



Appeal Decision

Site visit made on 18 September 2024

by A J Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2024

Appeal Ref: APP/K0940/Y/24/3345174

Yew Tree House, Tirril, Penrith, CA10 2JF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ben Martynoga against the decision of Westmorland and Furness Council.
 - The application Ref 23/0658, dated 26 September 2023, was refused by notice dated 27 February 2024.
 - The works proposed are the installation of an air source heat pump to the rear of the property, 8 no solar panels to the front elevation roof, internal wall insulation to external walls, 2 no extractor fans to kitchen and utility and replacement of 2 no extractor fans to both bathrooms.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed works would preserve the listed building or any features of architectural or historic interest that it possesses.

Reasons

3. The appeal building is a traditional two-storey cottage dating from the early 18thC with 19thC alterations. It is modestly detailed with external features including its graduated greenslate roof with two banded sandstone chimney stacks, roughcast walls with painted quoins and sash windows in painted stone surrounds. It fronts the highway running through the small village of Tirril and is one of a series of similarly modest traditional properties lining this main thoroughfare. Specifically, the appeal building is noted as having group value with the Grade II listed Queens Head Hotel, which is partly attached to the west.
4. Despite changes over time, including what appears to be a single bay extension to the east, the listed building has maintained its integrity and authenticity as a traditionally constructed cottage. The overall manner of the buildings form, execution and materials are typical of the local vernacular, and in this regard the special interest of the building relates to its evidential and historical values. More widely, the significance of the listed building is also derived from the visual coherence of the front elevation, and its relationship with neighbouring properties, which also exhibit similar features of the local vernacular.

5. The proposal includes the addition of an air source heat pump to the rear of the property, within the recessed area adjacent to the western side of the projecting gable. The Council has not raised concerns about this element of the proposed works as it is considered to have little or no effect on the listed building. Having considered the nature of the addition and its position, I have no reason to take a different view.
6. The installation of 8 solar panels on the front roof slope would be a highly visible addition to the most prominent elevation of this building. It would to a large degree mask visibility of the graduated greenslate, with its distinctive rough-hewn finish and subtly varied appearance as a natural material. The manufactured appearance and inherent uniformity of solar panels would detract from this distinctive feature of the listed building, thereby undermining its special interest and significance. On this point I note that Historic England advice¹ sets out that the "installation of panels will generally not be acceptable on principal roof slopes, if they would be visible and would detract from the building's special interest." I find this to be the case here.
7. The appellant suggests that this aspect of the proposal has been rejected on aesthetic grounds. However, when considering proposed alterations to a listed building, protective legislative provisions and government policy must be applied. Specifically, in considering whether to grant listed building consent for any works affecting a listed building or its setting, the Act² requires that special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation. Further, Policy ENV10 of the Eden Local Plan requires that such proposals should conserve and where appropriate, enhance the significance of Eden's heritage assets.
8. The appellant has referred to the fact that solar panels are not uncommon in the village, and that a precedent has been set. Prominent in this regard are the solar panels on the front roof slopes of the adjoining properties to the east, Rose Cottage and Burnrill. I am unaware of the circumstances of these additions, their lawful status, including whether or not they relate to listed buildings. In such circumstances I am able to afford these references only very limited weight.
9. I have found that the addition of solar panels would have a harmful effect on the special interest and significance of the listed building. In this regard there would be conflict with the provisions of statute and policy. In accordance with paragraphs 207 and 208 of the Framework, having identified harm to this designated heritage asset I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial when considered in the context of the significance of the asset overall. In these circumstances the Framework requires that any identified harm is weighed against the public benefits which the proposals might secure.

¹ Adapting Historic Buildings for Energy and Carbon Efficiency Historic England Advice Note 18 (HEAN 18), July 2024

² The Planning (Listed Buildings and Conservation Areas) Act 1990.

10. In this regard a public benefit of the panels would be to make some modest contribution to the production of renewable energy and the lowering of carbon emissions. Such aspirations are clearly supported by the Framework. More generally, the appellant refers to the fact that front facing panels would optimise energy generation. Whilst this may be the case, it does not appear that alternative, less intrusive and therefore less harmful positions have been considered.
11. More generally, the appellant refers to the current condition of the listed building and the need to secure its long-term viability. I am also aware that the energy produced would reduce costs for current and future occupiers of the building. In this regard I appreciate that the solar panels would be the means by which the heat pump would be powered. I also note the homeowner's reliance on government-mandated support to relieve fuel poverty. However, whilst I acknowledge the importance of maintaining this heritage asset, these considerations would provide for largely private benefits.
12. Overall, given the small scale of the current proposal, the public benefits generated would at best be modest, and would not therefore be sufficient to outweigh the harm to this designated heritage asset.
13. The Council's concerns also relate to the proposed internal wall insulation which they consider would hinder the breathability of the building fabric and increase the risk of interstitial condensation. The appellant has challenged this conclusion with evidence pointing to the fact that the proposals themselves seek to address existing condensation and dampness. The issue of concern appears to relate to the proposed finish, with the Council requesting the use of lime plaster rather than the gypsum plaster being proposed. On this point, the breathability of lime plaster when compared with modern gypsum plaster is widely accepted.
14. However, noting that features of the interior of this building appear to have been altered or removed, it retains little heritage significance in this regard. It is therefore questionable whether such internal alterations would impact on the special architectural or historic interest of the building. Further, even if I were to share the Council's view on this point, the harmful effect of the solar panels is decisive in this case.
15. The Council also make reference to mechanical vents to the front elevation. However, other than reference to such vents being discretely located and coloured white, the details of this aspect of the proposal are not before me. Again, notwithstanding the acceptability or otherwise of this aspect of the proposals, the appeal fails due to other works proposed.

Conclusion

16. As set out above, the proposed works would fail to preserve the listed building, contrary to the clear expectations of the Act, as well as local and national policy. Moreover, there are no public benefits or other considerations that would outweigh the harm identified. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR