



Appeal Decision

Site visit made on 30 July 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/U2750/Y/24/3339107

Waterford House, 19 Kirkgate, Middleham, North Yorkshire DL8 4PG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Shaun Watson against the decision of North Yorkshire Council.
 - The application Ref is ZD23/00442/LBC.
 - The works proposed are replacement of one slope of kitchen roof with Greys Reproduction Random Diminishing Natural Weathered Stone Slate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have omitted the phrase 'type approved for conservation areas, national parks and Grade II listed buildings' in the banner heading above as this is not a description of the works. However, I have taken account of these details in my decision.
3. I have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
4. The above works appear to have already been carried out and this appeal against the refusal of consent seeks their retention.

Main Issue

5. The main issue is the effect of the works on the special interest and significance of the Grade II listed building (known as Waterford House Ref.1130938)

Reasons

6. Waterford House is a Grade II listed building (listed in 1985) within the settlement of Middleham. The list description states that it is a three storey dwelling in an L-shaped plan, constructed in rubble stone with a stone slate roof. It describes the architectural detailing of the front elevation, including the arrangement and design of the windows and doors, and the position of the chimneys. Although the list description focusses predominantly on the front

elevation, list descriptions of this date are predominantly for identification purposes only and do not provide a full explanation of a building's significance.

7. From the details available to me, including the list description, and my own observation, I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from its age, form, its historic fabric and architectural detailing. As such, the building has historic, evidential and aesthetic value. The side and rear elevations exhibit evidence of extension and adaptation over time. However, they allow an appreciation of the historic form of the building as well as its detailing, features and fabric which contribute to the integrity and significance of the building as a whole.
8. Waterford House is prominently located near to the upper end of the marketplace where views of its front elevation are clearly seen. Here it is seen in conjunction with a streetscape of buildings of similar vernacular character with a general consistency to their building materials. Waterford House is identified in the list description as having group value. In my view, this elevates the significance of this building in terms of this appeal as it not only has intrinsic special architectural and historic interest but the group value of the wider collection of listed buildings demonstrates a streetscape of high sensitivity and visual interest.
9. Roofing is usually a highly visible element of a building and represents a significant aspect of its character and displays a strong local and regional variation depending on materials used and how they are laid. It is a vital part of a building's character and needs to be respected even if not on the most prominent slopes. This is especially the case with the appeal property given the specific mention of the stone slate roof in the list description, their use on much of this building and the general consistency of these materials in the immediate area. In this case before me, the stone slates make a significant and positive contribution to the aesthetic and evidential value of the appeal building and, having regard to its vernacular design, its location and group value with other vernacular properties nearby, I consider that the roof is a key element of the building's special interest.
10. The works subject to this appeal relate to the replacement of stone slates with a product described as 'Greys Reproduction Random Diminishing Natural Weathered Stone Slate' on the western side of the rear projecting wing of the building. I note that the appellant advises that the product is approved for conservation areas, national parks and Grade II listed buildings. Although I have not been provided with the full product details, the application documentation includes an image of the product, although this states that it is 'natural stone slate' rather than the 'reproduction stone slate' stated on the application form. I therefore cannot be certain that the product in the image is that used on the roof of the appeal property. Nevertheless, I was able to clearly judge for myself the visual effect of the product used on the appeal building when I visited the site. The application details also include an aerial photograph of the roof slope before the roofing material was replaced which appears to suggest that it was a natural stone roof consistent with the design, colour and texture of the stone slates used elsewhere on the building. There, therefore, appears to be no dispute that natural stone slates have been removed.

11. Whilst views of this rear roof slope from the marketplace are very limited, close and elevated views are afforded from the paved frontage in front of the neighbouring dwelling, which also provides access to cottages beyond. Although the appeal documentation indicates that this land is private, the ability to view and appreciate a listed building is not limited to public views. Furthermore, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views are afforded. The rear elevation is also visible from the property's rear yard, although views of the roof slope subject to this appeal are mainly limited to the verge details.
12. From the elevated forecourt of the neighbouring property, I was able to see that the replacement slates had a distinctly greyer appearance than the typical buff, warm tones of the natural stone on the main roof of the building. They also had a slightly shiny finish with a more moulded appearance to the edging and surface texture in contrast to the more sandy, matt and cropped finish of the natural stone. The replacement slates also appeared thicker giving a less smooth profile to the roof. All in all, the whole extent of this roof slope had a very different visual appearance to the natural stone slates on the main house roof and from my close vantage point, the product appeared artificial and lacked the colour, texture and subtleties of natural stone. It was clearly identifiable as non-traditional material and appeared out of place with a harmfully erosive effect on the appearance and historic character of the building. Furthermore, I have been provided with little evidence to suggest that this product will age and patinate in a similar way to natural stone over time. It may indeed be that the synthetic nature of the material may become more apparent and increasingly incongruous.
13. Whilst on site I saw a significant number of stone slates, stacked, and sorted in the yard which the appellant suggests were salvaged from the roofing works, subject to this appeal. The appellant comments that these will be re-used when the roof of the front range is repaired. Whilst I understand that there was an urgency to undertake the works, given the condition of the roof and water penetration, there is no adequate indication that some of these slates could not have been re-used or that matching stone slates could not be sourced in time. This, in my experience, would accord with established best conservation practice.
14. Given the importance of natural stone slates to the integrity of the building and the visible differences that I have found, the replacement slates used are not an appropriate evolution of this vernacular building and are significantly detrimental to its authenticity. They materially diminish part of the special interest of the listed building and have a harmful impact on its evidential and aesthetic value as a heritage asset.
15. Whilst the side and rear elevation would be largely hidden from public view, I have already commented that these elevations are an integral part of the building's significance. The elevation is, however, clearly visible from adjoining private land. Also, the fact that the other slope of this part of the building appears to have an artificial roof covering does not justify a further erosion of the integrity of the building, especially when most of the building appears to be roofed in natural stone. In any event, there is no adequate suggestion when this alteration took place or that consent, if required, was obtained.

16. As such, the works subject to this appeal have a harmful effect on the special interest and significance of the Grade II listed building. They are contrary to the expectations of the Act, and paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset, in the language of the Framework, to be less than substantial in this instance. This harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
17. The works are for the benefit of the maintenance of the building and support the continued residential use of the property, which is its optimum use. However, no adequate evidence is provided to demonstrate that this long-term use or its conservation is dependent on these works. The appellant states that the decision to use this product was made on sound economic sense given the cost of renovating the building and was intending to use the slates on the main house roof, and that there was an urgency to undertake the works. However, there is no adequate indication that natural stone slates are not readily available or are prohibitively expensive, especially given the availability of the salvaged materials arising from the work. As such I give these matters limited weight in support of the proposal and there is inadequate justification for the harm.
18. Even though I have found the harm to the heritage asset to be less than substantial, this is not to be treated as a less than substantial objection to the works. I consider that the weight of these public benefits, either individually or collectively, would not justify or outweigh the great weight to be attributed to the harm to the designated heritage asset that I have identified. It follows, therefore, that the proposal would not comply with the Framework. It would also conflict with Policy CP12 of the Richmondshire Core Strategy (2014), insofar as this is relevant, which seeks to conserve and enhance the significance of heritage assets. It should be noted, however, that listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004 and do not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Act to have regard to the development plan when determining applications and appeals for listed building consent.

Other Matters

19. The property lies within the Middleham Conservation Area. However, as this appeal relates solely to an application for listed building consent this is not a matter before me. I have therefore considered it no further in this appeal.
20. The fact that there were no objections from statutory consultees or from members of the public is not a reason for overriding the harm that I have found. There may be incidences of artificial materials used on nearby buildings and structures, but I see little relevance to the circumstances before me.
21. I understand that the appellant will be disappointed with the outcome of the appeal and that they had sought advice from the Council prior to undertaking the works. However, this can not influence the outcome of my decision.

Conclusion

22. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR