
Appeal Decisions

Site visit made on 30 June 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date:

Appeal A: APP/R4408/Y/19/3240761

7 Hall Close, Worsbrough Village, Barnsley S70 5LN

- 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 Miss Rachel Wyatt against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/0769, dated 20 June 2019, was refused by notice dated 16 October 2019.
 - The works proposed are conversion of a part built garage into an annex.
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Appeal B: APP/R4408/W/19/3241569

7 Hall Close, Worsbrough Village, Barnsley S70 5LN

- 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 Miss Rachel Wyatt against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/0767, dated 20 June 2019, was refused by notice dated 16 October 2019.
 - The development proposed is conversion of a part built garage into an independent living annex.
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Decisions – Appeals A and B

1. Appeals A and Appeal B are dismissed.

Procedural Matters – Appeals A and B

2. Section 72(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies to listed building appeals. As such, although the harm to the conservation area is not mentioned in the Council's evidence, I have considered it appropriate to consider this in my reasoning.
3. These appeals concern the same scheme under different but complementary legislation. As such, it is appropriate to consider them together to avoid duplication in my reasoning.

Main Issues

4. The main issues are:

- Whether the development would preserve the Grade II listed building of Worsbrough Hall (the Hall), or any features of special architectural and/or historic character that it possesses, and whether the development would preserve or enhance the character or appearance of the Worsbrough Conservation Area (WCA) (Appeals A and B); and,
- Whether the development would represent ancillary accommodation (Appeal B).

Reasons

Heritage assets

5. The Hall is an imposing two storey ashlar stone dwelling with a U-shaped plan and gabled front wings, dating mainly from the early 17th century. On its southern and principal elevation, the wings frame a broad central façade with a Tudor arched doorway. This elevation faces an open area, now overgrown and used for storage, which the 1850 plan indicates was formerly the Hall's main access and carriage turning area. The location of a large pillared gateway on Worsborough Road is consistent with the main entrance and layout shown on the 1850 map.
6. To some extent scaffolding now partially obscures the Hall's central elevation and western wing. However, the measured and refined detailing of mullioned and transomed windows, simple string courses and carefully graduated stone slate roofing are visible, and make a highly positive contribution to the Hall's underlying form, scale and proportions.
7. The Hall has undergone many historic additional and changes since the 17th century, including extensive building to the north as shown on the 1850 map. It has been subdivided into residential units and a former wing linking the Hall to the courtyard buildings was demolished in the 1980s.
8. Nonetheless, despite the history of building works and internal subdivision the window and door openings on the southern elevation and the wings are broadly consistent with the photograph taken around 1900. This was taken from a position within the carriage turning area and illustrates the importance of that area in framing the Hall's principal elevation. Despite the apparent dilapidation of the original structure, the Hall and this elevation in particular, retain an impressive if rather austere presence and grandeur which have remained largely unchanged since the 17th century.
9. Consequently, as far as these appeals are concerned, the Hall's significance is derived from its largely intact historic fabric and original details, as well as the principal elevation's spatial relationship with the former carriage turning area.
10. The Hall is also situated within the WCA. I observed that the Hall is set apart from what appeared to be the original village nucleus, which presents an irregular building pattern of period stone structures centred around the church. This is broadly confirmed by the appellant's heritage statement.
11. The spatial relationship between the Hall and the village core, and the associated hierarchy of building styles suggest that the Hall was of local importance and status, and that the local building pattern reflects the village's social and economic evolution. The significance of the WCA is therefore derived from its spatial hierarchy, layout and historic fabric.

12. There is a partially built stone-faced garage situated to the south of the Hall, hard against an earth bank and to one side of the turning area. Three walls have been completed but there is no roof, and the area is used for storage and the siting of a steel container. The appeals relate to an application to extend the garage towards the hall by three metres, to form a residential annex.
13. The 1850 map shows that the garage's footprint falls within the former carriage turning area and frontage, albeit to one side. The development would therefore intrude into the area of the Hall's frontage and diminish the setting of the principal elevation and its relationship with the site. This would be detrimental to the Hall's significance and would fail to preserve its historic character and setting.
14. A small residence in this frontage would also be detrimental to the spatial arrangement of the WCA as it would be at odds with the underlying spatial hierarchy of the village. I acknowledge that there has been residential development to the north of the WCA, and at the northern end of Hall Close. Nonetheless, the WCA plan shows that a buffer has been retained around three sides of the Hall. This more recent development is both outwith the Hall's immediate visual context and does not encroach into the appreciation of its frontage.
15. Although there is quite detailed information regarding the architectural details and provenance of the Hall in the heritage statement, there is nothing to demonstrate that a contemporary structure in this position would preserve or enhance the Hall's special architectural or historic character in relation to its setting.
16. Moreover, although the annex would be stone clad, with mullioned windows and timber casements, in overall appearance, scale and proportion it would retain the overall form of a modern garage or bungalow, with flat elevations on all four sides and a low, pitched roof. Although the annex's overall size and scale would be visually subservient to the Hall, the window sizes and arrangements, as well as the use of stone mullions, would signal residential use. The annex's stone detailing therefore would draw attention to the building and would appear disproportionate and contrived in the context of those same details on the Hall.
17. The appellant argues that the scale and massing of the proposed annex is not significantly greater than what has been previously approved. However, although the extant permission is not in dispute, it dates from many years ago, and the extant permission itself has an adverse impact on the Hall's setting. Moreover, the plans for the annex indicate that the elevation would be increased by more than one third of its original length. In relative terms this is a significant increase. Consequently, the annex would intrude into the Hall's frontage to a greater extent than the garage, and would therefore cause more harm to its significance than the garage.
18. It is argued that dangerous trees would be removed but although there was a spindly specimen adjacent to one of the gables, there did not appear to be any trees affected by the garage works that would directly affect the Hall if they failed. In any case, even if trees are dangerous there is nothing before me to indicate why the garage needs to be extended to enable their removal.

19. The National Planning Policy Framework (the Framework) requires that any harm to significance requires clear and convincing justification. Sufficient detail in terms of the significance of a heritage asset is required in order to understand the potential impact of the proposal on significance (Paragraphs 189 and 193). In this case there is a distinct lack of detail in this regard. Although the heritage assessment details built elements which might predate the 17th century as well as the likely provenance of internal features, it fails to consider the spatial relationship of the Hall and its immediate setting. These are the issues which are determinative to this appeal. It also fails to set out how the proposed annex would satisfy the requirements of the relevant policies and legislation, other than through the superficial use of the stone detailing as discussed above, and does not refer to the LP policies cited in the Council's decision, and against which this application was tested.
20. Moreover, although I appreciate that the Hall's origins may be slightly earlier than given in the listing, and that the west gable may have been built later than other parts of the principal façade, this does not alter my reasoning. In overall design the west wing is not significantly different from other parts of the principal elevation. Even if it was a later addition it does not alter my reasoning with regard to the principal elevation's relationship with the carriage turning area.
21. The harm I have identified in respect of the Hall and the WCA would amount to less than substantial harm as set out in Paragraph 196 of the Framework. In such cases the harm should be weighed against the public benefits of the proposal. However, there is nothing before me to indicate how the development would result in public benefits or secure an optimum viable use for the Hall and the WCA, also as required by Paragraph 196.
22. I conclude that the works would fail to preserve the features of special architectural interest of historic character that the Hall possesses, including its setting. They would also fail to preserve or enhance the character or appearance of the WCA.
23. In this regard, the works would not accord with Sections 16(1) and 72 of the Planning (Listed Buildings and Conservation Areas) (England) Act 1990 (the Act). They would also be contrary to Policies HE1 and HE3 of the Local Plan (LP), which taken together require development to seek to conserve and where appropriate enhance listed buildings, and to conserve and enhance the significance of heritage assets amongst other considerations. Insofar as the application fails to assess the implications of the development on the Hall, it also fails to comply with LP Policy HE2 which requires applications for development affecting heritage assets to supply adequate impact assessments.

Ancillary accommodation

24. The SPD¹ states in relation to outbuildings and annexes that *an annex may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. It should also have a close physical relationship with the host dwelling.*

¹ House Extensions and Other Domestic Alterations

25. In my experience the term annex is generally accepted to imply dependency and there is nothing before me to indicate that there are any other planning definitions of the word.
26. The development would be located some distance from the Hall and would be separated from it by a vehicular access and turning area. It would not have a close physical relationship with the Hall, and would have its own separate access. Moreover, it would have all the amenities of a self-contained dwelling. On these grounds, it would not be an annex as set out in the SPD and I agree with the Council that it would represent a separate dwelling.
27. This conclusion is supported by the heritage statement which suggests that the future occupiers would be elderly persons no longer able to use the stairs at their accommodation in the Hall.
28. The appellant has submitted details of an annex in Penistone but the Council notes that this development has a different and far closer relationship with the host dwelling. This is not disputed by the appellant and therefore I conclude that this example is not comparable to what is before me.
29. As such the development would not represent an annex or ancillary accommodation, and would fail to accord with the SPD guidance. I appreciate the arguments advanced in relation to the provision of suitable accommodation for elderly persons, and have given them due regard, as required by the Equality Act 2010 and the Public Sector Equality Duty. Nonetheless, there is nothing before me to indicate that other living arrangements have been considered. In any case, even if I concluded that the argument advanced in this regard could outweigh the harm to the heritage assets identified above, it remains that the development would be for separate residential accommodation, not an annex.
30. LP Policies D1 and GD1 are concerned with general design principles. In this respect I conclude that the development would not be compatible with the use of the adjoining land, as set in LP Policy GD1 and would also be contrary to the requirements for high quality design and reinforcements to the distinctive local character and features of Barnsley as set out in LP Policy D1.
31. The officer's report suggests that areas of concern are also the living conditions of existing and future residents, as set out in LP Policy GD1. However, there is nothing before me to indicate how the annex would affect the living conditions of future or existing occupiers.
32. The appellant has referred to UDP Policy ENV 54 which refers to proposals to convert existing buildings to annexes, but there is nothing before me to indicate whether this policy forms part of the current Local Plan. In any case, its provisions appear similar to LP Policy GD1.

Other matters

33. During the appeal the appellant has submitted additional documentation relating largely to what appears to be other development at the Hall and its vicinity. However, it appears unrelated to this appeal, and does not address the reasons for refusal.

Conclusion

34. In the light of the above, I conclude that the development would fail to accord with Sections 16(1) and 72 of the Act, the relevant policies of the Local Plan, or national guidance. The appeal should be dismissed.

A Blacq

INSPECTOR