



Appeal Decision

Site visit made on 10 July 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2024

Appeal Ref: APP/B2355/W/24/3340040

Lumb Old Hall, Meadow Park, Ramsbottom, BURY BL0 0QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Lee against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0002.
 - The application sought planning permission for conversion of garages to form 1 no. one-bedroom dwelling, including creation of a new pitched roof, other external alterations, and associated access/parking without complying with conditions attached to planning permission Ref 2018/0116, dated 1 March 2018.
 - The conditions in dispute are Nos 2 and 4 which state that:
 - 2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below: Submitted application form date stamped 1st March 2018 by the Local Planning Authority. Site Location Plan date stamped 13th March 2018 by the Local Planning Authority. Proposed Plans and Elevations (Drawing Number LOH-09-05-18) date stamped 9th May 2018 by the Local Planning Authority.
 - 4. No development shall take place until full details (including samples) of the proposed materials for use in the construction of the elevations and roof of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
 - The reasons given for the conditions are: 2, to ensure the development complies with the approved plans and submitted details and 4, to ensure the satisfactory appearance of the development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit works to convert the appeal building were on going but not complete. A door opening had been created in the north facing end gable of the building and there were no openings in its roadside wall. Also, the previously approved¹ new opening in the south facing end gable had been created, yet no window installed, and the pitch roof timber trusses were in situ, although the roof structure was not tiled and was covered in tarpaulin.
3. A lawful development certificate² was issued by the Council to confirm that a lawful start had been made in respect of the development granted under ref 2018/0116. Therefore, this is not a matter for my consideration in this appeal.

¹ Ref 2018/0116

² Ref 2021/0146

4. Since the proposal relates to the setting of a listed building, I have had regard to my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in reaching my decision.

Background and Main Issue

5. Condition No 2 of planning permission ref 2018/0116 requires the development to be carried out in accordance with the originally approved plans, including the proposed plans and elevations ref Drawing Number LOH-09-05-18. Condition No 4 of ref 2018/0116 requires the submission of details of the proposed exterior materials of the new dwelling to be submitted to the Council for approval before the development commenced. The details required pursuant to condition 4 were submitted to and subsequently agreed in writing by the Council on the 30 July 2018. The approved external materials include white rendered walls, natural stone quoins, door/windowsills, door/window heads and a natural blue slate roof.
6. The appeal proposal seeks to change the position and size of openings within the host building and add 4 no. roof lights in the road-facing roof slope. It is also proposed to change the materials used for the windows and door, to include aluminium window frames and a composite door, rather than wood frames and a glazed door with wooden frames.
7. Although the appeal site lies within the Green Belt, the development proposal to re-use an existing building is not inappropriate development in the Green Belt under Paragraph 155 of the National Planning Policy Framework (the Framework), subject to certain matters.
8. In this context and having regard to the Council's reason for refusal, the main issue in this appeal is whether in varying the design and materials of the proposed conversion scheme, pursuant to conditions Nos 2 and 4, the proposal would preserve the setting of the Grade II listed Lumb Old Hall.

Reasons

9. The appeal building lies approximately 35 metres south of the Grade II listed building (LB), Lumb Old Hall at the bottom end of its garden, where there are stone steps leading up to an area of hardstanding located immediately adjacent to the appeal building, which is used for parking in association with Lumb Old Hall.
10. The LB is C17 and C19 externally but contains elements of possibly C15 cruck-framed building altered probably in C16. It is constructed of coursed sandstone with quoins to south-east corner, stone slate roof with chimney at south-east corner and north gable. It has 4 windows on each floor that are mainly double-chamfered 2-light rectangular windows with hoodmoulds (now casements). The LB has an open verdant setting to the south and east. It is set at the edge of the raised embankment of the River Irwell, with views of the Grade II listed railway viaduct of rock-faced sandstone and red brick visible from its gardens.
11. Thereby, insofar as it relates to this appeal, the significance of the LB derives from its historic and architectural interest, including use of traditional building materials. This, together with the surrounding verdant and open appearance to two sides of the LB and its raised position on the river embankment, makes a positive contribution to the pleasant verdant and relaxed setting of the LB.

12. The appeal building was not originally associated with the Lumb Old Hall and was acquired separately. However, due to its proximity and raised position at the end of the gardens of the LB, the low stone wall separating the appeal site from its garden area and, the stone steps leading from the garden of the LB to the parking area adjacent to it, the appeal building reads as though it is related to the LB. Accordingly, there is physical and visual inter-relationship and connectivity between the LB and the appeal building, particularly when viewed from the garden of the LB and, the bottom end of the lane viewed through surrounding trees.
13. While the appeal building itself does not contribute to the overall setting and significance of the LB, due to its proximity and relationship thereto, its external appearance impacts upon the setting and significance of the LB. The originally approved design and detailing of the proposed garage conversion scheme took cues from the LB, particularly in respect of the introduction of natural stone Quoins and timber painted window and door frames. Also, the originally approved window design and proportions to the river side elevation of the appeal building, better reflected that of window openings found on the LB.
14. In comparison, the proposed revised design, materials, and scale of the openings, particularly on the river side elevation of the appeal building, would be at odds with that found within the LB. Furthermore, this would be visible from the grounds of the LB and the inter-visibility between the LB and appeal building. The appeal proposal would therefore negatively affect the setting of the LB for such reasons.
15. Despite directly facing toward the LB, due to the proposed simple design and position of the entrance door in the side gable, it would not be overly harmful to the setting of the listed building. Also, it would be partially obscured at times by vehicles parking in front of it, when viewed from the LB, and it would be screened by boundary vegetation on approach along the lane, reducing its wider public prominence. Although, to better respect the character and setting of the LB, due to the proximity and inter-visibility from the LB garden, I consider it would be preferable that the door is timber rather than of composite materials.
16. The 4 No. roof lights proposed on the roof slope facing the lane would affect the simple and unassuming overall design and form of the appeal building. While I observed there are some examples of roof lights on properties within the surrounding area, they tend to be limited and not in such proliferation on such a small area of roof, as that proposed. Furthermore, the lack of details in respect of the proposed materials and design of the roof lights does not aid my consideration of such. However, due to the fact the roof lights would not be visible from, nor have a direct inter-relationship with the LB, subject to appropriate design and materials, which could be controlled via condition, I consider the roof lights would not be harmful to the setting of the LB.
17. I observed the coated aluminium windows in the barn conversion scheme at Lumb Barn nearby, although this building does not have the same inter-visibility and relationship with Lumb Old Hall and, there are other intervening buildings between them. Therefore, such example does not persuade me that the use of aluminium framed doors and windows would be appropriate at the appeal building.

18. Planning permission and listed building consent has been granted for an extension to Lumb Old Hall³ that includes large window openings, some larger than those proposed in the appeal building. Although, the approved window frames for the extension are to be oak framed, as opposed to aluminium and they are of a different design and proportions to that proposed in the appeal building. Accordingly, this would not justify the proposal.
19. When consent was initially granted to convert the garages to a dwelling, the scheme was not considered to be harmful to the setting of any nearby listed building by the Council. However, the proposal, in varying condition Nos 2 and 4 is for a revised scheme with an alternative design. Therefore, I have considered the merits of the proposal based on the plans and details submitted and found such would cause harm to the setting of the LB in this instance, due to the design of the windows facing the road, proposed materials for the windows and door and that the stone quoins detailing would be omitted.
20. In light of the above, the proposal would not preserve the setting of the LB and so would harm its significance. As such, it would be contrary to Policy ENV2 of the Rossendale Local Plan 2019-2036 (December 2021), which amongst other matters, requires proposals to conserve those elements which contribute to the significance of a designated heritage asset.
21. In terms of the Framework and the Act and, having regard to the overall scale of the development, the harm caused would be less than substantial. Paragraph 208 of the Framework requires that this harm be weighed against the public benefits of the proposal.
22. The proposal would create a small new dwelling to support local housing supply, and there would be economic benefits provided to the local economy, during construction in terms of use of local tradesmen and through the occupants' contribution to local facilities and services. However, such benefits would be no different to those provided by the existing extant permission to convert the garages.
23. In relocating the entrance door to the side of the building, this would help reduce potential flooding of the new dwelling. Although this, together with other benefits of the proposed scheme would be modest and they are not sufficient to outweigh the great weight to be given to the less than substantial harm that I have identified.
24. Thereby, having had special regard to the requirements of section 66(1) of the Act, I find conflict with the historic environment protection policies under Section 16 of the Framework.

Other Matters

25. I have been referred to a planning judgment⁴ which considers whether the Inspector in such case, lawfully concluded that the application would give rise to a fundamental variation to the permission, such that the application fell outside the scope of s73 of the Town and Country Planning Act 1990 (TCPA). However, the main issue in this appeal case is not whether the proposal could be considered as a minor material amendment under section 73 of the TCPA.

³ Planning and listed building approvals ref. 2018/0117 and 2018/0118, granted consent 21 May 2018.

⁴ [2023] EWHC 142 (KB) dated 27 January 2023.

Also, I appreciate that no changes are proposed to the operative part of the original permission in this instance.

Conclusion

26. In conclusion, the proposal would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

27. Accordingly, the appeal is dismissed.

C Billings

INSPECTOR