



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/21/3269826

Coach House, The Hall, 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 removal of 2 no white painted timber windows with lead comes and glass panes, and the installation of 2 no timber framed windows with stained finish and false leading.
 - b) The removal of the existing garage doors and timber lintel directly below the hayloft, and the subsequent installation of new timber garage doors, steel beam with concrete infill, and the re-construction and re-pointing of brickwork immediately above the new garage doors and steel beam.
 - c) The demolition of the single storey addition on the south eastern elevation, and subsequent re-building of the single storey addition and installation of replacement garage door.
- The requirements of the notice are:
 - 1) Remove the 2 no timber framed windows and replace with 2 no white painted timber windows with lead comes and glass panes to exactly match the previous windows in terms of their dimensions, design, finish, colour, appearance and materials as per the attached photograph (Appendix 1).
 - 2) Remove the timber garage doors and steel beam installed directly below the hayloft and remove the concrete infill and the first five courses of brickwork and any other affected brickwork immediately above the garage doors/beam, providing suitable support for the structure to prevent further damage to the building during the course of works.
 - 3) Following compliance with 2) above, install replacement timber garage doors with timber lintel above of the same size, dimensions, materials, finish, design and appearance as previously existed as per the attached photograph (Appendix 2). The garage doors will include leaded lights having lead comes and glazed panes to exactly match the previous glazing.
 - 4) Following compliance with 2) above, repair and replace the first five courses of brickwork above the door and any other affected brickwork so that the brickwork matches the historic brickwork of the elevation in terms of dimensions, colour and texture, flemish stretcher bond, joint depths, and colour, mix and style of pointing, with all pointing carried out using lime mortar mix of 1 part lime to 2.5 parts sand and the final finish of the pointing to be tamped with a stiff brush after the initial set.
 - 5) Demolish the single storey addition on the south eastern elevation of the building, retaining all roof tiles for re-use, and re-build ensuring that it is constructed to the same dimensions, form, brick dimensions, colour texture and brick bond as previously existed.

- 6) Replace the plain glazing in the garage doors installed in the single storey addition on the south eastern elevation of the building, with leaded lights having lead comes and glazed planes to exactly match the previous glazing in terms its design, colour and appearance as per the attached photograph (Appendix 3), and reinstate the garage doors.
- 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 Coach House is a grade II listed building located within the grounds of The Hall in Waters Upton. The building comprises a two-storey central element with side additions. The appellants acknowledge that two, white painted timber windows have been replaced, and the single-storey side addition to the south-eastern elevation has been rebuilt. It is also accepted that the garage doors below the hayloft have been replaced and the timber lintel has been removed and replaced with a steel substitute. It is stated that there were minor repairs to the brickwork.
3. It is apparent from the appellants' own evidence, 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. 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 neglected heritage asset. Further, it is claimed that the single-storey garage is, as far as possible, a replica of the original structure. It is stated that this part of the building was in an extremely poor state of repair and on the point of collapse due to a lack of maintenance, extreme wet rot and water ingress which had caused the timbers to fail.
6. I saw that the single-storey garage to the south-eastern elevation has been rebuilt. The clay roof tiles are appropriate and are in keeping with the historic building. However, the brick which has been used is of a different colour and texture when compared with the bricks in the historic two-storey element. Crucially, the brick bond and the mortar do not reflect the historic building. The new garage doors are not a match of those that previously existed, in particular, the leaded lights to the windows have not been reinstated.

7. The two replacement windows are framed with timber but the wood has been stained, which is in contrast with the white painted windows that were removed. Furthermore, the false leading is a modern feature. The garage doors with a top row of leaded windows, below the hayloft, have been replaced with solid modern timber doors. The windows have not been re-instated. A steel lintel, with a concrete blockwork infill, has replaced the previous timber lintel and a substantial area of brickwork has been replaced with contrasting bricks and non-traditional mortar.
8. All of 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

9. The ground (e) appeal is that listed building consent ought to be granted for the works alleged in the notice. The main issues are (i) whether the works preserve a Grade II listed building, the Coach House, and any of the features of special architectural or historic interest that it possesses; and (ii) whether the works preserve the setting of a grade II* listed building, The Hall at Waters Upton.

Reasons

10. This appeal concerns the Coach House, which is a grade II listed building located to the south-east of The Hall. The Coach House dates from the 18th Century. It comprises a two-storey central section with a pyramidal tiled roof and brick dentil course at the eaves. The listing description notes modern garage doors to the former cart entrance below the hayloft. There are later, probably 20th Century, single-storey additions either side, which have also been fitted with garage doors. I consider the significance of the listed building to be attributed to its vernacular form and detailing, and its functional association with Waters Upton Hall.
11. The Hall is a circa 16th Century timber-framed house encased in an early 18th Century red brick. It is grade II* listed. The red brick Coach House sits forward of main house and is highly visible. It has a clear functional association with the Hall and dates from the period when it was extensively altered. Hence, the Coach House assists in the interpretation of the historic building and indicates how the site has evolved over the years. Therefore, the Coach House forms part of the context of the Hall and it makes a positive contribution to the setting of the grade II* listed building and its hence its significance.
12. The appellants argue that the works were necessary as the building was in immediate need of repair and the alterations were carried out sensitively, having regard to the age and character of the listed building.
13. While the two windows that were removed may not have been original features, they probably dated from the early 20th Century and had historic value as an evidential record of the evolution of the Coach House. The replacements have a modern appearance that jars with the historic building due to the stained finish of the frames and the false leading that is fixed the

glazed surface, rather than being integral. Similarly, the garage doors below the hayloft would not have been a feature of the 18th Century building, but they were nonetheless of historic value. The replacement doors are modern, they fail to replicate the features of the previous doors and, as such, they stand out as an incongruous feature.

14. The timber lintel below the hayloft had failed and, consequently, the brickwork above was affected. However, this does not justify the replacement steel lintel with a concrete infill. It is argued that, due to the span, it was not possible to provide a replacement timber lintel that could be accommodated within the depth of the brickwork. I have no structural calculations before me nor any evidence to support this statement. Even if this were the case, there would be likely some means of providing a replacement lintel which would not necessitate the use of concrete infill, which in itself is unacceptable. The extensive area of replaced brickwork is also unacceptable due to the colour and texture of the brickwork, the mortar mix and the wide jointing.
15. The single-storey addition has been demolished and rebuilt in reclaimed materials. The resulting building has a very different character and appearance to the historic building. The previous structure, while itself an addition, was of a vernacular construction that complemented the two-storey cart shed and hayloft in terms of its architectural style, materials and finish. What exists now is a modern structure that fails to reflect the historic building. The brick is reclaimed, but the colour and texture is a poor match, made considerably worse by the mortar and pointing. This is not a sensitive repair, as argued, but a poor reconstruction. Overall, I find that the totality of the works adversely affects the vernacular form and detailing of the listed building thus harming its significance.
16. In addition, the alterations are highly noticeable and they affect the historic appearance of the Coach House. As explained above, the Coach House makes a positive contribution to the setting of the grade II* listed building, The Hall. The alterations have resulted in the loss of historic fabric and the installation of modern features. This has eroded the value of the building's positive contribution to the setting of the Hall, thus adversely affecting the setting of the grade II* listed building and harming its significance as a designated heritage asset.
17. 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 nature of the works executed, and because the majority of the historic structure remains, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal. It is argued that the works were necessary to secure the future of the heritage asset. However, any necessary repairs could have been carried out in a sensitive manner.

Conclusion

19. 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 Coach House, and would fail to preserve the setting of the Grade II* listed building, The Hall. This would not meet 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

20. 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.
21. There is very little information to support this ground of appeal so I shall consider each of the requirements in turn. The two replacement windows are harmful and should be replaced with appropriate alternatives, as set out in requirement 1. This is not excessive. The garage doors, steel beam and replacement brickwork to the former cart shed are not reflective of the historic building and need to be replaced with doors, a lintel and brickwork of appropriate materials and construction (requirements 2, 3 and 4). This is necessary to alleviate the effect of the works. The single-storey addition is a poor substitute for what was there previously. While the historic fabric has been lost, it is necessary to replace the structure with an addition constructed from appropriate bricks and mortar, utilising the correct techniques to capture the historic associations (requirement 5). The glazing in the doors should be replaced to reflect that which existed previously, which evidenced the evolution of the building (requirement 6).
22. 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

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

Formal Decision

24. 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