



Appeal Decision

Site visit made on 22 October 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/Q4245/W/24/3346796

St Annes Church, Church Road West, Sale M33 3GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Reverend Canon Alison Cox (St Anne's Church Sale) against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 111056/FUL/23.
 - The development proposed is application for the installation of renewable energy sources to include new solar photovoltaic array. Further external alterations include reroofing and installation of insulation of the south aisle and west porch, additional chute outlet and rainwater pipe, new entrance doors to west porch along with a new fire door in the west wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original scheme was amended during the course of the application prior to its determination. The description in the banner heading above reflects the amended scheme that is before me for determination.
3. As the proposals relate to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). There is no listed building consent before me, and as a consequence this appeal relates only to the planning merits of the case. I understand that an application for the proposed scheme, under Ecclesiastical Exemption would be made under this separate process.

Main Issue

4. The main issue is whether the proposed development would preserve the Grade II listed building, known as the Church of Saint Anne, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

5. The Church of Saint Anne dates from 1854 and is located with Church Road West, Church Road East and Trinity Road encircling its grounds. Constructed of rock-faced stone, ashlar dressings and a slate roof in a decorated gothic style, it has a tall tower and spire. The building was initially designed by the architect William Hayley but then altered and enlarged through designs by

John Lowe, with further alterations taking place in the nineteenth and twentieth centuries.

6. It has a cruciform plan form with a central ridge running east to west along its length, which is taller than two parallel shorter roof slopes to the north and south. The Church's openings are spaced apart, and this solid to void ratio, along with its materials, gothic styling, scale, siting, roof structure, tower and spire all contribute to the building's imposing presence within the local area.
7. I find that the special interest of the listed building, insofar as it relates to this appeal, comprises of its grand scale and historic architectural design, the surviving fabric, including internal fixtures, features, openings and traditional materials associated with its impressive gothic elevations. It also stems from its historic interest as a longstanding and important community focus in the area and its phases of development by notable regional architects. Whether features of this Church are also found elsewhere in other churches does not diminish the special interest of this particular listed building.
8. The Church is prominent on the approaches from Church Road to the north and Trinity Road to the west and its elevated positioning, combined with the roads and footway encircling it is such that it commands attention within close views. These approaches to the Church form part of its setting and how the building is experienced and contribute to the understanding and appreciating the significance as a building of historical, social and cultural importance within the local community.

Appeal proposals and effects

9. The solar panels proposed on the southern roof slope would be on the central taller and more dominant roof that forms part of the cruciform plan form. Many of these panels would be visible from the approach from Trinity Road. The presence of a mature tree in the Church grounds would offer some screening when in leaf, but during my autumn site visit it offered limited screening and the panels would be clearly visible. The proposed panels on the southern roof slope would also be partially seen from within the grounds of the Church Hall.
10. Where seen the panels would obscure views of the slate roof underneath. Their modern engineered appearance would appear a striking feature in conjunction with the natural materials of the slate and its more weathered appearance. The panels would appear as an overtly modern intervention and an atypical feature on an important roof slope. This would erode the aesthetical and historical interest of the Church.
11. I have reached this conclusion even though the panels would not be visible from all views of the Church, including in views from Church Road and to the east and accepting that the Church Hall grounds are not widely publicly accessible land.
12. There is a dispute between the main parties as to whether the panels would be on the principal elevation. However, considering the existing design and layout of the Church with its main entrance on the west elevation, the footway and roads surrounding it and its dominant presence on the approaches from both Church Road and Trinity Road, I do not consider this to be a decisive matter in this instance.

13. Small sections of the roof slates would be removed to allow the panels to be fixed to the timber rafters. This would result in the irrevocable loss of historic fabric, however small in the context of the whole listed building. The appellant has calculated the weight of the panels and suggests that roof structures capable of holding slates can accommodate the additional weight. However, there is no firm details regarding the condition of the existing roof and whether this specific roof, considering its age and condition, can accommodate the additional load. In the absence of such evidence, the full extent of the effects of the scheme can not be fully understood. Moreover, given the degree of architectural and historical significance of the roof it is not appropriate for such details to be reserved by way of a condition.
14. While I note that the proposed development is potentially reversible, the panels (and resulting harm) would nevertheless be a feature for some considerable time. It is my judgment, notwithstanding the other documents and information provided within the submissions, that there is not the appropriate level of detail before me to provide the clear and convincing justification for the proposed panels. This adds to my concerns regarding the resulting appearance of the proposed scheme.
15. The introduction of the proposed new door would result in the loss of historic fabric. It would be positioned very close to an existing window and drainpipe, disrupting the more spacious pattern between openings throughout the Church. In this regard, the design would not harmonise with the solid to void ratio and would appear cramped on this elevation. This would, as a result, diminish the architectural and historical interest of the Church, even though it would be set back from the west porch and the design would be compatible with the gothic ecclesiastical character of the listed building.
16. The proposed new entrance doors to the west porch would increase the solidity of their appearance from the existing glazed doors. This would better reflect the solid robustness of the Church as a whole. In this regard, there would be a small benefit to the architectural and historical interest of this aspect of the Church. The absence of harm in relation to other aspects of the scheme, including the additional chute outlet and rainwater pipe are neutral matters.
17. The appeal proposals would contribute to the wider internal remodelling of the Church. This would enhance its role in the local community, a matter which forms part of its significance. However, the extent that the appeal proposals would contribute is not quantified or whether alternative less harmful options would provide similar benefits is not substantiated. I will return to this matter in the public benefits section.
18. Overall, I find that, even with its positive elements and the absence of harm in relation to the additional chute outlet and rainwater pipe, the proposals would have a harmfully erosive effect on the architectural and historic special interest of the listed building, known as the Church of Saint Anne. Accordingly, the proposals would fail to preserve the special interest of this Grade II listed building. As a result, the expectations of the Act have not been met and the proposals would harm the significance of this designated heritage asset.

Public benefits

19. Paragraph 205 of the National Planning Policy Framework (the Framework) (2023) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
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. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
21. In this instance, several aspects of the building's special interest would be preserved, including numerous views in the public realm where the building's imposing presence locally would continue to be a striking feature. As such, the harm would be less than substantial and toward the lower end of the spectrum, but nevertheless of great weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal. This includes securing the asset's optimum viable use.
22. The appellant sets out the broad benefits of the proposals as part of a wider plan for the long-term energy and financial sustainability of the Church to provide for a well-heated, energy-efficient, and versatile space for its users. In this regard, the proposals form part of a wider remodelling of the Church internally, which would see smaller spaces created at the ground and first floor. These spaces are intended to be made available to the community for use.
23. The solar panels would be intended to be used in combination with an air-source heat pump, the latter of which is not subject of the appeal before me. In this regard, the proposals would provide a source of renewable energy and reduce the reliance of the Church on fossil fuels.
24. The contribution of renewable energy in tackling the climate change crisis by helping to reduce carbon emissions would be both a benefit to the Church, and the public at large. Paragraph 164 of the Framework requires significant weight to be given, irrespective of any energy efficiency improvement and the scale of any associated carbon reduction. In this regard, although the appellant has not quantified the contribution that the solar panels would make to the Church's energy use, or its sustainability aims, the absence of this evidence does not diminish the significant weight to be given by paragraph 164. There would be some small additional economic benefits associated with the installation of the panels.
25. Notwithstanding these benefits, paragraph 164 of the Framework does not disapply those parts of the Framework set out above, including the need to provide clear and convincing justification or the need to give any resulting heritage harm great weight in the public benefit balance.

26. The M & E Services Report sets down budgets and recommendations for different systems. However, the report, or any other evidence before me, does not provide clear and convincing justification that the technology, the location, and the number of panels proposed would be the least harmful approach to securing similar public benefits.
27. Turning to the fire door. The appellant indicates that this position has been chosen as a fire escape and so that users of the first floor could access and enter the space without disturbing any users within the ground floor. I have no reason to doubt that this fire escape route would comply with building regulations. The Council have suggested an alternative approach, and the appellant indicates that an alternative utilising a sprinkler system was also considered but dismissed as being impractical. However, there is no further details, or substantive evidence, regarding these impracticalities or how alternatives were considered and dismissed. Moreover, whilst I accept that there is no evidence that the window on the western porch was ever a door, as suggested by the Council, taken together there is not clear and convincing justification before me that other options would also not achieve these aims. The benefits from a separate entrance and exit avoiding the ground floor space would have limited public benefits.
28. The changes to the door on the west elevation would result in benefits in respect of aesthetic, draught, and security improvements. However, there is no substantive evidence that this aspect of the scheme is dependent on the other elements of the proposals, moderating the weight I give it in the overall balance of considerations. There is also no substantive evidence to demonstrate that the continued viable use of the appeal property as a church is dependent on the proposals or that the building's ongoing use would cease in its absence.
29. To conclude on this main issue, clear and convincing justification for the harm that would occur to the significance of the designated heritage asset because of the proposals, has not been provided. I therefore conclude that even though the heritage and public benefits weigh strongly in favour of the proposals, they would not outweigh the great weight that I attach to the harm I have found.
30. Accordingly, the proposed development would be contrary to the requirements of the Act, the Framework and Policies JP-P1 and JP-P2 of the Council's Places for Everyone Joint Development Plan Document (2024) and Policy R1 of the Council's Core Strategy (2012), when taken together and in so far as they relate to this main issue. These say, amongst other things, that the Council will proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings.

Other Matters

31. I have been referred to alterations made to another listed church in Macclesfield. However, there is no firm evidence that the nature of the appeal proposals before me is similar to alterations undertaken at that church. Moreover, my concerns are not the principle of providing a more flexible energy efficient space to the Church and I recognise that this is a public benefit as set out above. In this regard, I have considered the scheme on its own merits having regard to the evidence before me.

Conclusion

32. For the reasons given above, the proposals would conflict with the development plan when taken as a whole and I find there to be no material considerations, that would indicate that the appeal decision should be taken other than in accordance with it.
33. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR