



Appeal Decision

Site visit made on 10 November 2020

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/Y0435/Y/20/3250817

9 The Green, Loughton, Milton Keynes, MK5 8AW

- 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 John Walker against the decision of Milton Keynes Council.
 - The application Ref 20/00397/LBC, dated 26 April 2019, was refused by notice dated 7 April 2020.
 - The works proposed are described as 'installation of 16 PV panels on south facing roof of the House. Precise location and layout to be discussed with Council'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposal would preserve a grade II listed building, Barn to South East of Manor Farmhouse, The Green (Ref: 1125250) and any of the features of special architectural or historic interest that it possesses;
 - whether the proposal would preserve or enhance the character or appearance the Loughton Conservation Area; and,
 - whether the proposal would preserve the settings of the nearby grade II listed buildings at Manor Farm Cottages, 7 and 8, The Green (Ref: 1160341), and Cell Farmhouse, 1, The Green (Ref: 1125249).

Reasons

The listed building, the conservation area, and the settings of the nearby listed buildings

4. The appeal property is an eighteenth century barn constructed of coursed rubble stone and was originally an agricultural building serving nearby Manor Farm. Whilst it has its own list entry, the listing description indicates that the barn is included for its group value. Although I have not been provided with a copy of the listing description, I understand that Manor Farmhouse to the north
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of the appeal building is a grade II listed building in its own right. At my visit I saw that this is a substantial two storey house and built of limestone rubble with a tiled roof which is set behind the appeal property in an enclosed garden area and largely hidden from wider view. Additionally, Manor Farm Cottages to the south west of the appeal building is also a grade II listed building. The listing description identifies this as a two storey house, formerly divided into two cottages, dating to the sixteenth or seventeenth century, built of coursed rubble with a half hipped thatched roof. I regard this to be the historically linked group of buildings within which the appeal property is considered to be of value.

5. The appeal property was converted into a dwelling in 1988 when its metal sheet roof (itself a replacement for a thatched roof which was lost to fire) was replaced with Welsh slate. There is a single roof light on the building's southern roof plane. The barn has been sympathetically converted with its historic openings, proportions and features for the most part retained. As a consequence, despite its residential use the building maintains an attractive rural appearance and character with functional detailing and an uncomplicated simple design incorporating traditional materials. Thus, its historic form is still clearly legible. The agricultural origins of the building and its former functional relationships with Manor Farmhouse and Manor Farm Cottages also remain clearly discernible. This is so despite the construction of a new dwelling immediately to the west of the appeal site (10 The Green).
6. From the listing description and the evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed property is drawn from its historic age, form, fabric and architectural features along with its relationship to the other buildings associated with Manor Farm. It is also drawn from its prominent siting at the edge of The Green. This historic area of long standing open space is located immediately to the south of the appeal property and its garden area and has a strong relationship to it. The open setting that results is a key part of the surroundings in which the appeal building is experienced and contributes to its historic value. All these elements are important overall to the special interest of the building in terms of this appeal.
7. The appeal building is within the Loughton Conservation Area which covers much of the central area of the village centring on The Green. The conservation area has a traditional rural village character and scale with the historic traditional buildings facing out over The Green. I consider that the importance of the conservation area is mainly derived from the quality and variety of historic buildings, their relationship to each other and the spaces around them. Along with the other long established buildings surrounding The Green, the appeal property contributes positively to the historic character and appearance of this part of the conservation area and its significance as a heritage asset in relation to this appeal.
8. Turning to the nearby listed buildings, Manor Farm Cottages faces out directly on to the northern extent of The Green at right angles to the appeal building and has views of it. There is a further grade II listed building at Cell Farmhouse which is a sixteenth/seventeenth century house constructed of colour washed rubble stone with a steep pitched roof. This is located further to the south and faces out over the southern extent of the Green from where the appeal property is visible at some distance. The significance of these buildings, insofar as relating to this appeal, is derived from their historic interest as

residential buildings typical of the rural area and their relationship with The Green.

9. The Framework defines setting as the surroundings in which a heritage asset is experienced. There is inter-visibility to varying extents between both these listed buildings and the appeal building across The Green and some contextual views of them include the appeal building. I find that the settings of these buildings, in so far as they relate to this appeal, to be primarily associated with the historic importance of The Green and its open rural character along with the traditional buildings fronting that key open space. This contributes positively to their understanding and the special interest and significance of those buildings along with the ability to appreciate them. I have also had special regard to this matter in considering the appeal.

The effect of the proposal on the listed building

10. Whilst I understand that the photovoltaic panels would be sited on the south facing roof of the appeal building, no drawings to demonstrate their design or siting have been provided. The description of the works on the application form indicates 16 panels, but the Design and Access Statement refers to up to 24 panels. Possible options for the positioning of these are indicated to be a single line along the upper part of the roof, or a more compact form around its middle section.
11. A single storey art studio has been constructed at the appeal site to the north east of the appeal building which includes 16 panels on its south facing roof slope. I saw at my visit that these are a dark grey colour with grey surrounds. The appellant indicates that the size, scale, and appearance of the panels proposed on the appeal building would be similar to those on the studio and are intended to blend in with the colour of the roof slate of the appeal building.
12. In the absence of any further details, I cannot be sure how much of the roof would be affected by the panels. Nevertheless, even taking the minimum number of 16, although the panels would not cover all of the south facing roof plane by any means, they would still be highly visible additions to the building.
13. The panels would sit on top of (rather than replace) the existing slate roof, which itself is a relatively modern replacement that is not original. Accordingly, I appreciate that no loss of historic fabric would result. That said, regardless of their siting, the panels would inevitably obscure part of the traditional roof, and by their nature, would be of a modern design. They would have a smooth reflective surface and incorporate contemporary materials. This would be in contrast to the traditional design and natural finish of the slate roof tiles. Despite their grey colour, they would therefore have an obvious and strident appearance. Thus the panels would be readily evident alongside those parts of the roof where the slate tiles would remain visible.
14. The appellant argues that the building was used for centuries as a working building to support the safe storage of natural resources (grain and livestock) which formed a primary source of energy and income and that using its roof to generate electricity is in-keeping with the building's history. I am mindful that conservation is about managing changes to a building and its setting in ways that sustain, reveal or reinforce its cultural and heritage values.

15. However, whilst the adaptation of the building over time is apparent, I am not convinced that the historic function of the property as a working building would be reflected in the introduction of the panels to what is now a building in use as a residential dwelling. As such, I am not persuaded that the building's cultural or heritage values would be reinforced as a result of the proposal.
16. Rather, I find that the panels would be unduly modern and discordant features that would unacceptably alter the appearance of the building. They would seriously detract from the functional rural vernacular form of the former barn building and erode the rural simplicity of its historic form and design. The historic context of the building as a low status agricultural barn and its relationship with the residential properties at Manor Farmhouse and Manor Farm Cottages would also be undermined as a result of the modern intrusion. Additionally, given the appeal property's prominent siting at the edge of The Green and close relationship to it, the proposal would detract from the rural appearance of this historic area of long standing open space. It would diminish the surroundings in which the appeal building is experienced, thereby detracting from its setting and historic value.
17. Taking all these factors into account, I consider that the proposal would undermine the building's historic legibility and fail to preserve its special interest.

The effect of the proposal on the conservation area

18. Despite the existing vegetation in the appeal property's garden, the panels would be plainly visible in views from The Green. This is an important feature in the conservation area that contributes to its significance. I have identified above the harm to the special architectural and historic interest of the listed building which is a prominent feature on the northern edge of the Green and one of the traditional buildings facing out over this open space. The understated simple form of the appeal building reflects the rural open nature of The Green and the sense of identity and place in this part of the conservation area.
19. For the reasons given above, the unduly modern design and form of the proposal and its incongruous appearance would undermine the historic integrity of the building which contributes to the historic significance of the conservation area. This being so, it would detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

The effect of the proposal on the settings of other nearby listed buildings

20. The panels would be visible from the front of Manor Farm Cottages at reasonably close quarters and from Cell Farmhouse at a much greater distance. This inter-visibility is afforded by the intervening open area of The Green and the appeal property is seen in some contextual views of both these listed buildings. For the reasons given above, I have found that the proposal would undermine the historic integrity of the appeal building and harm the significance of the conservation area. The settings of these listed buildings are associated with the historic importance of The Green and its open rural character along with the traditional buildings fronting the key open space. In unacceptably eroding these elements which contribute positively to the special

interest and significance of those buildings, the proposal would detract from the settings of these listed buildings and the ability to appreciate them.

21. For these reasons, I find that the proposal would fail to preserve the settings of the nearby listed buildings.

Conclusion on the main issues

22. I therefore conclude on the main issues that the proposal would fail to preserve the special interest of the listed building and the significance of the conservation area and would not preserve the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of this appeal.
23. I have had regard to the appellant's view that the juxtaposition of the modern panels on an old working building is exactly what Milton Keynes has sought to achieve since its designation as a New City, which embraces and integrates ancient settlements with modern architecture and technology. Whilst I accept that a mix of old and new development is appropriate in some contexts, for the reasons given, I find the impact of the proposed panels in this instance to be harmful.

Planning Balance

24. The Framework advises at paragraph 193 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I consider that the harm in this case, although serious, would be less than substantial in the terms meant by the Framework. Paragraph 196 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
25. The appeal property was converted in 1988 to ambitious energy efficiency standards and has operated as such for a number of years. The solar panels on the studio building are overshadowed in winter by the roof of the main house. I appreciate that the appellant wishes to take the sustainability qualities of the building one step further. With this in mind, the proposal would generate sustainable renewable energy to support the residential use of the appeal dwelling. It would reduce its carbon footprint and provide charging for electric vehicles going forwards. Whilst its particular contribution is not quantified, the appellant also indicates that most of the energy generated from the panels would be fed into the national grid, thereby reducing harmful carbon emissions and helping to achieve the Council's climate change policies.
26. Although the energy efficiency benefits to the appellant are likely to be significant, given the limited scale of the works proposed, the wider public benefits are likely to be more modest. Even so, these are public benefits of the proposal. There is general encouragement in the Framework for such development which seeks to increase the use and supply of renewable and low carbon energy and heat as well as a commitment to tackling climate change. Support is afforded to sustainable development in Plan: MK 2016-2031 (the Local Plan) and the Council's Sustainable Development Strategy which indicates

that the Council will give favourable consideration to proposals which will contribute to delivering, amongst other things, the prudent use of natural resources. Taking all these matters into account, I give these benefits of the proposal moderate weight.

27. The appellant refers to paragraph 192 of the Framework which requires at criterion (a) that the Council should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation. However, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal, since the building has an ongoing residential use that would not cease in its absence. The appellant also refers to paragraph 192 (b) of the Framework which recognises the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. However, aside from the sustainability benefits of the proposal considered above, no further evidence is given as to how the proposal would contribute positively to the economic vitality of sustainable communities.
28. I note the appellant's view that in the longer term the panels would be removed as technology advances. This could be controlled via planning conditions and has the potential to lessen the period over which the harm I have identified would take place. However, no indication as to the likely lifespan of the panels or possible timescale for their removal is given. In practical terms, it seems to me that they would be likely to be in place for a number of years. As such, the harm that would be caused, even over a temporary period, would still be significant.
29. The appellant refers to the presumption in favour of sustainable development. However, with footnote 6 of paragraph 11 (d) (i) of the Framework in mind, I do not regard the tilted balance to apply in this instance.
30. Bringing matters together, I find that overall, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage assets I have identified.
31. The proposal would thus be contrary to Local Plan Policy HE1 which states that proposals will be supported where they sustain and, where possible, enhance the significance of heritage assets which are recognised as being of (amongst other things) historic significance, and indicates at criterion E that permission for proposals that cause less than substantial harm to a designated heritage asset will only be granted where the harm is demonstrably outweighed by public benefits delivered by the scheme.
32. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 192 of the Framework and would be in conflict with the development plan.

Overall Conclusion

33. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR