



Appeal Decisions

Site visit made on 14 December 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4th January 2022

Appeal A Ref: APP/N4720/W/21/3279665

Hill Barn, Cornmill Lane, Bardsey, Leeds LS17 9EQ

- 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 and Mrs Furnell against the decision of Leeds City Council.
 - The application Ref: 21/01289/FU, dated 8 January 2021, was refused by notice dated 10 May 2021.
 - The development proposed is new window to side elevation.
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Appeal B Ref: APP/N4720/Y/21/3279604

Hill Barn, Cornmill Lane, Bardsey, Leeds LS17 9EQ

- 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 and Mrs Furnell against the decision of Leeds City Council.
 - The application Ref: 21/01290/LI, dated 8 January 2021, was refused by notice dated 10 May 2021.
 - The works proposed are new window to side elevation.
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Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for first floor window to side elevation at Hill Barn, Cornmill Lane, Bardsey, Leeds LS17 9EQ in accordance with the terms of the application, Ref: 21/01289/FU, dated 8 January 2021 and subject to the conditions listed in Schedule 1 attached.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for first floor window to side elevation at Hill Barn, Cornmill Lane, Bardsey, Leeds LS17 9EQ in accordance with the terms of the application Ref: 21/01290/LI, dated 8 January 2021 and the plans submitted with it (Drawing No: 3064/03/110 rev B – Site Location Plan / Floor Plans and East Elevations Existing and Proposed; and Drawing No: 3064/03/111 – Site Block Plan), and subject to the conditions listed in Schedule 2 attached.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This replaced the 2019 version. My Decisions are made in the context of the revised Framework.
5. The description of development and works set out above is taken from the application form. However, the description as stated in the Council's decision

notices and the appellants' appeal forms is 'first floor window to side elevation.' This more accurately describes the development and works. I have therefore considered the appeals on this basis and amended the description of the development and works in the formal decisions above accordingly. I am satisfied that no parties' interests have been prejudiced by this approach.

6. During the determination of the applications a revised drawing was submitted by the appellants¹ in an attempt to address concerns raised by the Council. This included a reduction in the width of the proposed window, correction of the location of the drainage pipes and incorporation of the existing five tall slit ventilator openings.
7. From the evidence before me, it is not clear whether interested parties were consulted on the revised drawing. I have had regard to the Wheatcroft Principles²; the nature of the amendments; that the Council had an opportunity to comment on the revised drawing as part of the determination of the applications; and that interested parties have had an opportunity to comment on the revised drawing as part of the appeals. In these regards, I am satisfied that accepting the revised drawing would not deprive those who should have been consulted on the changed development and works of the opportunity of such consultation. I have therefore taken it into account in my determination of the appeals.

Main Issues

8. The main issues are whether the proposal would i) preserve the special architectural and historic interest of the Grade II listed building, Barn and Ancillary Outbuilding to North West of Bardsey Grange; and ii) preserve or enhance the character or appearance of the Bardsey-cum-Rigton Conservation Area.

Reasons

Special interest and significance

9. The appeals property, Hill Barn, forms part of the Grade II listed building, 'Barn and Ancillary Outbuilding to North West of Bardsey Grange', which dates from the late-18th century. The building lies adjacent to the Grade II listed buildings of 'Bardsey Grange and Congreve Cottage including wall attached to rear' and 'Cowhouse and Granary to North West of Bardsey Grange.' Together, the buildings form a group which occupies an elevated position within the street scene. The group is also located within the Bardsey-cum-Rigton Conservation Area (the CA) and in proximity to Castle Hill scheduled ancient monument.
10. The appeals listed building was converted from its historic agricultural use to residential use in the late 1980s/early 1990s³ and a first floor side extension was added to Hill Barn in the late 2010s⁴. The main structure is two-storeys and eight-bays and is constructed of hammer-dressed stone with a stone slate roof and the extension is built of stone with a pantile roof. Pertinent to the appeals, the eastern side elevation of Hill Barn possesses a door and single

¹ Drawing Number 3064/03/110 rev B Site Location Plan / Floor Plans and East Elevations Existing and Proposed.

² *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37].

³ H31/250/88/ Approved 23rd August 1989 H31/251/88/ Approved 23rd August 1989.

⁴ 19/04866/LI Listed Building Application for first floor side extension Approved 23.09.2019; and 19/04865/FU First Floor side extension Approved 23.09.2019.

window at ground floor level along with five tall slit ventilator openings which are symmetrically positioned within the gable.

11. From the evidence available to me, I consider that the special interest and significance of the appeals listed building to be largely derived from its historic interest and architectural interest as a late-18th century agricultural structure. The building's age, surviving historic fabric and pleasing robust agrarian form, all make important contributions in these regards. Its heritage merit also stems, in part, from its value as part of a group of listed buildings.
12. The appeals property is located within Character Area 1 of the CA – 'Bardsey Village Core.' The CA encompasses the historic cores and some of the later development of the rural villages of Bardsey and East Rigton. The villages display an organic pattern of development which is located within a wider pastoral setting. The buildings within the CA comprise landmark structures, farmsteads, clusters of houses and individual dwellings; and display the use of traditional materials and construction techniques. These attributes combine to create a distinct character and sense of place. The appeals listed building, individually and as part of a group, makes an important contribution, historically and aesthetically, to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Appeals proposal and its effects

13. The proposal comprises the insertion of a single window at first floor level in the eastern side elevation of Hill Barn to provide a secondary means of escape from the bedroom it would serve. The proposed opening would include a cut stone sill and lintel and the proposed window would be a timber sash unit.
14. The appellants contend that the eastern side elevation into which the window would be inserted was largely rebuilt as part of the building's conversion in the late 1980s/early 1990s, with the existing tall slit ventilator openings being copies of original details and lined internally with masonry. I have no reason to question the validity of this assertion and note that it has not been challenged by the Council. On this basis, the appeals proposal, of itself, would not involve the irreversible loss of original or historic fabric.
15. The proposal would introduce a new window at first floor level into what is largely a blank elevation. However, the essential agrarian form and rural context of the listed building has already been compromised to a degree by the structure's conversion to domestic use and the introduction of a more recent suburban cul-de-sac development nearby.
16. The elevated location of the building within the street scene and the position of the side elevation at the entrance to the former agricultural complex, would cause the proposed window to be more conspicuous in views from nearby public routes than the existing door and window at ground floor level. However, the proposed form and materials of the opening and window would match those found elsewhere on the building, the detail of which could be controlled by conditions. More importantly, given the minimal dimensions and plain design of the opening and window, the proposal would not adversely disrupt the number or pattern of the existing tall slit ventilator openings. Nor would it appear discordant within the elevation or harmfully weaken its characteristic unadorned form. Rather, it would contribute to the random arrangement and nature of the historic and new openings within the structure as a whole.

17. I am also mindful that a window at first floor level is present in the opposite gable elevation of the building, stated to have been inserted as part of the conversion and which is discernible in views from public routes.
18. Consequently, the proposal would not confuse the integrity, legibility and interpretation of the listed building. Additionally, it would not harmfully diminish the key characteristics of the CA as a whole or the positive contribution that the listed building makes to the CA's special interest. As such, the proposal would sustain the significance of the designated heritage assets.
19. Accordingly, I conclude that the proposal would preserve the special architectural and historic interest of the Grade II listed building, Barn and Ancillary Outbuilding to North West of Bardsey Grange; and would preserve the character and appearance of the Bardsey-cum-Rigton Conservation Area. It would therefore satisfy the requirements of sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
20. It would also be in accordance with Policies P10 and P11 of the Leeds Local Plan Core Strategy, as amended 2019; Policies LRE1, LRE3 and BE1 of the Bardsey cum Rigton Neighbourhood Plan, October 2017 to October 2032; Saved Policies N17, N20, GP5 and BD6 of the Leeds Unitary Development Plan, Review 2006; and the Council's Householder Design Guide, 2012. The proposal's compliance with these policies and guidance is in so far as they seek development and works to be of a high quality design appropriate to its context; conserve and enhance the local historic environment and historic features; conserve rural character; preserve the character and appearance of listed buildings and conservation areas; and respect the scale, form, detailing and materials of the original building. As a result, the proposal would comply with the development plan.
21. In finding no harmful effects to the special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the appeals proposal.

Other Matters

22. The Council has not explicitly raised any issues in its delegated reports or reasons for refusal regarding any effects of the proposal on the setting of the adjacent listed buildings. However, I am mindful that under section 66(1) of the Act, I am required to have special regard to this matter.
23. The significance of the adjacent listed buildings is principally derived from their historic and architectural interests as 18th and 19th century agrarian buildings and their value as part of a group. Their immediate setting of the former agricultural complex, including Hill Barn, and their wider rural landscape setting positively contribute to their significance. Given the extent and nature of the proposed development and works, the proposal would not alter how these adjacent listed buildings are experienced or how their significance is appreciated. As such, it would have a neutral effect on the setting of the listed buildings and the contribution it makes to their significance.

Conditions

24. The Council has submitted lists of suggested conditions if the appeals were to be allowed. I have considered these in light of the advice set out in both the

Framework and the Planning Practice Guidance. In the interests of precision, some minor amendments have been made to the wording.

25. Standard time commencement conditions are necessary. A condition on the planning permission specifying the relevant plans is necessary as this provides certainty. However, it is not necessary for this to be included as a condition on the listed building consent as adherence to the plans which accompany the application is part of the formal decision. In the interests of the special interest and significance of the listed building and the character and appearance of the CA, conditions requiring the submission of details of the proposed window and the proposed cill and header are necessary.
26. With regard to the planning permission; in the interests of the living conditions of neighbours, even though the distance between the appeals property and the nearest property opposite the proposed window appears to meet the Council's requirements⁵, given the elevated position of Hill Barn and the secondary fire escape purpose of the window, a requirement for the new window to be glazed with obscure glass is necessary and reasonable.

Conclusions

27. **Appeal A:** The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that Appeal A should be allowed.
28. **Appeal B:** For the reasons given and subject to conditions, I conclude that Appeal B should be allowed.

F Cullen

INSPECTOR

Appeal A Ref: APP/N4720/W/21/3279665

Conditions: Schedule 1

- 1) **Time Limit:** The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) **Approved Plans:** The development hereby permitted shall be carried out in accordance with the approved plans - Drawing No: 3064/03/110 rev B – Site Location Plan / Floor Plans and East Elevations Existing and Proposed; and Drawing No: 3064/03/111 – Site Block Plan.
- 3) **Window details:** Notwithstanding the details on the plan hereby approved, prior to the installation of the window hereby approved, precise details of it, including details of materials and finish, sections, profile and depth of reveal shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the window shall be installed in accordance with the details as may be approved.

⁵ As contained within the Council's Householder Design Guide 2012.

- 4) **Stone cill and header details:** Notwithstanding the details on the plan hereby approved, prior to the installation of the stone cill and header details to the window hereby approved, precise details of them, including provision of a sample stone on site for inspection by the Local Planning Authority and a specification sheet shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the stone shall be installed in accordance with the details as may be approved.
- 5) **Obscure glazing:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window hereby approved to the first floor eastern side elevation shall be glazed with obscure glass to at least level 3 obscurity and thereafter retained as such.

End of Conditions: Schedule 1

Appeal B Ref: APP/N4720/Y/21/3279604

Conditions: Schedule 2

- 1) **Time Limit:** The works hereby granted shall begin not later than three years from the date of this decision.
- 2) **Window details:** Notwithstanding the details on the plan hereby approved, prior to the installation of the window hereby approved, precise details of it, including details of materials and finish, sections, profile and depth of reveal shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the window shall be installed in accordance with the details as may be approved.
- 3) **Stone cill and header details:** Notwithstanding the details on the plan hereby approved, prior to the installation of the stone cill and header details to the window hereby approved, precise details of them, including provision of a sample stone on site for inspection by the Local Planning Authority and a specification sheet shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the stone shall be installed in accordance with the details as may be approved.

End of Conditions: Schedule 2