



Appeal Decision

Site visit made on 25 November 2021

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 06 January 2022

Appeal Ref: APP/C3240/F/21/3269832

The Potteries, Waters Upton, Telford TF6 6NP

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Gillian Lockwood and Mr Christopher Yapp against a listed building enforcement notice issued by Telford and Wrekin Council.
- The enforcement notice was issued on 28 January 2021.
- The contravention of listed building control alleged in the notice is without listed building consent:
 - a) The installation of solar panels on 2no roof elevations.
 - b) The erection of 2no satellite dishes.
 - c) The installation of 3no roof lights on the south facing roof elevation.
 - d) The erection of 2no door canopies.
 - e) The removal of 2no existing external timber doors and replacement with 2no timber doors with glazing.
 - f) The installation of full height timber framed doors and windows in the existing openings on the north facing elevation.
 - g) The carrying out of internal works to the ground floor former stables/cart shed part of the building comprising the laying of a floor and floor tiles, internal timber cladding, plastering, radiators, sockets and other fixtures and fittings.
 - h) The carrying out of internal works to the former garden store part of the building, comprising the installation of a staircase, internal walls at ground floor level, toilet and shower, kitchen units, timber wall cladding, tiling, plastering, skirting boards, radiators, sockets and other fixtures and fittings.
- The requirements of the notice are:
 - 1) Remove the solar panels and associated fixtures and fittings from the roof elevations, and reinstate the roof elevations making good any damage caused by their removal.
 - 2) Remove the 2no satellite dishes and any associated fixtures and fittings, and make good any damage arising from their removal.
 - 3) Remove the 3no roof lights from the south facing elevation, and reinstate the roof using tiles to match the existing in terms of their size, colour, appearance and materials as shown in the attached photograph (Appendix 1).
 - 4) Remove the 2no door canopies, and make good any damage arising from their removal.
 - 5) Remove the 2no external timber doors with glazing, and replace with 2no timber vertical plank ledged and braced doors with a painted finish so to match the previously existing doors as shown in the attached photographs (Appendix 2).
 - 6) Remove the full height timber framed windows and doors installed on the north facing elevation.
 - 7) Remove all internal works carried out to the ground floor former stables/cart shed part of the building, including the removal of the installed floor, floor tiles, internal timber cladding, plastering, radiators, sockets and any other fixtures and fittings and return to its previous condition as an open stables/cart shed as shown in the attached photographs (Appendix 3), with any resultant damage to walls made good in materials to match in terms of dimensions, materials, colour

and texture of masonry, and lime mortar pointing to match the historic in mix and method of pointing.

- 8) Remove all internal works carried out to the former garden store part of the building, including the removal of the staircase, all internal walls at ground floor level, toilet and shower, kitchen units, timber wall cladding, tiling, plastering, skirting boards, radiators, sockets and other fixtures and fittings, and return to its previous condition as a garden store as shown in the attached photograph (Appendix 4), with any resultant damage to walls made good in materials to match in terms of dimensions, materials, colour and texture of masonry, and lime mortar pointing to match the historic in terms of mix and method of pointing.
- The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1)(b), (c), (e) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary of Decision: The appeal is dismissed, the listed building enforcement notice is upheld and listed building consent is refused.

The ground (b) appeal

1. In order to succeed on a ground (b) appeal, the appellants must show on the balance of probability that the matters alleged have not occurred as a matter of fact.
2. The Hall in Waters Upton is a grade II* listed building. The appeal concerns a curtilage building, known as The Potteries, which dates from before 1 July 1948. It is, therefore, covered by the same statutory protection as The Hall itself¹. The alleged works to the building are detailed above and the appellants have accepted that the majority of the matters have been carried out.
3. It is apparent from the appellants' own evidence, the Council's photographs and from what I saw on site, that the matters alleged have occurred as a matter of fact. Therefore, the appeal on ground (b) must fail.

The ground (c) appeal

4. In order to succeed on a ground (c) appeal, the appellants must show that the matters alleged do not constitute a contravention of Section 9(1) or (2) of the LBCA Act 1990. The main consideration under this ground is whether or not there has been a breach of listed building control. I must consider whether the works have affected the character of the building as one of special architectural or historic interest.
5. The Potteries is a former stables/store and cart shed, which is located to the rear of the principal listed building. It is argued that the works have had little or no harmful impact in heritage terms but have resulted in the repair and restoration of a redundant heritage asset. Further, it is claimed that there has been no detrimental change to the external appearance of the building but that the works have enhanced its character and appearance and better reveal the significance of the curtilage listed building. This statement, in itself, is an acknowledgment that the works have affected the character of the building because any such changes, whether positive or negative, would constitute a contravention of Section 9.

¹ Section 1(5) of the LBCA Act.

6. Moreover, it is clear from making a comparison between the current building and the photographs provided by the Council that the works have considerably altered its appearance. The solar panels, satellite dishes, roof lights and the replacement and new external doors/windows are modern additions. Furthermore, the building has been converted through substantial internal alterations to provide residential accommodation.
7. All of the works carried out, individually and cumulatively, comprise alterations that clearly affect the special architectural and historic interest of the grade II* listed building. There is no listed building consent for the works and, hence, the appeal on ground (c) must fail.

The ground (e) appeal

Main Issue

8. The ground (e) appeal is that listed building consent ought to be granted for the works alleged in the notice. The main issue is whether the works preserve a Grade II* listed building, The Hall, or its setting or any features of special architectural or historic interest that it possesses.

Reasons

9. This appeal concerns a former store with stabling, a hayloft and a cart shed, which lies within the grounds of The Hall in Waters Upton, a grade II* listed building. The Hall is a circa 16th Century timber-framed house encased in early 18th Century red brick. The listing description details its L-shaped plan form, which extends across four bays with one wing. The building has a steeply pitched, hipped and tiled roof, sash windows and two canted ground floor bay windows. There are a series of later additions, including gabled dormers and a brick two-storey bay window, which show how the building has changed over the years. There are also some notable 17th Century internal features.
10. There is a partially cobbled courtyard at the rear of The Hall, enclosed by ancillary historic buildings, which would have had an agricultural or domestic use. These historic buildings form a U-shape, which provides the setting to the listed building. The ancillary buildings are an important evidential record, showing how such buildings would have been used in times gone by. The subject building is situated on the western side of the courtyard. It comprises a two-storey structure with a single-storey perpendicular wing which extends to the east.
11. The Council considers that the ground floor of the two-storey element would have formerly been used as a cart shed/stables, which is evidenced by the vertical stone posts on the courtyard elevation. The cart bays have been infilled with painted blockwork, windows and cosmetic timber framing, works which were likely to have taken place in the mid to late 20th Century. The Council argues that the building also had a timber-framed eastern elevation with origins consistent with the date of The Hall, which is certainly possible. There are considerable later adaptations, including another cart shed/stables type structure contained within the single-storey wing. This historic addition probably dates from the 18th Century when substantial alterations were made to The Hall. An Ordnance Survey map from 1881 clearly shows the building existed at that time in its current plan form. The roof structure has also been altered over the years, and I saw trusses had been spliced and braced or

completely replaced, most likely in the 20th Century. The appeal building is of particular value for its form and former function, its vernacular architectural style and its historic fabric which provides evidence of traditional building techniques.

12. I consider the significance of the listed building, insofar as is relevant to the matters before me, to be attributed to its age, its architectural form and detailing and the series of alterations, which provide evidence of the building's function and evolution over the years. The courtyard buildings assist in the interpretation of the listed building and contribute positively its setting.
13. The former character of the curtilage building was vernacular and its appearance remained typical of ancillary structures associated with a large residence of status, despite the alterations. The function included stabling/cart sheds and the building was later used for storage. The building has recently been altered and converted. The two-storey element now accommodates a residential unit equipped with a kitchen, bathroom, central heating and stairs. The former open-fronted stables/cart shed has been fully enclosed and is used as a cinema room.
14. The works undertaken to facilitate the residential uses are harmful. The ground floor of the two-storey building has been internally lined in timber and subdivided, a tiled floor has been laid and a staircase fitted along with a new floor to the former loft. Moreover, the historic east facing elevation has been reconstructed, windows have been added, and any original timber-framing may well have been lost. The majority of any remaining historic features have been covered and it is likely there has been an unnecessary loss of historic fabric. The historic plan form is no longer recognisable. The ledged and braced external doors on the ground and upper floors, the latter accessed by an external staircase, have been replaced with half-glazed painted timber doors of a modern design.
15. Overall, the vernacular and utilitarian character and appearance has been eroded by the works. This has been accentuated by the addition of solar panels, which mask the roof tiles, and domestic clutter arising from the satellite dish and external door canopies. The appellant argues that these features are either necessary or like-for-like replacements, and do not have a detrimental impact. However, I do not agree that it is necessary to erect satellite dishes and solar panels on a curtilage listed building of this quality. Although external doors and canopies existed previously, they were either low-key or of a more appropriate design than their replacements.
16. The roof of the single-storey element had considerable character, defined by its clay tiles and unevenness. This part of the building was open fronted, consistent with its former use, but it has now been fully enclosed and converted. Internally it has been partially lined with timber and the ceiling is plastered. A tiled floor has been laid. While some of the historic fabric remains, a substantial amount is hidden or has been covered or lost. The roof has been replaced, which has eroded its historic character. Three roof lights have been inserted, which are highly visible due to the land levels, and these features adversely affect its former utilitarian appearance. I do not accept the argument that the roof lights are necessary given the size of the windows within the former cart openings.

17. The doors and windows sit within the historic openings, however, it seems that the brick pillars have been reconstructed. The stained wooden doors and windows bring a level of domesticity to the building, which is at odds with its historic open form and function.
18. The building has also been re-pointed. I accept that it would have been necessary to remove areas of cement mortar but the method of the resulting pointing is poor and the appropriate techniques have not been used.
19. Overall, I find that the totality of the works have had an adverse effect on the curtilage listed building. The alterations fail to complement its age, form and detailing in terms of the extent of the conversion works, the resulting uses and the materials/building techniques used. The alterations are highly visible being located within the historic courtyard and adversely affect the setting of the principal listed building. The works harm the significance of the designated heritage asset.
20. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the works are to a curtilage building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
21. It is argued that the building was on the point of collapse and the works were necessary to make the building useable and remain an asset to the main dwelling. It is accepted that repairs were necessary but this does not justify the alterations undertaken and what is likely to be an unnecessary loss of historic fabric. I am told that the solar panels enable the pool to be run at a feasible cost and provide energy for the upkeep of The Hall. However, this is a private benefit, which carries limited weight.

Conclusion

22. Given the above, and in the absence of any substantiated public benefits, I conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II* listed building, The Hall, and its setting. This would fail to satisfy the requirements of Section 16 of the LBCA Act, paragraph 197 of the Framework and development plan policies insofar as relevant.

The ground (j) appeal

23. The ground (j) appeal is that the steps required to be taken by virtue of Section 38(2)(b) exceed what is necessary to alleviate the effect of the works.
24. There is very little information to support this ground of appeal but I have considered each of the requirements in turn. The solar panels and satellite dishes are harmful and their removal is necessary to alleviate this harm. The roof lights are also harmful and highly visible. There are no alternatives before me that would alleviate the harm, and therefore, their removal and the reinstatement of the roof is not excessive.

25. While the door canopies replace previous features, they were of a form and design that blended in with the building. The domestic-type door canopies recently installed stand out as incongruous features and should be removed. The new half-glazed external doors are similarly inappropriate and the requirement to replace them is necessary to alleviate the harm.
26. The full height windows and doors to the cart openings are at odds with the form and function of this previously open part of the building. There are no lesser steps suggested that would alleviate the harm and, therefore, they should be removed as required.
27. The internal works mask the form and historic features of the building and erode its quality as an evidential record. The works that facilitated the conversion need to be removed to address the harm.
28. I conclude on this issue that the steps required are necessary to alleviate the effect of the works and the appeal on ground (j) fails.

Conclusion

29. For the reasons given above I conclude that the appeal should fail.

Formal Decision

30. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Debbie Moore

Inspector