



Appeal Decision

Site visit made on 27 August 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/P1615/W/24/3341886

Wyeclyffe House, Old Hill, Tutshill, Gloucestershire NP16 7PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Barnaby Reeves against the decision of Forest of Dean District Council.
 - The application Reference is P0438/23/FUL.
 - The development proposed is the construction of 2 bathrooms at attic level between 2 existing roof ranges.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the appeal form originally used, it is reasonably clear from the Council's decision notice that the proposal concerns the refusal of planning permission rather than an application for listed building consent. There is no corresponding appeal before me in relation to any listed building consent refusal. Hence, the scope of my determination relates to the refusal of planning permission.
3. The appeal concerns Wyeclyffe House, a Grade II listed building (List Entry Number: 1100620). In making my determination I have been mindful of the duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.

Main Issue

4. The main issue is the effect of the development on the significance and special interest of Wyeclyffe House.

Reasons

Significance and special interest

5. Wyeclyffe House (the listed building) was added to the statutory list in 1988. Owing to steep topography it is situated in a commanding position overlooking the River Wye and facing the road over Chepstow Bridge. The list entry refers

to it dating from the late 18th or early 19th centuries, although the heritage statement provided¹ suggests that it possibly has earlier origins.

6. It comprises a substantial house consisting of two parallel ranges. The earlier front range consists of three storeys and possesses a handsome, 5 bay, symmetrical façade. The rectangular plan has a wide front but comparatively narrow depth, which in turn leads to a simplicity of form, topped by a pitched slate roof. The regular placement of sash windows, end stacks at either gable and the central front door with fanlight and open pediment result in a well-proportioned and balanced principal elevation.
7. The later rear range has a broadly similar rectangular plan. Its positioning to the rear, with a lower, hipped roof both maintains a simplicity of form and defers to the front range. Its appearance generally reinforces the hierarchy of the building's elevations that typify Georgian architectural aesthetics. The roof valley created between the respective ranges means that the rear range clearly reads as an addition.
8. The significance and special interest of the listed building is derived, in part, from its architectural and aesthetic interest. Amongst other things, this is denoted in the overall balanced composition, relatively simple form, execution of detailing and legibility of its historic plan form. Historic interest comes from surviving historic fabric embodied in the building which provides a tangible connection with the past, and what it reveals about traditional construction techniques and how the building was adapted over time. Additionally, although little information is before me about previous owners, given the size, quality and dominant position of the listed building, it suggests that former occupants were of relatively high status. Accordingly, the dramatic setting in which the property is experienced adds further to its heritage value as it enriches an appreciation of its architectural and historic value.

The effect of the appeal scheme

9. The proposal is to create two bathrooms to serve the existing second floor bedrooms. These would largely be accommodated in the roof space of the rear range. However, to provide access and sufficient headroom it would involve the removal of some existing building fabric and the insertion of a flat roofed structure within the roof valley between the parallel ranges.
10. The additional volume and form of the boxy addition in the valley space would interfere with the simplicity of the historic roof profile between the two ranges of the listed building. Notwithstanding the proposed lead cladding, its shape would make it an incongruous addition. Moreover, the series of raised horizontal rooflights and glazed access hatch would strike a discordant note, especially when internally lit. Overall, the added complexity to the roofscape would be unsympathetic to the traditional architectural form which comprises part of the special interest and significance of the listed building. Its presence would make it harder to read the historic evolution of the ranges.
11. In addition, the construction of the attic bathrooms would involve the removal of some historic fabric and traditional materials. Firstly, two new openings would be created to provide access points from the existing bedrooms. Each would involve the removal of about 1.8m² of rendered rubble wall. Although

¹ Page 6, Heritage statement prepared by Bruce Cockburn

the appellant refers to these as simple, crude, rubble walls concealed within the roof space, the balance of evidence shows that this wall was probably the original external rendered rear wall of the front range². Hence, although small in scale, this would result in a reduction in historic fabric, and would undermine the legibility of the historic plan form, both of which are elements that form part of the special interest and significance of the listed building.

12. In addition, 1.2 metre lengths of 11 rafters in the rear range would be removed. Notwithstanding that these may not be original fabric and are in poor condition, their permanent removal would deviate from the traditional roof form of the listed building. Similarly, part of the traditional slate roof covering on the corresponding roof planes would be displaced or concealed by the presence of the attic extension.
13. I am mindful that my determination relates to an application for planning permission. As such, it is probable that internal works would not amount to development needing planning permission, albeit that they may require listed building consent. Nevertheless, as outlined there are aspects of the proposals which constitute development which would have adverse consequences for external aspects of the listed building. Taken holistically, the appeal scheme would undermine the architectural integrity and historic value of the listed building.
14. It is put to me that the roof addition would be practically invisible as it would be lower than the roof ridges of the front and rear ranges. Be that as it may, listed buildings are designated because they hold value for their special architectural and/or historic interest, and I have made my determination with reference to that. Whilst I accept that limited visibility would curtail the extent of harm identified, it would not negate it altogether. Hence, this would not fully justify the proposals.
15. The appellant contends that for the main part, the loss of timber fabric would not be original, and it would be no greater than that associated with necessary maintenance of the roof irrespective of the proposed development. Even so, it is not demonstrated that is equally the case in relation to new wall openings or the displacement of external roof materials. As such, the proposals go further than like for like repair work.
16. Taking these factors together, the development would, albeit to a limited extent, dilute the architectural and aesthetic interest of the listed building, reduce historic fabric and weaken the legibility of its historic plan and form. Therefore, it would adversely affect factors that contribute to the special interest and significance of the building.
17. It follows that the appeal scheme would fail to preserve the special architectural and historic interest of the Grade II listed building, which runs counter to the expectations of section 66(1) of the Act.
18. Cognisant of the minor scale of the appeal scheme, the degree of harm to the significance of the designated heritage asset, would, in the terms of the Framework, be less than substantial.
19. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of development on the significance of

² P5-6, Heritage Statement

- designated heritage assets, great weight should be given to their conservation. Paragraph 208 of the Framework requires the harm to the asset to be weighed against the public benefits. Planning Practice Guidance³ advises that public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
20. Owing to the poor condition of the valley gutter and its supporting structure the building has suffered from water ingress. Hence, there is little dispute between the parties that there is a pressing need for repair work. The appeal scheme would result in investment into the fabric of the listed building and mean that repairs to the roof would take place. It would also mean that a permanent access to the roof would be provided that would assist with future maintenance. Such measures would help to ensure the structure is made watertight thereby preventing further damage. I consider that these aspects of the development would represent a public benefit.
 21. However, I am not persuaded that the appeal scheme represents the only means of realising such an objective. Broadly similar results might be achieved by more straightforward repairs without the attic extension, and I have not seen evidence to suggest otherwise. As that would be likely to cause less harm, this tempers the positive weight given to the benefit in this instance.
 22. The proposed bathrooms would improve the living conditions of the occupants of the property by providing more convenient and easier access to such facilities. Whilst this would primarily be a private benefit, I accept that there is some general public interest in upgrading the comfort of listed buildings as it makes them more usable.
 23. It is highlighted that the development would make the listed building more energy efficient, albeit that is not quantified. Paragraph 164 of the Framework states that significant weight should be given to the need to support energy efficiency improvements to existing buildings. However, it does not suggest that this has paramountcy over the historic environment policies of the Framework. Neither is it shown the energy efficiency improvements referred to are solely contingent upon the appeal scheme proceeding. Therefore, alternative means of achieving them cannot be ruled out. Nevertheless, this is a matter which weighs in favour of the proposal. There would also be some economic benefits arising from the construction of the development.
 24. Taking these factors together, owing to the minor scale of the scheme, the cumulative public benefits attract modest weight.
 25. On the other hand, even less than substantial harm to a designated heritage asset carries considerable importance and weight. Therefore, the sum of public benefits is not sufficient to outweigh the great weight that the less than substantial harm to the designated heritage asset carries. Conflict therefore arises with the historic environment protection policies in the Framework.
 26. The development would also be contrary to policy CSP.1 of the Forest of Dean Core Strategy, February 2012 and policies AP 4 and AP 5 of the Forest of Dean Allocations Plan 2006-2026, June 2018. Policies CSP.1 and AP 5 when read together, amongst other matters, seek to protect the historic environment, conserving heritage assets in a manner that maintains or enhances their

³ Paragraph: 020 Reference ID: 18a-020-20190723

contribution to the environment. Policy AP 4 requires the design of new development to make a positive contribution that, amongst other things, takes account of local character and history in terms of design solutions, and demonstrates an appreciation of traditional characteristics, styles and materials.

Other matters

27. In coming to my findings, I have taken account of the general support given by Tidenham Parish Council. However, this is not a factor that would surmount or justify the detrimental effect arising from the appeal proposal.

Planning balance and conclusion

28. I find that the development conflicts with the statutory provisions set out in the Act, the historic environment policies within the Framework, as well as heritage and design policies in the development plan.

29. Planning law⁴ requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have not found material considerations that would justify taking a decision other than in accordance with the development plan.

30. Therefore, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 & section 70(2) Town and Country Planning Act 1990