



Appeal Decision

Site visit made on 24 February 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/E2001/Y/22/3302610

Mires Farmhouse, The Mires, North Newbald, YO43 4SE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Killerby against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/02324/PLB, dated 17 June 2021, was refused by notice dated 16 March 2022.
 - The works proposed are described as 'Internal and external alterations to existing dwelling. New single storey extension to accommodate new entrance porch and utility room following part demolition of existing single storey extension. New two storey extension to accommodate link/landing. Installation of new timber framed glazed doors and fixed side lights to replace existing windows, doors and fixed glazing in kitchen and dining room. Installation of new Velux conservation roof light on west elevation.'
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Decision

1. The appeal is allowed and listed building consent is granted for 'Internal and external alterations to existing dwelling. New single storey extension to accommodate new entrance porch and utility room following part demolition of existing single storey extension. New two storey extension to accommodate link/landing. Installation of new timber framed glazed doors and fixed side lights to replace existing windows, doors and fixed glazing in kitchen and dining room. Installation of new Velux conservation roof light on west elevation' at Mires Farm House, The Mires, North Newbald, YO43 4SE in accordance with the terms of the application Ref 21/02324/PLB, dated 17 June 2021, and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

2. As the works relate to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 3. The address given on the application form refers to the appeal building as Miers Farm House, the Miers. However, since this is incorrect and misleading, in the interests of accuracy I have used the address given on the decision notice and appeal form (this reads Mires Farmhouse, the Mires).
 4. There is no linked planning appeal before me and as a consequence this appeal relates only to the works requiring listed building consent. Accordingly I have assessed the proposed works on this legislative basis only.
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Main Issue

5. The main issue is whether the proposed works would preserve the Grade II listed building, Mires Farmhouse, The Mires (Ref: 1103415) and any of the features of special architectural or historic interest that it possesses.

Reasons

The listed building

6. The appeal building is an early to mid 19th century farmhouse constructed in coursed limestone rubble with brick dressings and a tiled roof over two storeys. The L shaped traditional farmhouse has an attractive symmetrical frontage, but has been considerably altered. Notably a relatively modern (1990s) two storey brick link extension to provide a hallway and staircase has been constructed between the farmhouse and its formerly detached brick cart shed to the north (which was converted to provide accommodation at this time). This has connected the two buildings. There is a courtyard area between the former cart shed and the farmhouse where a detached outbuilding is sited. The farmhouse also has a single storey lean-to extension to its west elevation.
7. As such, the building now comprises three components, the traditional stone L shaped farmhouse, the former cart shed, and the modern link extension. These distinct elements of the building are evident, and the historic relationship between the farmhouse and the former agricultural outbuilding that was the cart shed is still appreciated. However, the building has clearly evolved over time and its appearance and layout have been considerably altered.
8. That said, despite the works that have been undertaken, for the most part the building overall maintains its historic character and rural charm. This is associated with the traditional farmhouse and its former cart shed, their scale and proportions and relationship to each other, as well as some remaining elements of the building's historic fabric and traditional features including its openings.
9. From the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its traditional rural appearance and surviving historic fabric, along with the relationship between the farmhouse and the cart shed components, all of which attest to its former role as buildings associated with farming.

The effect of the proposed works

10. The proposed works would considerably re-order the building and in particular include a new two storey glazed link extension to the building's eastern elevation which would be located in the courtyard area. As things stand, three sets of stairs are used to access the building's three different first floor areas. The proposed link would introduce a first floor landing that would provide access to all the bedrooms at first floor level in the different parts of the building. The Council is concerned about this element of the proposed works and the alterations that would be required to the listed building to accommodate it.

11. The glazed link would cover all of the eastern elevation of the farmhouse and the existing link extension where they face out onto the courtyard area. However, it would be relatively narrow and would not project excessively from this face of the building or add significantly to the building's footprint overall. A good deal of the courtyard area would remain open and free from development, and its role in separating the farmhouse from the cart shed would be maintained.
12. In terms of its design, the link's glazed nature and minimal aluminium framing would allow a lightweight and transparent appearance. This permeability would also enable the rear wall of the farmhouse and the historic fabric there to remain visible. Although it would have a flat roof, this would not exceed the height of the eaves of the farmhouse or the cart shed, and so would not interfere with the building's existing roof lines. Thus overall, whilst it would be clearly read as a modern intervention, I am satisfied that the design of the glazed link would generally sit comfortably on the host building and would not lead to the loss of any important architectural features there.
13. The proposed glazed link would to some extent formalise the physical connection between the farmhouse and the cart shed, particularly by introducing a link at first floor level. That said, I am mindful that the two buildings are already joined by the existing brick link extension and so are not independent. In this context, and given its design and materials, I am not persuaded that the proposed glazed link would serve to further merge the two buildings to any harmful extent. Nor would it further diminish their separate and different traditional characters, or erode their legibility as separate components of the building.
14. The proposed works also include the removal of the modern staircase in the 1990s link extension and its replacement with a staircase which would be sited against the flank wall of the cart shed. This has been designed to echo the appearance of external stairs (an arrangement common in agricultural buildings) and would be visible through the glazed link. The Council raises no objections to this element of the scheme which would reinstate some increased sense of separation between the cart shed and the farmhouse that was eroded when the 1990s brick link extension was introduced. Thus the ability to understand the different historic functions and appearances of the two buildings, as well as their relationship to each other and contribution to the overall evolution of the building, would not be reduced.
15. The proposed works would introduce a first floor layout such that the rooms would be accessed via a central corridor. I appreciate that this arrangement is not necessarily typical of older dwellings where first floor rooms are accessed by moving through the rooms. That said, the building's floorplan has already been considerably altered. The co-joining of the farmhouse and the cart shed and the associated introduction of doorways, staircases, corridor links and connections as a result of the 1990s works, have already resulted in a complex and contrived layout. This being so, the building's current floorplan is hard to reconcile with the simple uncomplicated layouts that would have been formerly associated with the modest farmhouse and the functional agricultural building.

16. New openings to connect the existing building and the proposed glazed link are also proposed. Two new openings to access the first floor walkway/landing would require the removal of some historic stonework from the northern and eastern elevations of the farmhouse itself. That on the eastern elevation would be in the location of a window opening approved as part of the 1990s scheme.
17. In the former cart shed, a doorway would be created in the southern wall at ground floor level to provide access to the glazed link. This would be in the location of an existing window, which the appellants indicate was previously a doorway (that was blocked in as a window as part of the 1990s works). At first floor level, a new doorway would again be created in an existing window opening. Thus there would also be some loss of historic fabric to the cart shed.
18. The proposed works include a number of other elements to which the Council raises no objections. A single storey extension to the west flank elevation would be provided following the part demolition of the existing single storey extension there. The existing outbuilding in the courtyard would be converted into an office with thermal upgrades to the walls and roof, the removal of the internal partition wall, and the creation of a glazed opening in the west elevation to replace the existing door there.
19. They also include replacement windows and doors to the northern rear elevation of the former cart shed, the installation of a roof light to the western side elevation of the existing link extension, the construction of replacement steps/paving to the courtyard and a new patio area, as well as the renewal of electrical, heating, and hot water systems and the repair of plasterwork.
20. The existing bathroom at landing level of the main staircase and the floor of the storeroom off bedroom 2 would be repositioned, with the bathroom floor/cellar ceiling rebuilt to the original level and a new flight of steps and access doorway created. The internal stud partition walls of the playroom and bedroom 3 and the bathroom above the kitchen in the cart shed would be removed and bedroom 3, bedroom 4 and new bathroom spaces would be created.
21. Based on the evidence before me and my own observations on site, whilst accepting that some limited loss of historic fabric would arise, I see no reason to come to a different view to the Council on these elements of the scheme and am satisfied that they would preserve the listed building.
22. Even so, when considering the proposed works overall, the Council's Conservation Officer accepts that a small amount of harm would arise from the removal of a small amount of historic fabric and the insertion of the glazed link. The appellants' heritage statement indicates that at worst a slight impact on the significance of the listed building would arise from the link and the new openings to it. I also acknowledge the Council's concern that a number of small changes has the potential to have a cumulative impact.
23. In practical terms, the proposed glazed link and the necessary connection of this to the various components of the building would result in the limited loss of some historic fabric (in both the farmhouse component of the building and the former cart shed). In my view, this would to some modest extent undermine the building's historic legibility and fail to preserve its special interest. I give this harm considerable importance and weight in the balance of this appeal.

Heritage Balance

24. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I consider that the harm to the listed building in this case is less than substantial, but nevertheless of considerable importance and weight.
25. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The National Planning Practice Guidance (the Guidance) advises that where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of proposed development.
26. The building has been converted from its previously derelict state and is already in its optimum viable use as a dwelling. It has been a functional home for over 30 years and I have seen nothing to suggest that its longstanding residential use would cease in the absence of the appeal scheme.
27. However, the Guidance advises that works to a private building which secure its future as a designated heritage asset could be a public benefit. I accept that the repair of the dilapidated stonework, brickwork, doors, windows, and guttering which form part of the proposed overall package of works could take place in the absence of the other elements of the works (including the proposed glazed link).
28. That said, I have some sympathy with the appellants' arguments regarding the building's unsatisfactory and impractical layout. In part as a result of the previous works and alterations, the existing floorplan is so contrived and difficult as to make the day to day occupation of the house problematic, particularly for a family with children. I am not convinced that the existing layout, and the lack of connectivity at first floor level, provides adequate living conditions or is particularly fit for purpose by modern standards. Whilst I accept that the building could be occupied by alternative residents, given its size and number of bedrooms it seems to me that it would be most likely to be used as a family home.
29. In this sense, although the proposed works would result in personal benefits to the appellants, since its current unsatisfactory layout does not lend itself to the building's modern day occupation as a dwelling, and because this situation is unlikely to alter, the works would also serve to support the building's long term conservation and help to secure its future as a successful dwelling.
30. Additionally, I am conscious that the proposed works before me seek to address the reasons for refusal for a previous scheme. The Conservation Officer advises that proposals incorporating the removal of the Georgian staircase and altering the internal layout of the oldest part of the building have been refused previously, and is content that alternative approaches have been considered by the appellants. It is also argued that the construction of the

appeal scheme would reduce risks to the heritage asset, including the risk of further internal works to the main part of the building.

31. Taking all these factors into account, I consider that on balance the public benefits of the proposed works would outweigh the less than substantial harm to the designated heritage asset I have identified, and the considerable importance this carries. I therefore conclude that the proposed works overall would preserve the special interest of the listed building.
32. Whilst the Council indicates that Historic England initially raised concerns regarding the previously refused proposal for a two storey side extension, I have seen no such objection to the appeal scheme.
33. For these reasons I find that the proposed works would satisfy the requirements of the Act and paragraph 197 of the Framework. They would also support paragraph 127 of the Framework which seeks to achieve a good standard of design that adds to the overall quality of the area, is visually attractive and is sympathetic to local character and history.
34. Whilst the decision notice refers to policies in the East Riding Local Plan Strategy Document (Local Plan), I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

Other Matters

35. A neighbouring occupier raises no objections to the proposed works provided the glazing to the first floor walkway is translucent with no openings. As set out above, the appeal before me relates to the refusal of listed building consent only and not planning permission. Accordingly, matters concerning the living conditions of neighbouring occupiers are beyond the scope of this appeal.
36. The appeal building is also within the North Newbald Conservation Area. This does not form part of the Council's reasons for refusal and is not considered in the Council's case. However with the statutory duty set out in Section 72(1) in mind, I have considered the effect of the proposed works on the character or appearance of the conservation area and am satisfied that no harm would arise.

Conclusion and Conditions

37. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be allowed.
38. The Council has suggested a number of conditions which I have considered in light of the advice in the Framework. This establishes that conditions should only be imposed where they are necessary, relevant to planning and to the development (or works) to be permitted, enforceable, precise and reasonable in all other respects. I have amended the wording of some of the conditions in the interests of clarity and preciseness.
39. I have imposed the standard time limit condition in the interests of clarity. A condition is not required to specify the approved plans since the formal decision above requires the works to be in accordance with the submitted plans.

40. Conditions requiring details of all external construction works, samples of materials for the external surfaces, large scale drawings of the joinery and the use of matching materials and techniques are all required in order to preserve the special architectural and historic interest of the building. Additionally, conditions to ensure the protection of the existing internal and external historic features during the works, and the preclusion of the plastering of the rear wall of the farmhouse that is to be internalised, are necessary for the same reason.

E Worthington

INSPECTOR

Annex A

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Notwithstanding any details shown on the approved plans and forms, no works shall take place until details of all external construction works, including methods, materials and components to be used, have been submitted to and approved in writing by the Local Planning Authority. The details shall include alteration, replacement and maintenance of brick or stonework, bonding, mortar, roof materials, fenestration, rainwater goods, and flues, soil or vent pipes. The works shall be carried out in accordance with the approved details.
- 3) Notwithstanding any details shown on the approved plans and forms, no works shall take place until details and samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and samples.
- 4) No works shall take place until large scale drawings of all proposed external joinery works for the link extension which shall include full plans and elevations together with vertical and horizontal sections to a scale of at least 1:10, and a typical section of each joinery detail and moulding proposed to actual scale, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) Except where indicated otherwise on the approved drawings or as required by any condition(s) attached to this consent, all new external and internal works and finishes, works of making-good and dimensions and profiles of joinery, shall match the existing original work in respect of materials used, detailed execution and finished appearance.
- 6) All existing internal and external historic features, including internal decorations and roof timbers, shall remain undisturbed in their existing position and fully protected during the course of the works on site, and the building shall not be structurally altered, unless indicated otherwise on the approved drawings or required by any condition(s) attached to this consent. Steps to protect retained features shall include, where necessary, measures to strengthen any wall or vertical structure; support any floor, roof or horizontal surface; and provide protection for the building against the weather during the progress of the works.
- 7) The rear wall of the farmhouse that will be internalised by the works hereby permitted, shall remain undisturbed as stonework and shall not be plastered.