



Appeal Decision

Site visit made on 31 May 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2023

Appeal Ref: APP/B3438/Y/22/3299557

Brook Cottage, The Village, Endon, Stoke-on-Trent ST9 9EY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
- The appeal is made by Mr Michael Benson against the decision of Staffordshire Moorlands District Council.
- Listed building consent Ref SMD/2021/0528 was granted on 17 December 2021 subject to conditions.
- The works proposed are new gable end window, replacement of rear entrance door, and extending the internal opening between the dining room and kitchen.
- The conditions in dispute are Nos 3, 4 and 5 which state that:
 3. Notwithstanding the above approved plans and prior to its insertion, joinery details of the replacement door shall be submitted to and approved in writing by the Local Planning Authority. The joinery details shall include the upper glazed section of the door without glazing bars. The development shall then be carried out in accordance with the approved details and be retained for the lifetime of the development.
 4. Notwithstanding the above approved plans and prior to its insertion, joinery details of the replacement window shall be submitted to and approved in writing by the Local Planning Authority. Details shall include frame materials and finish, a vertical glazing bar to divide the glazing into 4 panes, putty to secure the glazing and positioning of the glazing within the opening which should be within its historic position. The development shall then be carried out in full accordance with the approved details and retained for the lifetime of the development.
 5. Notwithstanding the above approved plans, no consent is hereby given for the removal of the section of internal wall between the existing kitchen and dining room as shown on plan ref P1.01 Rev B. The internal layout of the dwelling shall remain as shown on plan ref E1.01 Rev B.
- The reasons for the conditions are:
 3. In the interests of Listed Building preservation and suitable development.
 4. In the interests of Listed Building preservation and suitable development.
 5. The character of a building of this period is defined by relatively small rooms. The removal of this section of historic walling will harm the historic significance of the Listed Building including inserting a modern steel beam, and disrupting the historic floor plan. A more open-plan layout is disruptive to its significance. There are no public benefits to the scheme. This part of the application is contrary to policies DC1 and DC2 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework including sections 12 and 16.

Decision

1. The appeal is allowed and Listed building consent is granted subject to the following conditions:
 1. The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
 2. The works hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:

- Location Plan;
 - E1.01 Rev B;
 - E1.02;
 - P1.01 Rev B;
 - P1.02 Rev A;
 - P1.03 Rev A;
 - P1.04.
3. Notwithstanding the above approved plans, and prior to its insertion, joinery details of the replacement door shall be submitted to and approved in writing by the Local Planning Authority.
The joinery details shall include elevation and sectional drawings at a scale of 1:10 showing the design of the new door and including details of the frame, glazing, mouldings, furniture, materials and colour finish of the new window. These shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
4. Notwithstanding the above approved plans and prior to its insertion, joinery details of the replacement window shall be submitted to and approved in writing by the Local Planning Authority.
Details shall include frame materials and finish, a vertical glazing bar to divide the glazing into 4 panes, putty to secure the glazing and positioning of the glazing within the opening which should be within its historic position. The works shall then be carried out in full accordance with the approved details and retained for the lifetime of the development.
5. Notwithstanding the above approved plans, no consent is hereby given for the removal of the section of internal wall between the existing kitchen and dining room as shown on plan ref P1.01 Rev B. The internal layout of the dwelling shall remain as shown on plan ref E1.01 Rev B.

Background and Procedural Matters

2. Brook Cottage is a Grade II Listed building¹, which also lies within the Endon Conservation Area ("the ECA"). In determining this appeal, I have had special regard to the statutory requirements placed on decision makers by sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act").
3. Brook Cottage stands alongside, and is accessed from, Brook Lane; this (rather than "The Village") is given as its address in the official listing. Nevertheless, I have used The Village in the banner heading above as, not only does this reflect the address used by the appellant and the Council, it is also the official postal address of the property.
4. The appellant sought Listed building consent ("LBC") for a range of works to Brook Cottage; the reinstatement of a window in a gable end wall, the replacement of a rear entrance door, and the removal of an internal wall to create a widened opening between the dining room and kitchen. In December 2021 the Council granted LBC, though this was subject to five conditions.

¹ Historic England List Entry Number 1294543

5. As submitted by the appellant, Section G of the appeal form stated that the appeal was against a refusal of listed building consent, but the appellant subsequently confirmed that the appeal was made against conditions 3, 4 and 5 of the LBC, and I have determined the appeal on that basis. The appellant did not submit any further appeal statement explaining why he objected to the three conditions, nor were additional details or suggested alternative wordings proposed. Essentially, I have therefore considered the proposed works as they were put to the Council when listed building consent was originally sought.

Main Issue

6. The main issue is therefore whether or not the disputed conditions are necessary and reasonable, having regard to whether removing, varying or adding to them would preserve the special architectural or historic interest of Brook Cottage, and whether the character or appearance of the ECA would be preserved or enhanced.

Reasons

Significance and special interest

7. Brook Cottage was first listed in December 1986. According to the statutory list description, the two-storey house has 16th century core, was refaced in the 17th century and largely rebuilt in the mid-19th century. It is mainly of red brick with some 17th century stonework; tiled roof and 19th century casement windows. The interior has a cruck frame, which is evident in the ground floor lounge and first floor bedroom, which denotes the historic 16th century core of the building.
8. Brook Cottage has seen some alterations and additions over its more than four centuries, including the insertion of later partitions, windows and doors. This includes the creation of a doorway between the kitchen and living room when a previous serving hatch was enlarged in 1993². In spite of, or perhaps because of, the changes which have been made over time it is possible to read the evolution of the building, which has retained its authenticity as a modest vernacular cottage of some significant age. As only a narrow doorway has been inserted in the wall between the kitchen and living, the legibility of the historic plan form has been retained. The age of the building, legible within its timber-frame construction and surviving historic fabric, its plan form, and traditional material treatment and detailing are all aspects that contribute to its significance and special interest.
9. The boundaries of the ECA are drawn around two parts of the settlement and, at the northern end, include the traditional buildings and fields in the vicinity of Brook Lane and The Village. The special interest of the ECA is in part contributed to by the historic buildings, some of which are listed, and walls and bridges constructed in local materials, small fields and views out to wider rolling countryside. Brook Cottage and occupies a corner just off Brook Lane and The Village, adjacent to the brook that winds through the northern part of the ECA. Its age, traditional materials and detailing and brook-side location make Brook Cottage a valuable part of the historic built backcloth of Endon,

² LPA Ref: SMD/1993/1078

and mean that it a very positive contribution to the character and appearance of the ECA as a whole.

Condition 3 – Replacement door

10. The works permitted by the LBC include the replacement of the external door which connects the dining room to the rear garden. The existing door is a solid panelled stable-type door, which I understand to date from the 1980s and to be made of a tropical hardwood with a dark-stained finish. The appellant proposed replacing it with an oak stable door with nine glazed panes on the upper leaf, which would allow additional light into the dining room as well as allowing the occupiers to see out of the house. The Council did not object to the principle of a replacement door, nor it having a glazed upper section. Disputed Condition 3, however, requires joinery details of the replacement door to be submitted, as well as requiring that the details “include the upper glazed section of the door without glazing bars”.
11. The application plans did not include detailed drawings showing the dimensions of the existing door; the only details of the proposed replacement door submitted either at application or appeal stage are at a scale of 1:50 on the approved elevations, and a catalogue extract showing two size options for a “9 pane stable clear pre-glazed” door. As its description suggests, the catalogue shows a door with nine glazed panels on the upper portion of the stable door, and these are separated by relatively thick timber glazing bars; the approved elevations show a door with six glazed panes on the upper part. As things stand, the submitted details do not therefore give the necessary assurance as to the method of manufacture or the final size (including the thickness and fitting of the glazing within the top unit) of the replacement door. I therefore consider that the elements of Condition 3 requiring joinery details to be approved and submitted for approval by the Council are reasonable and necessary, although in the interests of clarity and accuracy the condition should be specific as to the scale of drawings and the level of detail required.
12. As to the requirement that the replacement door should not have glazing bars, the Council contends that this is necessary so that the door should “more closely resemble a stable door with upper section open”. While the appellant has not provided any justification for why a multi-pane glazed upper section is being proposed, the existing door is not historic, and a stable-door would be unlikely to be an authentic vernacular feature in a residential cottage. Even the single pane of glazing which the Council requires would still need to be held in a timber surround and so would not particularly, in my judgement, resemble a stable door with the upper section open. Given these factors, I do not consider that it would be reasonable to require glazing bars to be excluded from the replacement door.
13. As I have found that it would not be reasonable to require the removal or omission of glazing bars from the upper part of the proposed replacement door, I conclude that Condition 3 should be varied accordingly. However, insofar as the disputed condition requires the submission and approval of additional joinery details, I consider it is both reasonable and necessary in the interests of preserving the special architectural or historic interest of the Grade II Listed building; this requirement is therefore retained in the amended condition. The replacement door would be at the rear of the property in a place which would

not be prominent in public vantage points, and I am therefore satisfied that the character and appearance of the ECA would be preserved.

Condition 4 – New window

14. The Council did not object to the principal of reinstating a bricked-up former window opening within the building's north gable end and removal of a cupboard in the corner of the dining room. The application plans include proposed window details at a scale of 1:1 and 1:5; these show a timber casement, with two panes of slimline double glazing divided by a horizontal glazing bar. Condition 4 of the LBC requires joinery details be submitted and approved, to include frame materials and finish, a vertical glazing bar to divide the glazing into 4 panes, secured by putty, and positioning of the glazing within the opening to reflect its historic position.
15. The Council's reason for imposing the condition is on the basis that the original opening would have been a "fire window" alongside an inglenook fireplace and that the detail should be correct for the age and character of the building; it considered that the lack of a "vertical glazing bar" would make "the pane size too horizontal". While the appellant suggested that the window would be "similar to the current windows on the south-west and north-west elevations", I saw that the existing windows on the house have a vertical visual emphasis arising either from the proportions of their opening or because of their being divided by mullions. The new window as proposed – without a vertical glazing bar – would have a horizontal emphasis which would be distinctly different from the other windows; it would therefore be discordant and would undermine the traditional character of and authenticity of Brook Cottage.
16. The appellant did not put forward any further evidence or argument in respect of the proposed window beyond that which accompanied the original application for listed building consent. Again, I am therefore satisfied that Condition 4 is reasonable and necessary, in the interests of preserving the special architectural or historic interest of the Grade II listed building. Given the positioning of the proposed window at the rear of the building, I am satisfied that the character and appearance of the ECA would be preserved or enhanced.

Condition 5 – Removal of internal wall

17. The application plans show the removal of the wall separating the dining room and the kitchen on the ground floor to a height of around 1925mm, creating a connected (and effectively open-plan) space.
18. The proposed works would result in the almost total loss of the early, if not original, historic fabric of the wall, along with the insertion of a modern steel beam, as well as a considerable disruption of the building's floor plan (which comprises generally small and separate rooms). While there appear to have been changes to the wall in the late 20th century, further loss would undermine the special architectural and historic interest of the Grade II listed building which would not therefore be preserved.
19. The impact of this element of the works would be internal and not tangible from the ECA, the character and appearance of which would be preserved or enhanced. Nevertheless, I consider that the condition is necessary and

reasonable in respect of preserving the special architectural and historic interest of Brook Cottage.

Overall findings

20. Subject to the variation of the wording of Condition 3, I have found that the three disputed conditions are all reasonable and necessary, and that their removal as sought by the appellant would conflict with the overarching statutory duties set out in section 16(2) of the Act. Were the works to be approved without the disputed conditions, it would fail to preserve, and would cause harm to, the significance and special interest of the Grade II Listed building. Owing to the scale and nature of the works, the degree of harm to its significance as a designated heritage asset would, in the terms of the National Planning Policy Framework ("the Framework") be less than substantial. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
21. All of the public benefits that would be derived from the consented works (principally investment in the fabric of the building, the modest economic benefits associated with the work being carried out, and improved natural light within the dwelling) could be realised without causing the harm identified. The appellant's Heritage Assessment contends that individual rooms within the dwelling, notably the kitchen and dining spaces, are somewhat narrow and cramped; however this is a characteristic of many historic modest vernacular dwellings, and there is no suggestion that the optimum viable use of Brook Cottage as a single residential dwelling would cease should Condition 5 remain in place.

Conclusion

22. I have found that Condition 3 should be amended so that it does not require the omission of glazing bars from the proposed replacement rear door. Beyond this, I have found that the disputed conditions are necessary and reasonable for the proposed works to be acceptable; without them the proposed works would cause harm to the significance of the designated heritage asset, which would not be outweighed by wider public benefits. Consequently, even if the character and appearance of the ECA would be preserved, there would be conflict with the historic environment protection policies of the National Planning Policy Framework. There would also be conflict with Policies DC1 and DC2 of the 2020 Staffordshire Moorlands Local Plan ("the SMLP") insofar as these require all development to reinforce local distinctiveness, and to conserve and enhance heritage assets in a manner appropriate to their significance.
23. Although I acknowledge that my decision is likely to fall short of what the appellant hoped for, for the reasons I have set out above the appeal is therefore allowed.

M Cryan

Inspector