



Appeal Decisions

Site visit made on 6 January 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal A Ref: APP/U3935/W/24/3353636

The Old Rectory, 8 Vicarage Lane, Highworth, Swindon SN6 7AD

- 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 Mr Simon Warren against the decision of Swindon Borough Council.
- The application Ref is S/HOU/24/0748/RA.
- The development proposed is described as “Replacement of external side door (North elevation). The door to be replaced provides the entrance to the north wing of the original workhouse, which was built in the late-17th Century. We believe that this wing was the warder's house. Whilst this wing is significant to the history of the building and retains many original features, the door is of modern construction. It is poorly made and poorly fitted. We propose to replace it with a door in the same style as the door to the west elevation, leading to the late-19th Century infill. This door was replaced in 2019 and the proposal is to follow the same half-glazed design. Replacing the side door and its frame will improve security, whilst giving the best fit and providing more efficient draught proofing.”

Appeal B Ref: APP/U3935/Y/24/3354342

The Old Rectory, 8 Vicarage Lane, Highworth, Swindon SN6 7AD

- 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 Simon Warren against the decision of Swindon Borough Council.
- The application Ref is S/LBC/24/0749/RA.
- The works proposed are described as “Replacement of external side door (North elevation). The door to be replaced provides the entrance to the north wing of the original workhouse, which was built in the late-17th Century. We believe that this wing was the warder's house. Whilst this wing is significant to the history of the building and retains many original features, the door is of modern construction. It is poorly made and poorly fitted. We propose to replace it with a door in the same style as the door to the west elevation, leading to the late-19th Century infill. This door was replaced in 2019 and the proposal is to follow the same half-glazed design. Replacing the side door and its frame will improve security, whilst giving the best fit and providing more efficient draught proofing.”

Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Having regard to the matters that are most relevant to the appeals there have been few substantive changes albeit the numbering of paragraphs has changed. Given the particulars of the case there is no requirement to seek further comment from the parties, and in taking such an approach no party or their cases would be prejudiced.

4. The Old Rectory is a grade II listed building within the Highworth Conservation Area. As required by Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
5. As set out above, there are two appeals, one seeking planning permission and the other listed building consent. Whilst consent for the works would be required with the Act, the Council has also considered the works would require planning permission. Why the replacement door would constitute development for consideration under Section 78 of the Town and Country Planning Act 1990 (as amended) has not been demonstrated. Nevertheless, an appeal has been made seeking planning permission, and consequently each appeal has been considered on its individual merits, although to avoid duplication they have been dealt with together, except where otherwise indicated.

Main Issue

6. The main issue for both appeals is whether the works would preserve a listed building and any features of special architectural or historic interest which it possesses.

Reasons

7. The Old Rectory is a detached house within a mostly residential area near to the town centre. The house is positioned within generous gardens that are enclosed by tall walls within which there are vehicular and pedestrian gateways. One gate provides a direct pedestrian access to St Michael's Church, a linkage which reflects the former use of the building as a workhouse and rectory.
8. The house is of an impressive size and height, and its proximity to the church and town centre reflects its functional, social and community importance. The building has an interesting history, as evidenced by the various phases of its extension and alteration over time, and this legible historic layering is part of the special historic and architectural interest of this listed building.
9. The evolution of the building is evident in its form and detailing. The front elevation has been altered to have an elegantly imposing style, with a roughcast finish over the local stone. There is a decorated projecting porch over the front doors, and this and the fenestration on this elevation have a mannered appearance, including a striking Venetian tripartite window. There is a defined hierarchy evident within the building as the side and rear extensions have less adorned, more functional appearances that contrast the front elevation's elegance. The north facing elevation continues the use of coursed local rubble stone, and has a simplicity of form and appearance with the door being a focal point. To the rear the more organic, functional appearance of these extensions has a visual subservience that also reflects the evolution of the building over time. All of these attributes are part of the special architectural and historic interest of this listed building.
10. The replacement door and its frame would be within the north facing side elevation of the building and would replicate that recently installed to the rear. The existing door has a plain, utilitarian appearance, comprising wired safety glass above a

painted timber lower section. There are simple brass handles and the lock and hinges have been replaced. The door fits poorly within its frame, with large gaps apparent, albeit the timber appears sound. No evidence to the contrary has been provided, nor has it been explained why repair of the door and its frame have been discounted.

11. From the appellant's evidence it appears that the northern wing formed an entrance to the building when it was a workhouse. This mostly rubble stone wing extends from the main building and whilst less adorned than the principal elevation, it has a consistency of age and materials that harmonises with it. There is a dispute between the main parties as regards the age of the door, and one that has not been resolved as the Council consider it to be late nineteenth century compared to the appellant's view that it is modern. The glazing is a recent alteration, albeit the glazing bars have profiles that have a historic appearance. What remains unclear is the age of the door and its frame. Neither of the parties has provided evidence to substantiate their views concerning age, and although the appellant has referred to the opinion of a specialist joiner that the door is modern, evidence of this opinion have not been provided. Whether the works would result in the loss of historic fabric has not been demonstrated with any certainty, and in such circumstances, this necessitates a cautious approach to replacement.
12. A detailed written description of the works has been provided along with photographs of the replacement rear door, but no drawings have been submitted illustrating the elevations and sections of that proposed. Detail is essential in ensuring the door would not harm the special interest of the listed building, and this includes the size, position, and nature of its furniture, as well as cross-sectional details of the door, the frame, and the glazing and glazing bars, all of which have a fundamental impact on the appearance of the door. Furthermore, a bespoke, custom-made door would be necessary to ensure that any replacement addresses the fit problems currently experienced. Replicating the style of that installed on the rear elevation would provide some degree of consistency between the flank and rear elevations. However, the historic layering of the building is part of its special interest, and achieving coherence between the side and rear doors would not reflect the organic development and appearance of the building over time nor its hierarchical elevational differences.
13. The Framework requires that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. For the reasons given above the works would have a harmful impact upon the special interest of the listed building. This harm would be less than substantial as the scheme would affect only part of the building, although such harm would be of considerable importance and weight. Under such circumstances, the Framework advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the works.
14. A replacement door would provide improved security and draught proofing which would be of personal benefit for the appellant, with the latter resulting in modest public benefits from thermal improvements. Nevertheless, such public benefits would not outweigh the identified harms, and particularly so in this case as the age of the door has not been ascertained with any certainty. Furthermore, the

continued viable use of the property would not be dependent on the works as the building has an ongoing residential use.

15. Having regard to the uncertainties surrounding the age of the door and the detailed nature of the works, the impact upon the special interest of the listed building cannot be robustly assessed. Moreover, in the absence of such information conditions could not be relied upon to ensure that the special interest of the building is maintained. This would be contrary to the Act, with requirements of the Framework, and also those of Policy EN10 of the Swindon Borough Local Plan (2015). As this policy seeks, amongst other things, that the historic environment should be sustained and enhanced, and that alterations to a listed building should not have an adverse impact on those elements that contribute to its special architectural and historic interest, the works would fail to accord with these requirements.
16. Policy 8 of the Highworth Neighbourhood Plan (2017) has been referred to by the parties, but as this policy seeks the maintenance and enhancement of community facilities, it is of little relevance to the appeals.

Other Matters

17. The Old Rectory is within the Highworth Conservation Area, a historic market town characterised by broad streets flanked to either side by long rows of buildings. Many of these are high quality, constructed from local materials, and a distinct feature of the town is the presence of numerous walls, all of which form part of the significance of the conservation area. The Old Rectory contributes towards the distinctive character and appearance of the conservation area, as it is a high quality, imposing historic building, constructed from local materials, with its generous gardens mostly enclosed by tall walls. This, along with the close physical, social and functional relationships of the building to the church and to the town centre are such that it makes a positive contribution to the character and appearance of the conservation area. The replacement of the door with one part glazed and part painted timber would have a broadly similar appearance to that being removed, thereby preserving the character and appearance of the conservation area.
18. The appellant has raised concerns regarding the Council's handling of the applications, particularly the inconsistency of decision making, as the front and rear doors have recently been consented and replaced for similar reasons as provided for the appeals. However, the detail of why the Council consented these works has not been provided, and it does not follow that such works pre-determines others. Whilst these matters would be frustrating for the appellant, they fall to be pursued by means other than the appeal process and have no bearing on the consideration of the merits of these cases.

Conclusion

19. The works would not preserve a listed building nor its features of special architectural and historic interest. Thus, for the reasons given above, and having considered all other matters raised, the appeals are dismissed.

J J Evans INSPECTOR