that it is not a prevalent material that is utilised in the area that would reinforce the qualities which make up local character and distinctiveness. Timber cladding often does not perform well in a well-treed environment and can lead to the discolouration and eventual deterioration of the cladding which may eventually present a poor appearance to the extension and the historic building.
 21. It is clear to me that the proposed extension and alterations in their current form would unacceptably harm the significance of the listed building, thus

- failing to preserve the building or its setting or any features of special architectural or historic interest which it possesses.
22. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
23. Supporting information accompanying the appeals suggest that benefits of the scheme are the removal of the present rear extension, the benefits to the asset and the setting and that the extension maintains the building as a family home. Whilst I give weight to the removal of the later rear extension which is a benefit of the development, I am not convinced that the proposed extension is the only way of achieving appropriate accommodation for a family, and that the overall proposed design is sympathetic to the historic building.
24. Consequently, I am not convinced that the specified works are necessarily the only option available and would therefore result in harm to the listed building and its special architectural and historic interest. As such the alterations would be contrary to: Saved Policy BE1 of the Tynedale Core Strategy (which at Section (a) seeks that development conserve and enhance the quality and integrity of the built environment and its historic features including listed buildings); Saved Policy GD2 of the Tynedale District Local Plan 2000 (LP) (which seeks at Section (a) that design should be appropriate to the character of the site and its surroundings and existing buildings); Saved Policy H33 of the LP (which seeks that extensions respect the character of existing buildings); Saved Policy BE21 of the LP (which seeks that proposals for extensions to listed buildings are appropriate where they retain the essential character, are of sympathetic materials and techniques, the architectural details are in-keeping and that it meets saved Policy GD2) and saved Policy BE22 of the LP (which seeks that proposals not adversely affect the essential character or setting of a listed building; and saved Policy H20 of the LP (which seeks that development in the countryside, including in the Green Belt is sympathetic to the character of the original building).
25. I therefore find that the public benefits arising from the proposed development would not outweigh the harm I have identified and to which I accord considerable importance and weight. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

Other Matters – Both Appeals

26. I note comments from interested parties as part of these appeals who support the proposals and reflect comments from the applicant that there is frustration with how the Council has handled the application or has given advice. I acknowledge that the appellants have spent a great deal of time and money on trying to achieve an appropriate scheme as well as balancing the needs to make the building a family home. I also agree to an extent that the investment and general upkeep of the dwelling has been positive for the area and for the

historic building. However, this would not be sufficient to balance against the harm that would arise from the proposed extension. Specifically, that in respect of the special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses including its setting.

27. I acknowledge comments from the appellant regarding the determination process and the lack of time to respond to concerns raised by Council officers. Whilst I agree that the Council could have exercised discretion during the determination, such as seeking an extension of time to resolve issues that were identified, the Council is not statutorily required to do this and are only required to determine an application within the designated time frame, which they did. In the Council's opinion they had enough information to determine the scheme, and to them it was inappropriate.
28. I note discussion on ecological considerations and potential for bat roosts and resultant impacts. As the application was not refused on the basis of ecological considerations, I have not found it appropriate to assess this issue.

Conclusion – Both Appeals

29. In conclusion, on the basis of what I saw on my site visit and the evidence before me, the proposal would cause less than substantial harm to the architectural and historic interest of the Grade II listed building, and would not preserve the features of special architectural or historic interest which they possess and to which Sections 16(2) and 66 of the PLBCA requires special regard to be paid. The benefits put forward for the proposal would not outweigh the harm caused.
30. For the reasons given above, both appeals are dismissed.

J Somers

INSPECTOR