



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/21/3269827

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 erection of a white UPVC conservatory on the west facing elevation of the connected building to the rear of The Hall.
 - b) The installation of solar panels on the south facing elevation of the connected building to the rear of The Hall.
 - c) The removal of the existing 5 no windows and installation of 6 no timber framed arch headed windows on the north facing elevation of the connected building to the rear of The Hall.
 - d) The removal of the existing 3 no windows and wall elevation and installation of 4 no windows, timber framed cladding with brick infill and stone cladding on the south facing elevation of the connected building to the rear of The Hall.
- The requirements of the notice are:
 - 1) Demolish and remove from the land the UPVC conservatory erected on the west facing elevation of the connected building to the rear of The Hall and make good any damage caused by its removal including reinstating the west elevation so that it is in accordance with the attached plans approved under listed building consent W82/014LB.
 - 2) Remove the solar panels and associated fixtures and fittings from the south facing roof elevation of the connected building to the rear of The Hall, and reinstate the roof elevation making good any damage caused by their removal.
 - 3) Remove the 6 no timber framed arch headed windows from the north elevation of the connected building to the rear of The Hall, and re-instate the wall and windows as previously existed and as shown on the attached plans approved under listed building consent W82/014LB.
 - 4) Remove the 4 no timber windows, timber framed cladding with brick infill and stone cladding from the south facing elevation of the connected building to the rear of The Hall, making good any damage caused by their removal, and re-instate wall and windows as previously existed and as shown on the attached plans approved under listed building consent W82/014LB.
- 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. A building has been erected to the north of The Hall, dating from the mid-1980s. This is physically connected to the listed building and, therefore, is covered by the same statutory protection as The Hall itself¹. The alleged works concern this attached building, which houses a swimming pool. The appellants accept that a replacement conservatory has been erected on the west facing elevation, solar panels have been installed and the fenestration to the north and south facing elevations has been altered.
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. The attached building was erected pursuant to planning permission and listed building consent, granted in 1982². 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 building. 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 appearance. 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.
6. Moreover, it is clear from making a comparison between the current building and the approved plans that the works have considerably altered the appearance of the building. The number of windows to both the south facing and the north facing elevations have increased and alterations have been made to the brickwork. A substantial number of solar panels have been installed on the roof, and a UPVC conservatory has been erected which did not form part of the 1982 approvals.
7. 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.

¹ Section 1(5) of the LBCA Act.

² Refs W82/014/LB and W82/0228.

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 relatively recent extension to the principal listed building. The Hall is a circa 16th Century timber-framed house encased in an 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 functioned as a barn, stables and a cart shed. This historic yard forms a U-shape, which provides the setting to the listed building and is an important evidential record of its former agricultural associations. 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.
11. The subject extension was a further addition, which was designed to house a swimming pool. It is positioned at the rear of The Hall and projects into the historic courtyard. The extension was intended to be a low-key and utilitarian type structure that did not compete with the principal listed building but was more akin to the surrounding former agricultural buildings. The windows were high level and the main elevations were predominantly red brick. The roof is tiled and it has a relatively steeply pitched and hipped roof, in keeping with the historic building. There were patio doors to the west facing elevation, otherwise it was a simple building with a rectangular plan form and limited adornment.
12. The alterations have created an entirely different structure. The north elevation is now defined by six large, arched windows with timber frames. This type and level of fenestration is not apparent anywhere on The Hall and the windows are wholly uncharacteristic. The solar panels dominate the roof plane which faces towards The Hall and they are a modern and obtrusive feature. It is argued that these are no more unattractive than the tiled roof, but I disagree. The roof tiles are appropriate and blended in against the backdrop of the rear elevation to The Hall, in contrast to the extensive and reflective area of solar panelling.
13. The south facing elevation has also been altered by the replacement of the plain brick wall and three high level windows by a timber framed wall, with brick infill panels, four larger windows and stone cladding to the plinth. The timber framed effect seeks to replicate that of The Hall, and other curtilage buildings nearby, and the stone plinth reflects a retaining wall in the rear courtyard. However, the resulting mix of styles and materials creates a fussy appearance, which is at odds with the original design concept of the subject

building and fails to complement the vernacular form and detailing of the listed building.

14. The UPVC conservatory is particularly harmful since it projects to the side of the subject building and is seen in the context of the main rear elevation of The Hall. The modern form and materials, and the prominent siting, are inappropriate in this context and, moreover, the UPVC conservatory has no place in the historic courtyard. I understand that the conservatory replaces a metal greenhouse, however, this was also unauthorised as it does not appear on the approved plans.
15. Overall, I find that the totality of the works have had an adverse effect on the extension and, therefore, on the listed building and its setting. The alterations fail to complement the age, form and detailing of The Hall in terms of the design and materials. Although the alterations are associated with a relatively modern addition to The Hall, they are highly visible being located within the historic courtyard. The listed building is harmed by the resulting extension, which is out-of-character and ill conceived. This, in turn, harms the significance of the designated heritage asset.
16. 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 late 20th Century addition, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal. It is argued that the solar panels enable the pool to be run at a feasible cost. This is a private benefit, which carries limited weight.

Conclusion

18. Given the above, and in the absence of any substantiated public benefits, I conclude that the works 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

19. 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.
20. There is very little information to support this ground of appeal so I shall consider each of the requirements in turn. The conservatory is unauthorised and it has a harmful effect. It is not possible to alter the conservatory to alleviate its harmful effect and so the requirement for its removal and making good is not excessive. Similarly, the solar panels must be removed to alleviate their impact. The alterations to the walls and the fenestration are also harmful, as set out above, and it is necessary to reinstate what was there previously.
21. 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

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

Formal Decision

23. 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