



Appeal Decision

Site visit made on 15 May 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2023

Appeal Ref: APP/C1055/W/22/3306796

Boulton St Marys Church, Boulton Lane, Derby DE24 0GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by St Mary's PCC against the decision of Derby City Council.
 - The application Ref 22/01043/FUL, dated 29 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is installation of a pair of doors to the south porch.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of a pair of doors to the south porch at Boulton St Marys Church, Boulton Lane, Derby DE24 0GE in accordance with the terms of the application Ref 22/01043/FUL, dated 29 June 2022, subject to the conditions set out below:
 - 1) The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission
 - 2) The development hereby permitted shall be carried out in accordance with the following plans/drawings: BSTM.A4.01.02, A3.02.04A, A3.03.08 A3.02.07.
 - 3) The doors the subject of this approval shall be installed in accordance with plan drawings of vertical and horizontal sectional joinery details at an appropriate scale and method of fixing which have been submitted to and approved in writing by the Local Planning Authority.

Preliminary Matters

2. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issue is the effect of the proposal on the special interest of the grade II* listed building.

Reasons

Significance

4. Boulton St Marys Church (the Church) is a Grade II* listed building. Although having early origins its current structure mainly originates from 1840 with extensions in 1871, 1908 and 1960 constructed from Snecked rock-faced gritstone to chancel, chapel and north aisle, coursed squared gritstone to south

aisle and porch with twentieth century additions to aisles in reconstituted stone. The roofs are clay tiles with crested ridge tiles.

5. The listing description states that the church is designated at Grade II* principally because of the survival of a good twelfth century doorway and a rare fourteenth century porch.
6. The appellant's Statement of Heritage Significance contains a detailed narration of the development phases and evolution of the Church from its origin in the twelfth century. This evidence has not been disputed by the Council. It is evident that the original fourteenth century porch was taken down and rebuilt in both 1871 and in its current position in 1907 using some, but not all, of the original material. It is unclear as to whether the 1871 porch had doors, but the 1907 version did and the cut out for the door frame can be seen in the settles.
7. The significance of the building, for the purposes of this appeal, is largely derived from the historic and architectural interest particularly relating to the original surviving fabric.

Impact on significance

8. The proposal is to install a pair of doors to the south porch containing the remains of the original fourteenth century porch. The proposed doors would use the existing cut out and therefore there would be no harm to the historic fabric of the building itself. However, the doors would totally enclose the porch detracting from its current openness and would, as a result, harm the overall appearance of the southern elevation of the Church materially diminishing its significance. A view shared by Historic England. In terms of its appearance, the glazing would maintain views into the porch, but the vertical mullions would be a detail which would be at odds with the ornate stone detailing of the doorway, even though set back.
9. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
10. Paragraph 199 of 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. 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. As the proposal would harm just one part of the overall significance the harm would be less than substantial in this instance but nevertheless of considerable importance and weight.
11. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The proposal would be beneficial as it would secure the removal of the existing unsightly security gates. It would also allow the church entrance to become more access friendly and enable the incorporation of the porch as part of the building space, contributing to the longer term aims of the Church to become a wider community facility. In addition, the doors would give increased security and

better insulation for the Church. Finally, the incorporation of the glazing would ensure the scheme would meet the necessary Building Regulations.

12. These are weighty benefits which would enable the PCC to move forward in its plans to enhance the community facility it offers to attract a wider congregation of all ages. I am also mindful that the porch previously had and currently has doors albeit the existing ones are lightweight and relatively open; they nevertheless provide a degree of enclosure. Furthermore, the Council has already granted planning permission for a solid door in the proposed position which remains extant¹. On that basis, taking all the above into consideration, I am satisfied that the weighty public benefits I outline above would outweigh the harm in this instance. Therefore, the proposal would preserve the special historic interest of the listed building. This would satisfy the requirements of the Act, paragraph 197 of the Framework and would not conflict with Policy CP20 of the Derby City Local Plan - Part 1 and saved Policy E19 of the Derby City Local Plan Review that seeks, among other things, to ensure heritage assets are preserved or enhanced and that proposals do not have a detrimental effect on the special architectural or historic interest of a listed building. As a result, the proposal would be in accordance with the development plan.

Conditions

13. I have had regard to the Council's suggested three conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
14. The appellant objects to the condition requiring the development to be carried out in accordance with the approved plans. However, I have imposed the standard conditions relating to timescale for commencement and accordance with plans for certainty. The appellant also objects to the third condition which requires the submission of vertical and horizontal joinery details at an appropriate scale and method of fixing. I understand that some of that information is available within the plans before me. However, the plan clearly states that these are generic design drawings issued subject to detailed design by the manufacturer. Furthermore, while the appellant has submitted a revised plan showing the method of fixing, the Council has not had the opportunity to comment on this plan. Therefore, I have imposed the condition which is necessary to protect the special interest of the listed building.

Conclusion

15. For the reasons above the appeal is allowed.

Zoe Raygen

INSPECTOR

¹ 21/01324/FUL