



Appeal Decisions

Site visit made on 14 June 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

APPEAL A

Appeal Ref: APP/H0520/W/21/3283754

2 Rectory Farm Close, Abbots Ripton, PE28 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr H Marshall against the decision of Huntingdonshire District Council.
 - The application Ref 21/01167/S73, dated 17 May 2021, was refused by notice dated 16 August 2021.
 - The application sought planning permission for a single storey front extension without complying with a condition attached to planning permission Ref 20/01066/HHFUL, dated 24 November 2020.
 - The condition in dispute is No. 3 which states that: *The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in type, colour and surface texture to those used in the existing building.*
 - The reason given for the condition is: *In the interests of visual amenity.*
-

APPEAL B

Appeal Ref: APP/H0520/W/21/3283754

2 Rectory Farm Close, Abbots Ripton, PE28 2LJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
 - The appeal is made by Mr H Marshall against the decision of Huntingdonshire District Council.
 - The application Ref 21/01167/S73, dated 17 May 2021, sought to vary condition No. 3 of a listed building consent Ref 20/01691/LBC granted on 24 November 2020.
 - The works proposed are a single storey front extension.
 - The condition in dispute is No. 3 which states that: *The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in type, colour and surface texture to those used in the existing building.*
 - The reason for the condition is: *In the interests of safeguarding the character of a Building of Special Architectural or Historic Interest.*
-

Decision

1. The appeals are dismissed.

Preliminary Matters

2. There are some procedural peculiarities in this case in that the Council has issued a single decision in relation to the variations of condition sought, which

is said to relate to both the planning permission and listed building consent. This has led to a single appeal being made against that decision. As variations to planning permissions and listed building consents are dealt with under separate legislation, I have detailed each individually and have set out the relevant provisions for each above. However, some of the reference numbers are duplicated given that separate decisions were not made. As the parties have addressed both matters in this single appeal, I have done the same in my decision to avoid unnecessary duplication.

3. The proposed single storey extension has already been constructed and the variations of condition are sought in order to achieve retrospective approval for the roofing materials used in relation to the planning permission, and to regularise the works to the listed building. In short, the appeals seek permission/consent for the extension as built, albeit that the appellant does not accept that the roof tiles used are in breach of the conditions. I was able to view the finished extension during my site visit.
4. 2 Rectory Farm Close is classified as a curtilage listed building under Section 1(5) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and as such is treated as part of the Grade II listed Rectory Farmhouse. The building is also located in a Conservation Area. I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Act.

Main Issues

5. The main issues are whether the conditions are necessary to preserve a Grade II listed building, Rectory Farmhouse, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Abbots Ripton Conservation Area.

Reasons

Listed building

6. The appeal property forms part of a group of barns converted into residential use. The conversion is relatively sensitive such that their original form, purpose and materials are apparent. Importantly their historic relationship with Rectory Farmhouse, with which they are associated as part of the former farmstead, can still be discerned. The farmhouse is a thatched property of significant architectural and historic interest and a former focal point within the farm complex, with its ancillary barns standing close by in a typical courtyard arrangement.
7. The barns and surrounding properties are roofed with distinctively profiled clay tiles of a pale red/buff colour. It is a traditional material that reflects the historic site and its consistent use across the barns provides a degree of uniformity and an aid in interpreting the former association of the buildings.
8. The roof tiles used for the extension in question are a bold red concrete tile with an entirely different modern profile that does not match those on the existing building in type, colour or surface texture. They are visually incongruous, appearing uncompromisingly modern and in stark contrast to the existing clay tiles and other traditional materials used in the surrounding buildings.

9. I note that there is some variation in the shade of the clay tiles on the existing building, which is not uncommon on historic buildings using traditional materials and made using traditional techniques. There is nothing in the existing tiles that resembles the shade of red used on the extension and the contrast is unlikely to satisfactorily diminish even after many years of weathering given the properties of concrete.
10. I note assertions that the tile used was the best available at a time of material shortages but interested parties have cast some doubt on this, noting that similar tiles have been sourced for other buildings. Even if it was the case during construction, it does not alter the harm that I have identified or make the proposal acceptable. Nor does the existence of a similarly inappropriate tile on a small porch canopy added to Rectory Farmhouse or the concrete tiles found in the village on much more modern buildings of a different character.
11. The harm arising to the listed building would be less than substantial in the terms of the National Planning Policy Framework (the Framework) but is nevertheless of considerable importance and weight. The appellant has not identified any public benefits from the scheme that could be weighed against this harm and, as an extension to a private dwelling, I cannot envisage any.
12. Given the above, the works fail to preserve the special historic interest of the Grade II listed building. This fails to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies LP2, LP11, LP12, and LP34 of Huntingdonshire's Local Plan to 2036 (May 2019) (LP) that seek, among other things, to preserve heritage assets. As a result, the appeal scheme is not in accordance with the development plan.

Conservation area

13. Abbots Ripton is a small sparsely developed village and the buildings within the conservation area are notable for their traditional design and materials, particularly the many thatched roofs and widespread use of similar clay tiles. For the reasons I have set out above, the roof tiles used on the extension in question would be at odds with these traditional materials and their consistent use across the historic buildings in the village. Their use on a prominent front extension is readily visible from public viewpoints as a detracting feature.
14. The harm to the conservation area is again less than substantial but is nevertheless of considerable importance and weight. There are no identified public benefits that outweigh the harm.
15. Given the above, I conclude that the proposal fails to preserve the character or appearance of the Abbots Ripton Conservation Area. This fails to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies LP2, LP11, LP12, and LP34 of Huntingdonshire's Local Plan to 2036 (May 2019) (LP) that seek, among other things, to preserve heritage assets. As a result, the appeal scheme is not in accordance with the development plan.

Conclusion

16. In light of the above, the appeals are dismissed.

Michael Boniface

INSPECTOR