



Appeal Decision

Site visit made on 30 July 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/A2470/Y/24/3342021

The Tithe House, 6 The Street, Rutland, South Luffenham LE15 8NX

- 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 & Mrs P Hallowell against the decision of Rutland County Council.
 - The application Ref is 2024/0252/LBA.
 - The works proposed are 'forming of new window opening with new joinery to northwest elevation.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appeal site is located within the South Luffenham Conservation Area (CA). The Decision Notice did not refer to the CA in its reasons for refusal. Nevertheless, I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Therefore, the parties were given an opportunity to comment on this matter. As such, my inclusion of this matter as a main issue would not prejudice any parties.

Main Issues

4. The main issues are whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the South Luffenham Conservation Area.

Reasons

Special interest and significance

5. The appeal property, The Tithe House, is a former 18th Century barn, now dwelling, located on the south side of The Street, opposite a small triangular green, in the village of South Luffenham. It is a Grade II listed¹ building constructed from coursed rubble stone with quoins and stone dressings and a Welsh slate roof.

¹ List Entry Number: 1361479

6. Pertinent to the appeal, the building's front facing elevation, is characterised by a fairly limited number of openings and large expanses of uninterrupted solid stone walling. Openings at ground floor level include a large central cart opening and single door opening with canopy over, and at first floor level comprise three window openings.
7. Notwithstanding the building's conversion to a dwelling and the various associated physical alterations, the historical form and agricultural function of the building are still discernible. The relatively modest scale, traditional materials, rectangular footprint, roof pitch, retention of the cart entrance with limited other openings all combine to generally respect the simple form of this traditional rural building.
8. Having regard to the above, I find that the special interest and significance of the listed building are derived from its historic and architectural interests. These include its illustration of an 18th Century barn, traditional method of construction, robust agrarian form and surviving historic fabric. Special interest and significance also stem in part from its associations and group value with St Mary the Virgin Church to the east of the site, and Glebe House adjoining to the west.
9. The appeal site is located within the South Luffenham Conservation Area (CA). The CA encompasses the buildings and spaces fronting the village green, which includes the appeal property and the church positioned next to the site. This part of the CA is characterised by dwellings constructed of coursed rubble stone, set back from the road and some with boundary treatment of stone walls. The buildings vary in appearance and scale, which is reflective of their different historic former uses. Nevertheless, collectively they provide a consistent character, including construction from similar materials.
10. The special interest and significance of the CA mainly stems from the variety and architectural richness of its buildings that denote its evolution and the distinct form and layout of the village. The appeal listed building is located within the historic core of the village in a prominent position next to the church. It largely retains its overall external historic character and form, making a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

11. Consent is sought for works relating to the formation of a new window opening and installation of new joinery to the ground floor in the front elevation of the building.
12. The insertion of a new opening in the building's front elevation would remove a section of the stone walling which would result in the irrevocable loss of historic fabric. This would negatively alter the historic integrity of the building and the authenticity of how it is experienced.
13. Furthermore, the inclusion of a new window opening would intensify the domestic features on the front elevation, disrupting its plain solid stone walling. The proposed opening, even at ground floor level, would be a noticeable addition, particularly when internally lit. Consequently, it would reduce the expanse of stone walling, clearly domesticating the building and fundamentally altering the barn's historic character.

14. Although the proposal would offset the window slightly to the west, it would still interrupt the stone walling which is an important feature of the listed building, and its perception as a rural building would be weakened.
15. The appellant states that the existing fenestration to the front elevation has already altered the appearance of the barn from plain agricultural to domestic in character through the uniformity and spacing of the first-floor windows. I accept that the impact of these works has eroded the historic character and appearance of the original building. However, despite these insertions, I find that the building's historic character and form is still largely intact, with its distinctive appearance setting it apart from a typical domestic property.
16. The appellant suggests that it could be argued that the window would provide a fine detail. Even so, that would not justify works that would result in harm to a heritage asset.
17. Whilst the materials used for the proposal would be reflective of the materials used elsewhere in the locality and would be similar to the approved replacement windows in the granted applications (ref: 2023/1017/FUL and 2023/1018/LBA), this would not outweigh the harm identified above.
18. Taking into account the building's prominence opposite the village green and adjacent to the church, it follows that the identified negative effects to the listed building would also harm the positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA and thus harm its significance as a designated heritage asset.
19. Drawing the above together, I find that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. In doing so it would harm the significance of these designated heritage assets.

Public Benefits and Balance

20. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
21. In this case, economic benefits would be delivered through the manufacture and installation phase of the proposed window along with the general investment into the property. I also acknowledge that the proposal would enable natural light to enter the bedroom, which would be an improvement to the local housing stock. Nevertheless, I am not persuaded that similar benefits could not be achieved by a proposal which would be less harmful to the significance of these designated heritage assets.
22. Additionally, no compelling evidence is before me which confirms that the property would not be usable or viable as a dwelling or that its future would be at risk if the appeal was to fail and the works as proposed were not

implemented. In these respects, the identified harm to the significance of the listed building and the CA has not been clearly and convincingly justified.

23. On balance, taking the public benefits together as a whole, I conclude that they would not be of sufficient weight to outweigh the harm identified to the significance of the designated heritage assets.

24. I therefore conclude that the proposal would not i) preserve the listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the CA. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy CS22 of the Rutland Core Strategy Development Plan Document (adopted 2011), and Policy SP20 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (adopted 2014). These policies, amongst other things, seek to ensure development protects and where possible enhances historic assets and their settings, and maintain local distinctiveness and the character of identified features.

Conclusion

25. Given the above and considering all other matters raised, the appeal is dismissed.

H Smith

INSPECTOR