



Appeal Decision

Site visit made on 11 January 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2022

Appeal Ref: APP/J0405/Y/21/3277590

17 Mount Tabor Stables, Leighton Road, Wingrave, Buckinghamshire HP22 4EW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Mark Bowman (NAEHS) against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/00702/ALB is dated 19 February 2021.
 - The works proposed are Modification of existing window to form doorway and replacement of rendered panel with glazing on property upper gable.
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Decision

1. That part of the appeal that relates to replacement of rendered panel with glazing on property upper gable is dismissed and listed building consent is refused for replacement of rendered panel with glazing on property upper gable. That part of the appeal that relates to modification of existing window to form doorway is allowed and listed building consent is granted for modification of existing window to form doorway at 17 Mount Tabor Stables, Leighton Road, Buckinghamshire HP22 4EW, in accordance with the terms of the application Ref 21/00702/ALB, dated 19 February 2021 and the plans submitted with it, subject to the following condition:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Procedural Matters

2. The appeal is against the Council's failure to determine an application for listed building consent. The Council's Statement of Case outlines the reasons that it considers the proposal would be unacceptable, but these are not formal determinations of the Council as the jurisdiction to determine the application transferred from the Council upon valid receipt of the appeal. Nevertheless, the Council has set out that it would have refused consent had it been empowered to do so. I have taken its reasons into account in determining the main issues.
3. The Council has confirmed that the Vale of Aylesbury Local Plan (VALP) was adopted in September 2021. The appellants are aware of this policy change and have had opportunity through the appeals process to comment upon its relevance to the appeal. Notwithstanding this, 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 Building and Conservation Areas)

(England) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. The policies of the VALP and Wingrave Neighbourhood Plan (2016) (WNP) referred to by the Council are therefore material considerations only.

4. Section 72(1) of the Act confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies to listed building appeals and the Council has identified harm emanating from the proposal to the Wingrave Conservation Area.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
6. The Council's Statement of Case alleges that the garden and its enclosures to the rear of the appeal property, do not benefit from permission/consent. Those aspects are not before me as part of this appeal and, given that the property has access to the large lawn beyond that garden, I am satisfied that my consideration of the appeal scheme would not affect the Council's ability to take enforcement action regarding it, should it be deemed necessary.

Main Issues

7. The main issues are whether the proposed doorway and glazing of the upper gable would preserve a Grade II listed building, known as 'Mount Tabor Stables', and any features of special historic interest that it possesses, the effect of the proposal on the setting of the Grade II listed building known as Mount Tabor House, and the extent to which it preserves or enhances the character or appearance of the Wingrave Conservation Area.

Reasons

Significance and setting

8. The appeal concerns Mount Tabor Stables, a u-shaped range with shorter projecting gabled wings. The central range projects above the remainder and incorporates intricate detailing to its front façade and a tall bellcote and weathervane to its hipped roof. The roof is tiled and includes a regular ornamental fish scale pattern. The facing brickwork is predominantly laid in Flemish bond and feature brickwork is elaborate, with canted bricks laid beneath window openings and herringbone brick infills arranged between exposed timber framing.
9. The appellant's Heritage Impact Assessment (HIA) suggests that Mount Tabor House, the large grand Grade II listed manor-style house immediately to the east, and the Stables were built in the mid-1870s at the behest of the Rothschild family for riding activities. The list description suggests that the Stables are included for group value, given the above, I have assumed this relates to Mount Tabor House.
10. The house was originally called Wingrave Manor and while it was let to William Freeman, he enlarged it in 1885 to include a library and servants' quarters. It was not known as Mount Tabor House until after the Second World War, when it was renamed and two successive congregations of nuns formed a

convent. They used the house and Stables to look after vulnerable and disabled children and the HIA suggests No 17 was occupied as a chapel at this time. The role was taken over by the MacIntyre School and the list description refers to the use of the building as school rooms and residence. An image in the HIA from the 1980s shows the building prior to its conversion to residential use. The northern range included modern appendages and a small structure of modern appearance and materials was placed forward of No 17. The former was removed and the latter replaced by No 18.

11. It is likely that the Stables were oriented to provide better environmental conditions for horses, including shelter from the prevailing wind, the colder northern and eastern sides would therefore likely have incorporated fewer openings. Windows would also have been less likely adjacent to the House to protect its private garden from overlook by stable workers. The external brickwork around the window openings inserted at the rear of No 17 also appear more haphazard, with the Flemish bond crudely interrupted and the openings not properly edged. By contrast, openings to the front and northern gables at first floor incorporate canted brickwork beneath, identical to the House. There are significant notches in each of the structural beams in the roof, which could have related to the individual stables within the building, and the beams are situated above the rear windows. The existing fenestration to the rear is therefore more likely to relate to more recent uses of the building.
12. Internally, No 17 now includes a mezzanine floor, with ancillary living space partially split by timber roof beams. New windows have been added between the timber frame of the southeast gable and behind the retained vent.
13. Despite their conversion and alteration over time, as far as it relates to the appeal before me, the significance of the Stables today lies in their architectural and historic interest as a good example of former stabling that retain many of the characteristics of the built form and fabric associated with their original use. The association with the riding interests of the Rothschild Estate and Mount Tabor House are also of historic and group interest.
14. The intricacy and range of architectural detailing of at the House clearly surpasses that of the Stables, as the principal building within the group. Despite its conversion to flats, its form remains legible. The significance of the House today therefore lies in its architectural and historic interest as a well-preserved example of a former Victorian country house and school.
15. I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced and that this is not fixed and may change as the asset and its surroundings evolve. Given the close relationship of the listed buildings, their settings overlap and include, but are not limited to, the land surrounding one another.
16. Both listed buildings are also located within the Wingrave Conservation Area (WCA), which is split in two, with the listed buildings found in the larger southern portion. The architecture, scale, form, and palette of materials used in the construction of the houses and other buildings in the WCA, identify the village with the Rothschild family and its Estate. The four other defining features of the WCA are the pond at its centre, its church, a war memorial green and its recreation ground. The overall form of the settlement is nucleated. Given these characteristics, as far as it relates to the appeal before me, the significance of the WCA lies in the historic and architectural legibility of

its built fabric. As strong examples of Rothschild-inspired architecture, both listed buildings are typical of the other buildings found in the WCA, so therefore make important contributions to the character and appearance of the WCA and, thereby, its understanding and significance.

The proposal

17. The proposal is in two distinct parts. Firstly, the enlargement of the existing central rear window opening to form a doorway. The application drawings and photovisual in the HIA show this to be split into three sections, with windows retained at the same height as those existing and it would incorporate matching materials, including vertical timber panels beneath. Secondly, two rendered panels would be replaced beneath the apex of the south-east gable with anti-reflective glass panels.

Effect of the proposed glazing of the upper gable

18. The appellant's HIA confirms that the proposed works would involve removal of original lathe-and-plaster and the external facing treatment (pebbledash). The proposed glazing would result in loss of original fabric and little of the original form of the gable would remain. Moreover, the form and overall proportion of glazing, visible above the adjoining single storey accommodation at No 18, would appear overtly domestic, which would be harmful to the character and appearance of the listed building. This would also undermine the legibility and understanding of the timber frame and lathe-and-plaster infill construction of this gable and their significance to the Stables, as a listed building.
19. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. This aspect of the proposal would not be so prominent that it would be detrimental to the character and appearance of the WCA and its significance would be preserved. Similarly, given the nature and extent of the proposed alteration and its position on part of the gable that is not widely appreciated within its context, it would also not have a harmful effect on the setting of Mount Tabor House.
20. The statutory duty in Section 16(2) of the Act is a matter of considerable importance and weight. Paragraph 197 of 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 199 of 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. Paragraph 200 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.
21. The proposal would be harmful to the fabric of the Grade II listed stables, which would have a harmful effect on its significance as a designated heritage asset. The harm that I have identified would equate to less than substantial harm to its significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals. In assessing the benefits, I have had regard to the fact that the Council previously granted consent for internal works to the appeal

property¹ on the basis that they would allow for its sustainable use. However, I have considered the individual merits of the proposal before me.

22. There would be improvements in terms of energy efficiency due to the additional light that could enter the hall, stairwell, and lounge within the mezzanine; and the use of insulated glass may perform better than the existing lathe-and-plaster. These would be largely private benefits restricted to the appellants, although there would be a small environmental benefit to the public in terms of the minimisation of energy consumption.
23. The aforementioned public benefits are balanced by the loss of built fabric, in the form of lathe-and-plaster and its external facing, and the resultant effect on the character and appearance of the listed building that would occur. Furthermore, there is no substantive evidence before me to suggest that the proposed glazing would be required to make the building habitable or sustain the heritage asset. The continued viable use of the appeal property as a residential dwelling is therefore not dependent on this aspect of the proposals, as there is a residential use that would be unlikely to cease in their absence.
24. The public benefits I have outlined above would not justify allowing works that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 197 and 199 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 asset.
25. Despite my findings in relation to the setting of Mount Tabor House, and the character or appearance of the Wingrave Conservation Area, I conclude that the proposed glazing to the upper gable would have a harmful effect on the character and appearance of Mount Tabor Stables and result in the loss of historic fabric. Hence, this element of the proposal would fail to satisfy the requirements of the Act, paragraphs 199 and 200 of the Framework and would be in conflict with the design and heritage aims of Policy BE1 of the VALP and Policy 5 of the WNP.

Effect of the proposed doorway

26. I have already referred to the background to the enclosed garden space in Procedural Matters, and for the reasons outlined I will not revisit this matter here. In any event, my assessment as to whether or not the proposed doorway would be appropriate would equally apply to circumstances where no enclosed garden was in situ, as the appellant has access to the lawn area beyond.
27. The residences within the stables predominantly have rear accesses to private gardens, but the occupants of No 17 have to traverse around their property, through an alleyway, to access garden spaces.
28. The enlargement of the window opening to create the proposed doorway would result in the loss of historic fabric. However, I outlined earlier it is likely that the existing rear windows and frames are not connected to the original stabling use of No 17. They have significantly altered the original solid external appearance of the building, which would have been one of the foremost characteristics of the original building. The listing description recognises that its use has changed, so further alteration of one of the later openings would not

¹ Planning Reference: 17/04500/ALB.

be harmful to the legibility of its original function. The design of the proposed door, including the arrangement of window openings as existing and the intended palette of materials, would also be sensitive to the existing fenestration found in the building. Overall, this element of the proposal would be a largely reversible change that would not be harmful to the understanding and significance of the listed Stables, as a heritage asset.

29. This aspect of the proposal would also not be so prominent that it would be detrimental to the character and appearance of the WCA and its significance would be preserved. Similarly, given the nature and extent of the proposed doorway and its relationship between other existing openings, it would also not have a harmful effect on the setting of Mount Tabor House.
30. In light of the above, I find that the proposed doorway would preserve the Grade II listed building, known as 'Mount Tabor Stables', and any features of special historic interest that it possesses; would not have a harmful effect on the setting of Mount Tabor House; and it would preserve the character and appearance of the Wingrave Conservation Area. Hence, this aspect of the appeal proposal would satisfy the requirements of the Act, paragraphs 199 and 200 of the Framework and would accord with the design and heritage aims of Policy BE1 of the VALP and Policy 5 of the WNP.

Other Matters

31. I acknowledge the appellant's concerns with the Council's handling of the application, but in reaching my decision I have been concerned only with the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.
32. The appeal property is also to the northeast of the Barn, Wall and Gate Piers Opposite Floyds Farmhouse, which is designated as a Grade II listed building. I have therefore had regard to the statutory duty referred to in the Act but, given the proximity and physical relationship of the site with this asset, its setting would be preserved and the proposals would not detract from it.

Conditions

33. A condition relating to the specified approved plans and documents for the proposed door is unnecessary for this appeal, as the decision incorporates the plans. Furthermore, it is also not necessary to include a condition relating to external materials, as these are included in the same.

Conclusion

34. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the modification of the existing window to form a doorway, but dismissed insofar as it relates to the replacement of rendered panel with glazing on property upper gable.

Paul Thompson

INSPECTOR