
Appeal Decision

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/F0935/Y/24/3344604
121 Warwick Road, Carlisle CA1 1JZ

- 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 Colin Morritt against the decision of Cumberland Council.
 - The application Ref.23/0503, dated 12 July 2023, was approved in part and refused in part by notice dated 8 December 2023.
 - The works proposed are described as the installation of a freestanding greenhouse in the rear yard; repair to connection wall to No.123 to match existing kitchen wall; and the proposed installation of a metal safety railing – design as per existing rail at the front of the house.
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Decision

1. No action, for the reasons set out below.

Reasons

2. As will become clear, I have been able to make this decision without the necessity for a site visit.
3. No.121 is part of a Grade II listed building (Nos.117-121 Warwick Road). The terrace dates from the middle of the 19th century and lies within the Chatsworth Square and Portland Square Conservation Area.
4. The appellant made an application for planning permission and listed building consent¹ for: the installation of a freestanding greenhouse in the rear yard; repair to connection wall to No.123 to match existing kitchen wall; and the proposed installation of a metal safety railing – design as per existing rail at the front of the house.
5. On their decision notice, the Council changed the description of works to read: retention of detached greenhouse and installation of metal safety railing together with repairs to neighbouring wall.
6. The Council's decision notice sets out details of a split decision on the application for listed building consent. Notwithstanding the description of the works set out in the heading of the decision notice, the Council granted listed building consent for the installation of metal safety railing together with repairs to external yard wall (part retrospective) subject to conditions.
7. Listed building consent was refused for the erection of a detached greenhouse (retrospective). It is this part of the proposals that is the subject of the appeal.

¹ I only have an appeal under s.20 relating to the decision on the application for listed building consent before me.

8. The first observation I would make is that condition 2 attached to the grant of listed building consent says that: 'The development shall be undertaken in strict accordance with the approved documents for this Planning Permission'. Those documents are then set out. Leaving aside the erroneous references to 'development' rather than 'works' and 'planning permission' rather than 'listed building consent', I would observe that the list of documents includes the plans and elevations of the greenhouse for which listed building consent was refused.
9. However, there is a more fundamental difficulty with the approach the Council has taken to the application for listed building consent, in so far as it related to the detached greenhouse. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. The central question then is whether the greenhouse qualifies as works for the demolition of the listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest.
10. The greenhouse is described as 'detached' in the description of works. The Council's reason for refusal makes specific reference to the fact that the greenhouse is 'not attached to the dwelling'. The plans submitted with application confirm as much. As a freestanding building, albeit one within the curtilage of the dwelling, the greenhouse cannot sensibly be said to involve the demolition, alteration, or extension of the listed building. It does not involve any works to the listed building, therefore, and as such, listed building consent was not required for its erection.
11. The correct course of action for an Inspector in a situation of this sort is to take no action on the appeal on the basis that listed building consent was not required for the proposal at issue (the greenhouse).

Conclusion

12. For all those reasons, I take no action on the appeal.

Paul Griffiths

INSPECTOR