
Appeal Decision

Site visit made on 18 April 2023

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/E0915/Y/22/3310930

Burgh House, Burgh by Sands, Carlisle CA5 6AN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr R Miller against the decision of Carlisle City Council.
 - The application Ref 20/0526, dated 21 July 2020, was refused by notice dated 13 May 2022.
 - The works proposed are the erection of a two-storey side extension.
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Decision: the appeal is dismissed

Procedural matters

1. The appeal relates to a Grade II listed building within the Burgh by Sands Conservation Area. In refusing Listed Building Consent for the proposed works, the Council has not alleged that the works would fail to preserve or enhance the character or appearance of the conservation area. Nonetheless, I have a duty under section 72(1) of the Act to pay special regard to the desirability of at least preserving the character or appearance of the conservation area. I have therefore included this matter as a main issue. The appellant has addressed this point in some detail as part his Heritage Impact Statement, and the Council refers to it briefly in the Planning Officer Report and Statement. I am therefore satisfied that neither party would be prejudiced by this approach.
2. A related appeal against the refusal of planning permission for the same proposal (PINS Ref: 3310928) was turned away by the Planning Inspectorate as being submitted out of time. That decision was taken having assessed the date on which the appeal was submitted against the deadlines set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The appellant has requested that this decision is reviewed but that is not a matter which is before me in this appeal.

Main Issues

3. The main issues are whether the proposal would preserve a Grade II listed building, and any features of special architectural or historic interest that it possesses, and whether it would preserve or enhance the character or appearance of the Burgh by Sands Conservation Area.
4. In the context of the above and for the avoidance of doubt, I have determined this appeal having regard to the works proposed and the statutory duties as set out in sections 16(2) and 72(1) of the Act.

Reasons

Special interest and significance: the listed building

5. The appeal property forms part of a Grade II listed building located on the north side of the main street in Burgh by Sands. The property dates from 1769. Originally constructed as one house, the appeal property has been divided into two residential properties, being known as Burgh House (the appeal property) and Fulwood House respectively. That division was undertaken in an asymmetrical manner, with the property boundary being in a non-central location. Nevertheless, despite some detailed differences in the elevations, the consciously designed symmetry of the front elevation of the listed building is still clearly legible. The listing description covers both Burgh House and Fulwood House with adjoining former barn and refers to, amongst other things, the listed building having bays under a hipped greenslate roof, cement rendered chimney stacks, sash windows with glazing bars in stone architraves and end bays with triangular moulded pediments¹.
6. The special interest and significance of the listed building, insofar as relevant to this proposal, are largely derived from the property being a fine example of a typical Georgian residence and from the symmetrical composition of the principal (front) elevation, which is integral to a building of this period and architectural style. The symmetry of the building is emphasised by the end bays with triangular moulded pediments and the cement rendered chimney stacks referred to in the listing description, which bookend the building and frame the other features set out in the listing description.

Special interest and significance: the conservation area

7. The special interest and significance of the Burgh by Sands Conservation Area as a whole derives largely from the informal linear pattern of development either side of a Roman Road associated with Hadrian's Wall. This consists of a variety of residential dwellings, farmsteads and associated agricultural buildings all set within a rural landscape. The special interest and significance of the conservation area, insofar as it relates to this proposal, is that it contains examples of high-quality buildings from various periods that reveal the historical development of the village. The listed building itself is a prime example of a building from the Georgian period and as such represents the development of the village during that period, and as such makes a positive contribution to the character and appearance of the conservation area and thus to its significance as a designated heritage asset.

Effects of the works: listed building

8. Paragraph 199 of the National Planning Policy Framework (Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. The paragraph goes on to explain that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

¹ Statutory Address: Burgh House and Fulwood House with adjoining former barn; List Entry Number: 1335633

9. The proposed works are the erection of a two-storey side extension. The extension would be set back from the principal elevation of the building. The Design Statement submitted with the application explains that this was to distinguish the addition from the original façade and building mass, but the setback is not sufficient to make the side extension appear subservient to the main building. Moreover, notwithstanding that the materials would match the existing, the size, scale and massing of the extension would detract from the primacy of the host listed building and its principal elevation. Furthermore, the proposed extension would project beyond the end bays with triangular moulded pediments that bookend the front elevation. As a result, the proposal would disrupt and undermine the carefully composed symmetry of this elevation. The special interest and significance of the listed building derives, in no small part, from its symmetrical appearance and this would therefore be harmed.
10. I note that the Council approved a single-storey side extension to the appeal property (in the same location as the proposed two-storey extension) in October 2022, and therefore after Listed Building Consent was refused for the proposed works. I have not been provided with details of that application but am advised by the Council that its Heritage Officer considered the single-storey extension would not compromise the symmetry of the designated heritage asset, to any significant degree, and would only have a negligible adverse impact on the Listed Building. Nevertheless, by reason of its height, bulk and negligible set back, the proposed two-storey side extension would have a very different impact on the symmetry of the listed building than would a single-storey side extension. Consequently, the harm to the significance of the designated heritage asset would be greater in relation to the proposed two-storey rear extension and the permission for a single-storey side extension provides no justification for that.
11. The existing side elevation of the appeal property is essentially blank, albeit the quoins and one of the cement rendered chimney stack referred to in the listing description are both prominent features. The latter essentially forms part of flank wall of the building and its additional height assists in bookending the building. The proposed side extension would incorporate the cement rendered chimney stack into the extended roof. Not only would this partially obscure the lower part of that feature, it would reduce its prominence in relation to the building as a whole and would negate the role it plays in bookending the principal elevation. That in itself would harm the significance of the listed building.
12. Furthermore, the side extension would also necessitate the creation of new openings in the existing side elevation at both ground and first floor levels, and would therefore result in the loss of some historic fabric of the building. Whilst this loss of historic fabric would be relatively minor, that would nonetheless further harm the significance of the listed building.
13. The rear elevation of the proposed side extension is shown on the application drawings as being flush with the original rear elevation of the main building. However, the eaves line of the roof is shown dropped slightly below that of the original roof line. I am not convinced that this is entirely accurate: the eaves line of the roof is similarly shown slightly dropped on the front elevation, being shown at equal height either side of the end bays with triangular moulded pediments that bookend the front elevation.

14. By contrast, the eaves line to the rear elevation is shown as featuring a distinctive step where the proposed side extension joins with the main building. Given that the rear elevation of the proposed side extension is shown flush with the rear wall of the original building, I would have expected the eaves line and pitch of the roof to both be continuous. As shown on the application drawings, the awkward step and coping tile detail that would be at odds with the hipped greenslate roof of the listed building.
15. Furthermore, the application drawings do not include a roof plan. It is therefore not possible to discern from the application drawings exactly how the roof of the proposed side extension would tie in with roof of the main house. Had I been minded to allow the appeal in principle, I would have sought clarification on these points. As it stands, I am not able to reach an informed conclusion on them and this uncertainty weighs against granting consent for the proposed works.

Effects of the works: conservation area

16. For the reasons set out above, the proposed works would diminish the identified special interest and significance of a listed building which makes a positive contribution to the character and appearance of the Burgh by Sands Conservation Area. The appeal property occupies a prominent position within the conservation area, and the harmful effects resulting from the proposed works would be particularly obvious when viewed from the public amenity space and section of the main street that is directly opposite the appeal property. The proposed works would incrementally undermine the character and appearance of the conservation area as a whole and in turn its significance as a designated heritage asset.

Conclusion on the effect on the heritage assets

17. In view of the above, I find that the proposed works would fail to preserve a Grade II listed building and any features of special architectural or historic interest that it possesses, and would not preserve or enhance the character or appearance of the Burgh by Sands Conservation Area. The proposed works would harm the significance of these designated heritage assets, and on that basis would fail to meet the requirements of sections 16(2) and 72(1) of the Act. I give this harm considerable importance and weight in the planning balance. That harm is intrinsic within the proposed works and could not be overcome or mitigated through the imposition of conditions.
18. I have found that the proposed works would cause harm to the special architectural or historic interest and the significance of the appeal building. This harm would not result in a total loss of the significance of the building and, as such, would be less than substantial in terms of the Framework.
19. The degree of harm to the character and appearance of the Burgh by Sands Conservation Area, and, consequently, its significance, is primarily to diminish the identified special interest and significance of a listed building which makes a positive contribution to the conservation area. Other buildings that make a positive contribution to that conservation area, of which there are many, are not in any way affected by the proposed works. Consequently, the harm would also be less than substantial in terms of the Framework.

20. I have found that the harm to the designated heritage assets would be less than substantial in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
21. The appellant points out that the implementation of the proposals will result in a temporary benefit to the local economy through the use of a local construction company and the use of local building materials. I accept that this is a public benefit that does weigh in favour of the proposal but, in view of the scale of the proposed works, is one that attracts only limited weight. There is no evidence before me that dismissing this appeal would necessitate the cessation of the residential use of the property, that being the optimum viable use of the designated heritage asset.
22. Consequently, when considered in the round, the public benefits that would accrue from the proposal do not outweigh the considerable importance and weight I attach to the harm that would result from them.
23. I conclude that, on balance, the proposed works would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the Burgh by Sands Conservation Area. This would fail to satisfy the requirements of the Act as well as conflicting with the provisions within the Framework.
24. In addition, the proposed works would not meet Policy HE3 of the Carlisle District Local Plan 2015-2030 which, amongst other things, states that listed buildings will be preserved and enhanced, and that any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm.

Other matters

25. The appeal property is also located within the Hadrian's Wall World Heritage Site Buffer Zone (the WHS). I recognise that the WHS is a designated heritage asset of the highest significance, internationally recognised as being of outstanding universal value.
26. From the information before me and bearing in mind the nature and extent of the proposed works, I consider that they would have a neutral effect on, and therefore maintain, the outstanding universal value of the WHS. As such, the proposal would not harm the significance of this designated heritage asset. I note that in its reason for refusal the Council raised no concerns in this regard either. Nevertheless, this weighs neither for nor against the appeal and does not alter my conclusions on the main issues.

Conclusion

27. For the above reasons, I conclude that the appeal should be dismissed.

Paul Freer
INSPECTOR