



Appeal Decision

Site visit made on 13 January 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2021

Appeal Ref: APP/A2470/Y/20/3259600

3 New Row, Mill Street, Ryhall PE9 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 Neil Townsend against the decision of Rutland County Council.
 - The application Ref 2020/0377/LBA, dated 31 March 2020, was refused by notice dated 26 June 2020.
 - The works proposed are erection of single storey front porch and conversion of existing attic/loft space for habitable use, including insertion of 2no. rooflights.
-

Decision

1. The appeal is dismissed insofar as it relates to erection of single storey front porch. The appeal is allowed insofar as it relates to conversion of existing attic/loft space for habitable use, including insertion of 2no. rooflights and listed building consent is granted for conversion of existing attic/loft space for habitable use, including insertion of 2no. rooflights at 3 New Row, Mill Street, Ryhall PE9 4HG in accordance with the terms of the application, Ref 2020/0377/LBA, dated 31 March 2020 and subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 472 01, 472 02, 472 05, 472 06, D-CRPM/01 Revision F and D-CRPM/02 Revision F.
 - 3) Prior to the commencement of any works in connection with the new staircase from the existing first floor to the proposed second floor, drawings showing the details of the new staircase shall be submitted to and approved in writing by the local planning authority. The works in connection with the new staircase shall thereafter be carried out in accordance with the approved details.

Procedural Matters

2. The appellant has advised that listed building consent was subsequently granted¹ for the part of the appeal proposal concerning the conversion of the existing attic/loft space for habitable use, including the insertion of two rooflights in the rear roof slope (the approved scheme). The appellant has provided the plans for the approved scheme, which include alternative

¹ Planning Reference: 2020/0729/LBA.

dimensions and construction details for the proposed rooflights (Drawing References: 472 01, 472 02, 472 05, 472 06, D-CRPM/01 Revision F and D-CRPM/02 Revision F).

3. The Officer Report (OR) and Decision Notice for the application subject of this appeal did not identify any concerns with respect to the attic/loft space conversion or the rooflight openings, except in relation to the construction of the latter. Moreover, the OR indicated that alternative details for top-hinged rooflights could be agreed by a condition. Given that the alternative plans include rooflights of that nature, and with cognisance of the Wheatcroft principles, I am satisfied that it would be reasonable and appropriate to determine the part of the appeal proposal concerning the conversion and rooflights on the basis of the plans listed above.
4. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, they do not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. The policies referred to by the Council on the Decision Notice are therefore a material consideration only. In determining the appeal, I have also had regard to the statutory duties in Sections 16(2) and 72(1) of the Act.

Main Issue

5. The main issue is whether the proposed single storey front porch extension preserves a Grade II listed building, known as 'New Row', and any features of special historic interest that it possesses, and the extent to which it preserves or enhances the character or appearance of the Ryhall Conservation Area.

Reasons

Significance of the listed building and conservation area

6. The appeal concerns New Row, a terrace of nine two-storey cottages built in the early 19th Century, which is set back from the street frontage behind long and narrow gardens. The building is Grade II listed and constructed of coursed limestone rubble, with ashlar dressings around the openings for the white painted timber windows and doors. Each of these feature a projecting key stone. The roof is of Collyweston slate and brick chimney stacks align its ridge.
7. The terrace has been altered, with the majority of the front façades of the cottages to the western end incorporating porches. Aside from a much more lowkey intervention to No 1, which includes a small gabled entrance canopy, the eastern end is free of such adornments. More of the historic character and appearance of the listed building is therefore retained to the eastern end. There are also enlargements at the rear, with two-storey extensions arranged perpendicular to the ridge and attic conversions served by rooflights.
8. Despite these more recent alterations, the significance of the listed building today is derived from its architectural and historic interest, as a well-preserved example of a 19th Century terrace of cottages. In particular, the use of course rubble with ashlar embellishments creates a distinctive appearance and the length of the front façade ensures that the building is prominent within its surroundings.

9. The building is also situated within the Ryhall Conservation Area (CA), which is centred around the historic core of the village and includes two distinct parts, to the north and south of the river. Each part predominantly contains older stone houses and buildings, but to the north the buildings are primarily arranged in spacious grounds and set back from the street, while to the south they are more densely arranged, closer to the street. The architectural design of the porches varies in the CA from open timber framed porches to those of solid construction, but they are generally not a feature of most properties.
10. Therefore, in so far as it relates to the appeal proposal, the significance of the CA is predominantly derived from the form, scale and materials of its older and more traditional buildings. The listed terrace and its presence within its grounds, set back from the street, therefore makes an important contribution to the character and appearance of the CA and thereby its significance.

Effect of the proposed works

11. Although the proposed porch would be of a similar depth, height, width and materials to those found to the western half of the terrace it would obscure the ashlar embellishment of the existing front door opening and further interrupt the cohesion of the façade. The porch would therefore add to the erosion of the unity, precision and visibility of the finely worked detailing of the ashlar embellishment of openings and its repetition across this part of the building. This would be harmful to the significance of the listed terrace. Furthermore, despite its scale, physical distance from the street and the presence of other porches on the terrace and elsewhere nearby, the presence of the proposed porch on the façade of the building would weaken the contribution of the building to the character and appearance of the CA and its significance.
12. The appellant has suggested that he would be happy to include a condition to not utilise softwood fascias, but instead to use drive brackets to support cast iron rainwater gutters. I accept that there may be some merit to such an approach, that the proposal would be constructed of matching materials and that the local Parish Council did not object to the proposal. Nevertheless, these matters would not address my concerns with respect to the presence of the proposal.

Public benefits and conclusions on the main issue

13. The statutory duties in the Act are matters of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
14. The proposal would be harmful to the special historic interest of the Grade II listed building and the CA, which would have a negative effect on their significance as designated heritage assets. In my view the harm that I have identified would equate to less than substantial harm to the significance of

- these heritage assets. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
15. The external front door currently opens directly into the lounge of the cottage and the proposal would provide a thermal break to this opening. This would be largely a private benefit restricted to the appellant and his family, albeit there would be a small environmental benefit to the public in terms of the minimisation of energy consumption.
 16. The additional habitable space that would be provided in the converted attic/loft space, in connection with the other element of the appeal proposal, would also improve the internal living environment of the cottage, which would better meet the needs of the appellant and his family. However, such benefits would be largely private.
 17. The aforementioned public benefits are balanced by the harm that would occur to the listed building and CA. Furthermore, there is no substantive evidence before me to suggest that the proposal is required to make the building habitable or sustain the heritage asset. The continued viable use of the appeal property as a cottage is therefore not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence.
 18. Taking the above together, the public benefits I have outlined above would not justify allowing works that would fail to preserve the special interest of the listed building and preserve or enhance the character and appearance of the CA. Therefore, in accordance with paragraphs 193, 194 and 196 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage assets.
 19. I therefore conclude that the appeal proposal would fail to preserve the special historic interest of the Grade II listed building and preserve or enhance the character and appearance of the Ryhall Conservation Area and, thereby, their understanding and significance as heritage assets. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 192, 193 and 194 of the Framework and conflicts with the design and heritage aims of Policy CS22 of the Rutland Local Development Framework Core Strategy Development Plan Document (Adopted July 2011) and Policy SP20 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (Adopted October 2014).

Other Matters

20. I note that the proposal would be unlikely to have a harmful effect in terms of loss of light or privacy. However, consideration of this matter would not lead me to a different conclusion on the main issue.
21. In granting consent for the approved scheme for the conversion of the attic/loft space of the appeal property and the inclusion of two rooflights, the Council did not find harm in relation to those works, as they also did not for the appeal application. There is nothing before me that would lead me to a different conclusion in respect of the effect of those parts of the proposal on the significance of either the listed building or the CA. Given that those works are

both physically and functionally severable from the proposed single storey front porch extension, I consider a split decision would be a logical outcome.

22. As this appeal would equate to a new standalone permission, the requirements of the conditions imposed on the approved scheme would need to be met again through conditions imposed in connection with the appeal. These are referred to below and set out above.

Conditions

23. In terms of the conversion of the attic/loft space and the rooflights, in addition to the standard time limit, in the interests of clarity I have specified the approved plans that specifically relate to that part of the proposal only (as submitted for the approved scheme). In the interests of preserving the special interest of the listed building and ensuring consistency with the approved scheme, a condition for the details of the new staircase is necessary, but I have altered the wording of that condition to enable other works associated with the conversion to take place prior to those details being agreed. Moreover, as they are not referred to in the Council's condition, there would be no need to restrict them from being undertaken. I have also removed unnecessary wording relating to the reason for the condition contained in its text.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the conversion of the existing attic/loft space for habitable use, including the insertion of two rooflights, but dismissed insofar as it relates to the erection of a single storey front porch.

Paul Thompson

INSPECTOR