



Appeal Decision

Site visit made on 5 March 2024

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/P0119/F/23/3329314

Mount Pleasant Chapel Bristol Road, Falfield, WOTTON-UNDER-EDGE, GL12 8DW

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr David Cottell against a listed building enforcement notice issued by South Gloucestershire Council.
- The enforcement notice was issued on 10 August 2023.
- The contravention of listed building control alleged in the notice is the removal of 4no. authorised conservation roof lights and the installation of 7no. Velux conservation style roof-windows in the roof slopes of the Chapel and attached School House (shown on photograph A attached to the notice).
- The requirements of the notice are:
 - (i) Remove the 7no. unauthorised Velux roof windows from the roof slopes of the Chapel and School House and reinstate 4no. conservation roof lights, matching that shown in photograph B (including design, construction, size, installation and position) in the roof slopes of the Chapel and School House in accordance with the listed building consent Ref PT16/4784/LB dated 19 October 2016 and shown in the attached roof plan marked C.
 - (ii) Reinstate the roof structure (including internal ceiling finishes) to its appearance prior to the unauthorised works using materials, finishes and slates to match the existing.
- The period for compliance with the requirements is 6 months.
- The appeal is made on the ground set out in section 39(1) (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. It is directed that the listed building enforcement notice be corrected by the substitution of the plan annexed to this decision for the plan attached to the listed building enforcement notice.
2. Subject to the correction the appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Preliminary Matters

3. Prior to my site inspection the Council became aware that an incorrect plan had been attached to the notice and requested that it be substituted with the correct plan. I have the power to correct the notice, including the plan, so long as no injustice arises as a result. The appellant has no objection to such a substitution.

4. Section 16(2) of the Act requires regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (December 2023) (the Framework) at paragraph 205 requires great weight to be given to a designated heritage asset's conservation when considering the impact of proposed development on the significance of an asset.

The site and relevant planning history

5. The site is in open countryside in the Bristol and Bath Green Belt and adjacent to the A38 main road.
6. The appeal building is Grade II listed and described as "Non-conformist church, now disused. Dated 1813. Single storey. 3 bays: pointed Gothic windows with Y-tracery. Door under porch with arched hood on north gable. Extension to right, dated 1848, gable end onto the road; rubble with a slate roof; 2-light leaded casement windows with chamfered mullions and under a drip mould. Central door with 4-centred head.
7. A change of use was granted in 2002 for conversion of the chapel to a single dwelling house and various listed building consents have been issued subsequently for works to the building.
8. Listed building consent ref PT16/4784/LB dated 19 October 2016 was issued for the regularisation of external and internal works including external lime render, works to trusses, installation of 6 timber shutters to windows, re-fit balcony and install new staircase.
9. Following the receipt of complaints in 2021 an inspection by the Enforcement Officer revealed that some four Velux type tilting rooflights of 90x120 cm had been installed to the main chapel roof and two more of the same size to the school roof together with a bathroom window of 110x80 cm. All of the windows stand about 15cm proud of the roof tiles. After some time the listed building enforcement notice the subject of this appeal was served.

Reasons

10. An appeal on ground (e) is that listed building consent should be granted for the works.
11. The main issue is whether the proposal would preserve the Grade II listed building and any features of special architectural or historic interest that it possesses.
12. The chapel building at its upper level contains a bathroom and bedroom lit by four large rooflights. There is also an older window in the bathroom on the gable end of the chapel which is understood to have been a fire escape. Separate stairs give access to the upper floor of the former school house which has 3 large rooflights which open onto a valley created through attachment to the taller chapel building. Roll-out escape ladders are provided for deployment through the windows.
13. The four rooflights of the chapel are on the rear roof slope and are prominent but those on the former school building are less so as they are partially obstructed by the chapel.

14. The Council consider that the inserted Velux roof windows by virtue of their size, design, number and position are considered to be harmful to the significance of the listed building. The construction of the roof windows with timber subframes covered with metal profiles of a distinctly bulky, modern and domestic appearance which make them appear unduly prominent in the roof covering. Coupled with the size, number, and position the unauthorised roof windows are visually distracting and intrusive additions which dominate the roof and detract from the traditional character and architecture of the listed building.
15. The appellant criticises this statement as it is asserted that it has been made without any prior assessment of the specific character of the listed building as required in paragraph 201 of the Framework. However, the Framework requires Local Planning Authorities to assess the particular significance of any heritage asset that may be affected. The Council has done this quite satisfactorily in paragraphs 6.3 and 6.4 of their statement of case.
16. The appellant's Heritage Statement concludes that the building's significance is as an independent chapel and its chapel character has been preserved. It reflects the characteristic humbler form of non-conformist chapels as being intrinsically a building of good quality, more generous in scale than ordinary domestic buildings but lacking the enrichment associated with higher church traditions. It has special historic interest in that it is a surviving and largely unaltered example of a non-conformist chapel. Whilst its architecture is not in itself of special character, the Heritage Statement concludes that it is of consequential significance in that it expresses the history of the building.
17. Whilst I agree with this assessment, I take a different view on the impact of the unauthorised roof lights. The appellant makes reference to Historic England's advice¹ on alterations affecting places of worship states that roof lights can be visually damaging requiring justification and their location must be carefully considered. If they are required, conservation roof lights which do not stand above the plane of the roof are recommended.
18. A listing designation extends to all elevations of the listed structure even if not publicly visible. The fact that works made on the non-public side of the building does not make any harm caused to the significance of the building any less harmful. In this case a number of the rooflights are prominent on the roof slopes and they contribute to a change in the character and significance of the building to one that is more domestic, rather than that of a chapel.
19. The appellant's justification for the roof lights is to meet the legal requirement arising from the Building Regulations 2010 that there is an alternative means of escape for bedrooms that are higher than 4.5m which applies in the case of both bedrooms. It is puzzling why so many windows were introduced to provide multiple choices of escape when perhaps one in each of the roof spaces would have been adequate. The appellant points out that the 4 windows in the chapel roof space are distributed across the length of the lounge providing multiple escape points with each being 1.2 sq m (greater than the 0.33 sq m minimum opening size specified in the Building Regulations 2010 2.10). It is further stated that their size allows an adult carrying a child to escape via the windows in addition to the appellant's reference to his overweight friends and heavily pregnant women.

¹ Historic England online advice in caring for places of worship.

20. I appreciate that the original escape route may be inadequate but I find the appellant's arguments not to carry great weight in that there may have been other ways to provide a safe egress in the event of a fire, such as providing only one larger rooflight in each roof space or protecting both primary escape route staircases by enclosure and fire doors. Had the appellant consulted the local authority prior to carrying out the unauthorised works, then other solutions less harmful to the exterior of the listed building may have emerged. I note that Approved Document B1 of the Building Regulations indicates that the guidance may prove too restrictive in the case of listed buildings and variations of the provisions may be appropriate. No alternatives to the unauthorised roof lights appear to have been examined by the appellant.
21. I note that the installation of these windows permits a high degree of natural light into the rooms that had been created in the roof space of both parts of the building. Whether this was part of the intention behind the installation of so many large roof lights or whether it was a consequential benefit is unknown to me.
22. I conclude that the unauthorised windows do not preserve the Grade II listed building and they harm its character and significance. I regard this level of harm to be less than substantial in the context of paragraph 208 of the Framework. This harm should be weighed against the public benefits of the works. The appellant considers that the public benefits arise from the roof lights facilitating the optimum viable use and hence ensure the preservation of the building. Notwithstanding this, no alternative practical means of escape have been examined that would result in reducing the degree of harm identified. I therefore do not consider that any public benefits arising outweigh the harm caused.

Conclusion

23. For the reasons given above, I conclude that the appeal under ground (e) should fail.

P N Jarratt

INSPECTOR

ANNEX

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Plan to be substituted for the plan attached to the notice:

