



Appeal Decision

Site visit made on 13 February 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/U3935/Y/23/3321639

The Old Rectory, Trenchard Road, Stanton Fitzwarren, SWINDON SN6 7RZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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 Richard Codrington against Swindon Borough Council.
 - The application Ref is S/LBC/23/0085 is dated 25 January 2023.
 - The works proposed are described as *'an inward pitch over a valley requires re-roofing. The only aspect visible from outside the property is the leading edge (see attached photos). I would like to use Cardinal Slates in place of stone slates on this approx. 6 square metre pitch. A description of these slates is given at www.cardinalslates.co.uk (screenshot attached). These have been given Listed Building Consent in various other areas, including by the Councils of West Oxfordshire, Cotswolds, Vale of the White Horse, Stroud and Cheltenham (see screenshot and attached list of Listed Building Consents). They are designed to encourage lichens and moss and seem to weather well (see attached photo). Cardinal Slates have been used on at least two buildings in the Stanton Fitzwarren Conservation Area. Using them on this hidden part of the roof would therefore not be a new development here.'*
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Decision

1. The appeal is dismissed and listed building consent is refused for the works described above.

Preliminary Matters and Main Issue

2. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issue of the appeal, apart from a change in paragraph numbers. I have not therefore sought the views of the main parties on this matter.
3. The appeal results from the Council's failure to determine the application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted by the Council during the appeal process, which refer to harm to the listed building and the conservation area.
4. Accordingly, the main issue is the effect of the proposal upon the significance of the grade II listed building known as Rectory¹, and whether the proposal would preserve or enhance the character or appearance of the Stanton Fitzwarren Conservation Area (SFCA).

¹ List Entry Number 1355940

Reasons

5. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The Old Rectory is a substantial detached dwelling dating from the mid 19th century. It has an irregular plan and rather complex form. The Council describe it as vernacular; however, its formal design and presentation likely results from the input of an architect, particularly given its importance as a Rectory. Local stone is the predominant building material, including the long and prominent roof slopes finished in diminishing courses of well weathered stone slates. These are a highly characterful component of the building and a locally distinctive detail. The building's materials, historic detailing and form are characteristics that contribute to its special interest.
7. The SFCA covers the small rural settlement comprising a largely unplanned mix of buildings of which many are historic. Buildings are arranged at a low density and characterised by a prevalent use of local materials, including stone, brick, thatch and stone slates. The Old Rectory is prominently positioned within the SFCA. It displays many of the key characteristics of the SFCA and is thus a key contributor to its special architectural and historic interest.
8. The proposal would see a modest area of roof altered by removing its original covering of stone slates and laying a replacement covering of artificial stone slates. Not only is the area of roof small it also faces inwards to form a valley and is thus not readily visible from the area around the building. Therefore, the replacement material would be difficult to discern from the ground, apart from the modest difference to the appearance of its outer verge. The visual impact would therefore be minimal.
9. However, good conservation practice recognises the importance of managing the broader special interest of a heritage asset, which goes beyond a simple consideration of its physical appearance. In this case, the original stone slate roof is a significant component of the asset that contributes to its historic authenticity. It could be compared to other aspects of the building such as elements of original roof structure that may survive but are not readily seen yet are nevertheless of heritage significance and contribute to the historic integrity of the asset. The replacement with a modern product, although it might be of a high quality and capable of developing a weathered appearance over time, would erode the building's historic authenticity, thus harming its special interest.
10. As the building is a key contributor to the significance of the SFCA it follows that the proposal would also harm its architectural and historic interest for the same reasons. However, I accept that the level of harm to the wider area would be very modest given the scale of the change proposed and its negligible visual impact.
11. References are before me to the use of artificial stone slates elsewhere and the replacement of stone slates on the barn conversion to the east of the appeal building. However, details of these cases, including the circumstances in which

the decisions were made, are not before me. Stone slates are a common and valued local material, and the instances of the use of alternative replacement materials do not cause me to conclude differently on the merits of the appeal proposal.

12. I accept that the change proposed has the potential to be reversed, however if executed well it would be unnecessary to consider replacing the roof covering again for many years, so I give very little weight to this matter.
13. It is suggested that the work would allow the salvaged stone slates to be retained for use elsewhere on the building for more prominent repairs. There is however no mechanism to ensure that the removed stone slates are retained for use on the building. Additionally, if it is anticipated that the stone slates would be capable of re-use it is unclear why they cannot be re-used on the same roof area. I therefore give little weight to this matter.
14. Given that the visual impact of the change would be limited, the level of harm would be modest. In terms of the Framework it would be less than substantial, but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
15. The proposal is put forward because the roof is leaking. Maintaining heritage assets so that they are in a good state of repair is a clear public benefit. However, the matter could be resolved by repairing the roof in like for like materials or by re-using the existing stone slates, and a case for not doing this has not been made. I therefore give this benefit very little weight.
16. The appellant refers to the proposal as cost effective; however, the case is not made that the existing stone slates are beyond re-use. Indeed, it is suggested they would be salvaged for use elsewhere. It is therefore not clear why an alternative material is necessary, as re-using the existing stone slates would be the cheapest solution. I therefore give no weight to this matter.
17. Together the public benefits carry very little weight and are not sufficient to outweigh the harm identified.
18. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and fail to preserve the character and appearance of the SFCAs. Although development plan policies do not strictly apply to applications for listed building consent, the proposal would also not accord with Policy EN10 of the Swindon Borough Local Plan 2026 insofar as it seeks to conserve conservation areas.

Conclusion

19. For the reasons given above I conclude that the appeal should fail, and listed building consent should be refused.

A Tucker

INSPECTOR