

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 5/09/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.11.18

Appeal Decision

Site visit made on 5/09/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22.11.18

Appeal Ref: APP/H6955/E/18/3203839

Site address: 6 The Lodge, Rackery Hall Mews, Rackery Lane, Llay, Wrexham LL12 0QB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mr & Mrs Staden against the decision of Wrexham County Borough Council.
- The application Ref LLA P/2017/0905, dated 28/06/2017, was refused by notice dated 14/12/2017.
- The works proposed are replacement of windows to existing property.

Decision

1. The appeal is dismissed and listed building consent is refused for replacement of windows to existing property.

Main Issue

2. The main issue is whether the proposal would preserve the listed building or any feature of special architectural or historic interest which it possesses¹.

Reasons

3. The appeal building forms part of a courtyard of outbuildings converted to dwellinghouses which are deemed curtilage listed buildings to the grade II listed Rackery Hall. First listed in 1963 Rackery Hall and the forecourt walls are noted in the listed description as an early 18th century remodelling of an earlier, probably 17th century house with later 19th century windows and some 20th century alterations to the sides and rear. Rackery Hall is approached from a single long driveway which is enclosed by brick walls with stone copings. The Hall is positioned centrally at the end of the driveway and is framed with an avenue of trees. This symmetry draws the eye towards the Hall providing a sense of arrival from the formal enclosure.
4. The curtilage group of buildings are situated close-by to the north-west of the Hall. Two blocks of garages associated with the residential conversion of the group of buildings are positioned adjacent and to the side of the Hall. The converted group of buildings comprise a large L-shaped building and a separate outbuilding identified as

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 16(2) and 66(1)

No. 6, The Lodge. These are accessed from a separate entrance from Rackery Lane to the west of the main driveway serving the Hall.

5. Listed building consent and planning permission were granted on appeal² in 2000 for the erection of an uPVC double-glazed conservatory to the rear of the appeal property. The grant of consent was conditional requiring a scheme to be agreed with the local planning authority for an amended ridge design to the conservatory and a tree planting scheme to be agreed between the conservatory and Rackery Lane and between the conservatory and the boundary wall of Rackery Hall. The rear conservatory has since been replaced with a masonry extension with uPVC windows³.
6. The proposal would be to replace the existing timber windows of the property with uPVC windows. The rear extension has three uPVC windows installed from the Residence 9 range and the proposal would be to match this style of window for the remainder of the property.
7. The 2000 appeal decisions noted that the scheme for conversion involved substantial alterations to the former barn to a single dwelling by raising the roof level, re-roofing, inserting 4 new dormer windows and installing new windows and doors in new openings. As a consequence, the Inspector concluded that the development appeared as a new building and had lost its original architectural and historic character and that it no longer met the normal criteria for listing as part of the curtilage of the listed Hall.
8. However, the Council contends that the appeal building continues to be listed and that listed building consent is required for works to it and with regard to the desirability to ensure consistency of finishes and treatment of all properties within the courtyard.
9. The previous appeal decisions did not indicate that listed building consent was not required for the works and that its listed status no longer applied to the building. The appeal building continues to be listed by its association to the Hall as part of a curtilage group of buildings. While converted to residential units they continue to appear subordinate buildings to the Hall by virtue of their layout and position. The Hall continues to dominate, and the Hall's significance continues to be understood, appreciated and experienced in association with the curtilage listed buildings.
10. While the former outbuilding has undergone substantial alteration during its phase of construction to form the appeal property, its layout and position has been retained as a curtilage listed building to the main listed Hall. The Inspector noted in the previous appeals that the property has the appearance of a traditional country cottage, although of uncertain period and style. Nevertheless, it appears a simple rural traditional brick and slate property with wood casement windows and a central glazing bar. There are round windows in the gables as well as narrower windows in the front elevation. The existing casement opening lights protrude out of the frame casing and the intention would be to fit and replicate a flush uPVC sash wood grain effect window finished in a clotted cream colour.
11. The Council acknowledge that the existing windows are of poor quality and are badly detailed but indicate that the replacement windows are of modern material and cannot fully emulate the proportions and design of a traditional designed timber window.
12. Having carefully examined the Residence 9 windows in situ, the flush and engineered finish of these windows and the unblemished and reflective glazing provide an overall

² APP/H6955/E/99/1032269 & 1034276

³ Listed building consent Ref: P/2016/1026 granted on 14/12/2016

modern appearance. The uniformity of the proposed windows would be at odds with traditional timber windows which exhibit subtle irregularity and characteristic variation in their finish.

13. The brochure material does not show windows with any means of ventilation, whilst the installed uPVC windows in the extension exhibit small protruding vents in the bottom rail of these units. I also noted at my visit black seals around the opening lights of the installed windows. These features should they be installed would emphasise the overtly modern material of the units. I have no assurance that the proposed units would not replicate these modern features which would be at odds and fail to preserve the listed building. The appellants contend that the proposed windows cannot be distinguished from a traditional timber window and is a direct replacement in terms of detail. Whilst they would be a very close match they are distinguishable in my view for the features I have outlined above in terms of their engineered uniformity and the likelihood that protruding vents would be installed.
14. I note the insulating properties of the proposed windows and the problems of damp caused by the existing timber windows. However, these matters do not outweigh my conclusion that the proposal would fail to preserve the listed building or any feature of special architectural or historic interest which it possesses. I conclude that the proposal conflicts with Policy EC9 of the Wrexham Unitary Development Plan 1996-2011.
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of enhancing the culture and heritage of Wales.
16. I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR