



Appeal Decision

Site visit made on 27 March 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2023

Appeal Ref: APP/J0405/Y/22/3308529

Manor Cottage, Mill Lane, Westbury, Buckinghamshire NN13 5JS

- 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 Jeremy Davy against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/00378/ALB is dated 31 January 2022.
 - The works proposed are described on the application form as: re-roof main dwelling.
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Decision

1. The appeal is allowed and listed building consent is granted for a re-roof of the main dwelling at Manor Cottage, Mill Lane, Westbury, Buckinghamshire NN13 5JS in accordance with the terms of the application Ref 22/00378/ALB, dated 31 January 2022, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in my determination of this appeal.
3. The appellant has confirmed in written correspondence¹ to the Council that his proposal is focussed upon historic parts of the property's roof, including to a single storey element located to the west. As such, a re-roof of a later single storey slate-roofed extension to the east of the property does not make up part of the proposed scheme of works. I shall consider the appeal on this basis.
4. The Council's Statement of Case indicates that it would have refused listed building consent had it been in a position to do so. This would have been for reasons related to insufficient submitted information for it to properly assess the effect of the proposed works upon the significance of the listed building in question; and due to the absence of survey work to determine the potential presence of bats. I shall formulate the main issues for consideration in this appeal on this basis.

¹ dated 30 June 2022

Main Issues

5. The main issues are:

- Whether the proposed works would preserve the Grade II listed building known as 'Manor Cottage' (the listed building), including any of the features of special architectural or historic interest that it possesses; and
- The effect of the proposal upon protected species, having particular regard to bats.

Reasons

Grade II listed building

6. The listed building, according to the statutory list description², dates to the early 20th-century when it was constructed as a pair of estate cottages. Now a single house, its significance and special interest as a designated heritage asset is drawn, in part, from its strong architectural form, its range of ornate features, its palette of traditional building materials, and its relevance to the historic evolution of the village.
7. The roof of the dwelling is hipped and finished with natural slate, whilst gabled elements are incorporated to each of the roof's main slopes. Its various ridges (including above gabled elements) are topped with decorative ridge tiles of traditional design and appearance. I observed the roof's slates to be in a well-weathered state with examples of loose or dislodged individual slates apparent. It was also evident upon my inspection that various ad-hoc repairs and replacements have occurred over time, which has led to inconsistencies in the external finishes of the roof's slopes.
8. The proposal involves re-roofing with slate upon a breathable membrane. The appellant has also confirmed his intention to introduce traditional lead rolled hip features to the roof in the interests of slate stability. From the evidence before me, no other alterations to the listed building's roof structure are intended.
9. It is inevitable that a high proportion of the roof's existing slates would be lost because of the proposed works. This is not least due to their aged nature and likely vulnerability to breakages if to be displaced for the purposes of re-roofing. Moreover, following inspection, I have no reason to doubt the appellant's suggestion that, in broad terms, the existing slates are in poor condition. Thus, whilst historic fabric would be lost, I cannot find that the principle of replacing fatigued existing slates with fit-for-purpose natural slate alternatives would result in any material loss of heritage significance or special interest. This is particularly as a condition could be applied to any consent requiring existing slates to be removed in accordance with an agreed method statement and, where capable of reuse, set aside to comprise part of re-roofing works. The appellant, I note, has not clearly demonstrated that no existing slates would be in a state capable of reuse.
10. It is my understanding that traditional lead rolled hips would be installed to the various hipped edges of the roof, but not horizontally across the ridges of the property's roof or gabled elements. Moreover, any loss of existing decorative

² List Entry Number: 1393397

ridge tiles, which are features of special interest, would not be supported in heritage or conservation terms. I see no clear reason why these ridge tiles, which are of durable composition and in seemingly decent condition, could not be preserved and re-purposed as part of the proposed works. Subject to full details of the lead rolled hips being secured via condition, I am satisfied that such additions to the roof's hipped edges would constitute low-key traditional features and preserve the listed building's significance and special interest.

11. For the above reasons, the proposed works, being limited in their scope and extent and capable of being controlled by suitably worded conditions, would preserve the special interest of the Grade II listed building, causing no harm to its significance. Subject to the controls that conditions would provide, I therefore find the proposed works would accord with Section 16(2) of the Act. I also find that no conflict would arise with Policy BE1 of the Vale of Aylesbury Local Plan (September 2021) (the VALP) and the historic environment conservation and enhancement policies contained within the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies promote that the historic environment shall be preserved or enhanced.
12. The Council has provided a comprehensive list of suggested conditions, some of which I have omitted and some I have amended/amalgamated in the interests of clarity, conciseness and robustness, that I consider offer suitable assurances that the works would preserve the listed building and any of the features of special architectural or historic interest that it possesses.

Protected species

13. The Council's Ecology Officer, in their role as a specialist technical consultee, has identified a reasonable likelihood of bats being present under the roof tiles proposed to be replaced and has advised that the applicant (now appellant) seeks professional ecological assistance to ensure compliance with current legislation relevant to protected species.
14. It must be noted that any grant of listed building consent would not override the requirements of separate legislation, which dictates that it would be an offence to kill, capture or disturb a bat, or to damage or disrupt access to a roost. In this context, noting that the proposed works are limited to the listed building's roof coverings and that I am unaware of any recent bat sightings close to the site, I am satisfied that a bat survey could be appropriately considered prior to the commencement of works and secured via condition. In addition, a further condition could secure the details of any mitigation that may be necessary following the outcome of survey work to ensure any such measures would be executed so as to preserve the listed building and its special interest. Thus, in the circumstances before me, the current absence of bat survey work does not justify listed building consent being withheld.
15. An appeal decision relating to a site in Basingstoke and Deane Borough has been submitted where an appeal against the Council's failure to give notice of its decision on an application for listed building consent was dismissed due to its effect upon protected species, more specifically bats. However, in that case, a range of renovation/conversion works to an existing redundant barn were under consideration and a preliminary bat survey identified the building to have high potential to support roosting bats. These circumstances are not directly repeated at the listed building that is the focus of this appeal. The 2019 appeal decision is thus of limited relevance to my considerations.

16. For the above reasons, subject to the imposition of an appropriately worded condition to secure a bat survey, the proposal would be anticipated to have an acceptable effect upon protected species having particular regard to bats. The proposed works satisfactorily accord with Policy NE1 of the VALP and the natural environment conservation and enhancement policies contained within the Framework in so far as these policies seek to guard against adverse impacts upon protected species.

Other Matter

17. As the proposal does not include works to the roof of the single-storey eastern part of the listed building, it is unlikely that scaffolding would be required to be erected upon an adjacent public right of way. Even if it did, the Council's Strategic Access Officer has confirmed that a license would be required and obtained separately to the listed building consent process.

Conditions

18. A condition specifying the approved plans would fail the test of necessity as the appeal is granted in accordance with the terms of the application as referenced.
19. In the interests of protecting the significance and special interest of the listed building, a Method Statement condition is required to secure, amongst other provisions, the re-use of slates where capable, the submission of a replacement slate sample, details of the specification of any roofing membrane or insulation to be inserted, and mortar mix details. As it is anticipated that any new mortar would not be readily seen, any requirement for a biscuit sample to be provided would be unduly onerous.
20. There is no clear reason to suspect that any timber roof frame elements need repair or replacement, or that chimney repairs are needed to be carried out. Moreover, such potential works do not make up part of the appellant's proposal and would most likely require separate listed building consent in any event. It would thus be neither reasonable nor necessary to impose conditions in these regards.
21. The appellant has requested that various suggested conditions be disregarded based, at least in-part, upon a lack of engagement from the Council at application stage and the alleged possibility of future delays. However, it is my statutory duty to have special regard to the desirability of preserving the listed building. It is also important for me to recognise the sensitivities and duties that apply to protected species. I have considered the suitability of the Council's suggested conditions accordingly, and further note that a statutory timeframe for decision-making would apply to any future application(s) for the approval of details.

Conclusion

22. For the above reasons, the appeal is allowed and listed building consent is granted subject to the conditions set out below.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The works hereby consented shall be begun before the expiration of three years from the date of this consent.
- 2) Prior to the commencement of any works hereby consented, a bat survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with any recommendations set out within the approved bat survey.
- 3) Subject to the outcome of the bat survey required by Condition 2, and prior to the commencement of works, full details of any bat mitigation or enhancement feature(s) that may be identified as necessary, together with their method of fixing and installation, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details and retained as such thereafter.
- 4) No works shall be carried out until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include:
 - confirmation that existing slates shall be stripped from the property's roof by hand, and that all slates capable of reuse shall be set aside, appropriately stored in accordance with details to be provided, and reused as part of the re-roofing works hereby permitted;
 - detailed drawings of the proposed traditional lead rolled hip features;
 - confirmation that existing decorative ridge tiles are to be retained;
 - details of the proposed mortar mix for any mortar to be used in the works;
 - details of any other fixing; and
 - details and specifications of any roofing membrane or insulation to be installed, which shall be breathable.The works hereby consented shall be carried out in full accordance with the approved Method Statement.
- 5) Prior to the removal of any existing roof slates, a sample of the slates to be installed where necessary to replace existing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved sample.