



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 13/06/03

Site visit made on 13/06/03

**gan Robert Gardener BSc (TownPlan)
MRTPI**

**by Robert Gardener BSc (TownPlan)
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 02/08/13

Date: 02/08/13

Appeal Ref: APP/H6955/A/13/2196476

Site address: 24 Wynnstay Court, Wynnstay Hall Estate, Ruabon, Wrexham LL14 6LA

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the T&CP Act 1990) against a refusal to grant planning permission.
- The appeal is made by Mrs Heather Evans against the decision of Wrexham County Borough Council.
- The application Ref RUA P/2013/0115, dated 12/02/2013, was refused by notice dated 15/03/2013.
- The development proposed is "Replacement/Renewal of existing doors to new build property. Replacement of doors requiring renewal, with a different material (same design, same colour) to improve the quality, appearance, security and insulation of the doors. Applies to front, rear and side doors all with aspects to private property."

Decision

1. The appeal is allowed and planning permission is granted for the replacement/renewal of existing doors to new build property. Replacement of doors requiring renewal, with a different material (same design, same colour) to improve the quality, appearance, security and insulation of the doors. Applies to front, rear and side doors all with aspects to private property at 24 Wynnstay Court, Wynnstay Hall Estate, Ruabon, Wrexham LL14 6LA in accordance with the terms of the application, Ref. RUA P/2013/0115, dated 12/02/2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The replacement/renewal front, rear and side doors shall in all respects be of the same design and finished in the same colours as those which are to be replaced.

Procedural matters

2. The Council rather more directly, but accurately, referred to the proposal as being for the "Replacement of External Doors" when issuing its decision. However, there is nothing to establish that this altered description was changed by agreement and, indeed, the appellant repeated the full application description when making this appeal. I have therefore also set it out in full.

3. More importantly, as well as attempting to justify what is proposed, the application description also sets the parameters for the proposal and identifies the doors which are affected. That is particularly important since there is nothing else in the way of, for instance, drawings to show the replacement doors. Key pages from the intended manufacturer's brochure illustrate its products and their performance characteristics, but its range does not include doors of the same design as those already in place. Further explanation was given in a combined letter and Design and Access Statement which accompanied the appeal application. The Design and Access Statement had been prepared for a previous application which sought listed building consent for the same proposal (the LBC application). It explained that the replacement doors would be in a composite material to exactly match the design and colour of the existing doors and have the traditional appearance of wood. The latter repeats claims made in the brochure.
4. The proposal is therefore to replace existing wooden doors with doors of exactly the same appearance but made of a material other than wood. The Council accepts that the existing doors would be copied. Those doors, as described and shown in photographs, are to the main entrance (a solid, mock stable door with a small window at eye level on the east elevation), to the kitchen (a fully, singly glazed door on the south elevation) and what is described as a 'French window' style (a central door with 2 fixed sidelights, all fully glazed, on the west elevation). All are painted black within white painted frames.
5. The application was made at the request of the Council since the planning permission for 24 Wynnstay Court, one of a group of dwellings in the Estate Yard of Wynnstay Hall, was subject to a condition¹ which removed permitted development rights. The implications of this are that an express grant of planning permission would not otherwise be required.
6. The LBC application was also refused by the Council, for the same reasons as given on this occasion. The Inspector who considered a subsequent appeal² determined that listed building consent was not required and took no further action on the appeal. This was because, as the proposal description now includes, the appeal property was found to be a new build, constructed c. 2000/2001. This meant that, although it was within the curtilage of Wynnstay Hall, a Grade II* listed building, it was not a 'curtilage' building for purposes of s1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB&CA Act 1990) to be treated, in effect, as part of the listed building.
7. This conclusion was reached in the absence of a procedure in the LB&CA Act 1990 to determine whether or not proposed works require listed building consent. As the earlier Inspector pointed out, such a regime does exist, s192 of the T&CP Act 1990, to determine whether or not planning permission is required for proposed works and changes of use and it was open to the appellant to follow that procedure. However, the current appeal is not in respect of such an application and, as with the previous Inspector, it is not for me to determine whether planning permission is required on this occasion. That would probably depend on whether the proposed works amount to development as set out at s55(2)(a) of the T&CP Act 1990, that is, if they would materially affect the external appearance of the building.

¹ Council Ref: RUA CBO2639, Condition 13

² Appeal Ref: APP/H6955/E/12/2184822

Main Issue

8. This is whether the proposed replacement doors would safeguard the setting of Wynnstay Hall and other listed buildings in the complex.

Reasons

9. As mentioned, Wynnstay Hall is a Grade II* listed building, a mid-19C country house set in important landscaped grounds. The listing description refers to it having group value with estate buildings and monuments. A number of the estate buildings, including the Stable Block on the north side and to the rear of the Hall, away from the principal elevations, are also listed as Grade II. Individually and collectively they form a substantial and imposing composition.
10. The appeal property is one of a complex of new dwellings, resulting from either the conversion of existing buildings or construction from new, which has emerged mainly on the north side of the Stable Block. These date from the late 1990's to the early 2000's. For the most part they form a compact, inward looking group which have common architectural and design details together with a shared palette of materials. More directly, No. 24 is one of a tight cluster of 4 houses enveloped within the larger group, built on the site of the former estate sawmill with a foundry chimney retained as a central feature.
11. The previous Inspector remarked that the houses have a traditional appearance in tune with their historic neighbours. I do not disagree although in view of the massive scale, dressed stone construction and elaborate detail of the Hall and Stable Block, I take the comment to refer to the more modest and utilitarian functional estate buildings on this side of the Hall, although even in that regard the extensive use of brick in the new build is an obvious distinguishing factor. Even so, it is clear that great care has been taken to ensure that the new development does not detract from its historic location.
12. I accept that the existing and proposed doors cannot be seen other than from; within the group in the case of the French window, from within the cluster in the case of the front door, and only from within the confines of the property itself in the case of the kitchen door. The ability to relate any of them in direct visual association with even the broader setting of either the Hall or its accompanying listed buildings is minimal, if any. However, to approach the issue on that basis alone would be incomplete. As I have described, the group as a whole contributes significantly to that setting and it is in that context that the proposal needs to be assessed. The continued success of that contribution depends to a great degree on maintaining the strong degree of architectural and visual unity of the group.
13. The Council's objection is that the use of a material other than wood, as is currently in place, would have a harmful effect in that while the new build does not have historic materials it has used traditional materials and is in close proximity to listed buildings. For the most part that may be so but the properties are clearly new and have a strong degree of self-containment. While such a reaction may be appropriate under other circumstances, I do not consider that the advice given in Circular 61/96 in regard to the general inadvisability of inserting factory replacement windows in listed buildings, to which the Council refers, can reasonably be applied here. The property is not listed. All of the doors are modern in appearance albeit with a degree of stylised tradition about them. As presented, the replacement doors would be to the same design and colour finish as those already in place. That being so, it is difficult to

comprehend that the external appearance of the property either on its own or as part of the group would discernibly change or, more expressly, cause harm to the setting of the Hall or any of its companion listed buildings.

14. As I have said, the greater consideration is maintaining the unity of the group as a collectively much larger and significant contributor to the setting of the listed buildings. Again, so long as the existing situation can be replicated, as claimed, I do not foresee that any harm would follow. I shall therefore grant the planning permission sought but, in the absence of any scheme to confirm it, subject to a condition to ensure that such replication is achieved.
15. I have also taken into account the appellant's concern to improve the quality and performance of the replacement doors over those already in place. However, there is no evidence that the problems experienced to date are typical in this development nor am I satisfied that, even were that the case, satisfactory alternative doors could not be sourced or made constructed in wood. This factor does not weigh significantly in favour of allowing the appeal.

R G Gardener

Inspector