The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/03/12

gan R G Gardener BSc(TownPlan) MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/03/12

Appeal Decision

Site visit made on 06/03/12

by R G Gardener BSc(TownPlan) MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19/03/12

Appeal Ref: APP/H6955/E/11/2167606
Site address: Poncyn Melyn, Garth, Wrexham LL20 7UY

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 Ian Barnett against the decision of Wrexham County Borough Council.
- The application Ref P/2011/0562, dated 25/7/2011, was refused by notice dated 14/10/2011.
- The works proposed are changing a window in the kitchen into a door by removing stonework below the window cill approx. 1.4m x 1m and replacing it with a hardwood frame incorporating the original window.

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the special character of the listed building.

Reasons

3. The appeal property is a former non-conformist chapel erected in 1847, partly rebuilt in 1885 and closed in 1994. It was added to the statutory list of buildings of special architectural or historic interest on 11/06/1998 for its special interest in incorporating in section a nonconformist chapel and a pair of houses within a single building on a steep site. The listing reason also refers to it having retained its mid-19C character.

4. Planning permission was granted by the previous local planning authority, Denbighshire County Council, for the change of use of the chapel and 2 dwellings into one dwelling on 12/03/1997 (Ref: 26/77/97/PF). This was before the building was listed although from that permission I note that conditions 3 and 4 suggest that there was concern to control further alterations. Condition 3 prevents additional openings or alterations to the external walls without the prior consent of the Local Planning Authority while Condition 4 removed permitted development rights[1] which would, amongst other matters, have allowed alterations to the dwellinghouse. The latter included removal of Class A to Part 1 of Schedule 2. As such all works which would

[1] Under the Town and Country Planning (General Permitted Development) Order 1995

materially alter the external appearance of the dwelling appear to require an express grant of planning permission. However, I am not aware that such an application has been made in this case and the matter before me concerns the application for listed building consent alone.

5. S16(2) of the 1990 Act[2] requires that, in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. The statutory duty under s16(2) is loosely reflected in Policy EC9 of the Wrexham Unitary Development Plan 1996-2011 to which the Council has referred. There is, however, no statutory requirement to have regard to the provisions of the development plan when considering applications for listed building consent. Even so, it is to be treated as a material consideration. Planning Policy Wales (paragraph 6.5.10) points out that applicants for listed building consent must be able to justify their proposals and show why the alteration of a listed building is necessary or desirable. Circular 61/96[3] provides detailed guidance when considering alterations to listed buildings and their special features.

6. Works to alter the window opening have already started. I note the possible doubt that the appellant was notified that the building had been listed in 1998, after he had acquired it in 1996, although correspondence held by the Council suggests otherwise. In addition, listed building consent was subsequently granted for a garage in 1999 indicating that there was knowledge then of its listed status. In any event, it is not disputed that listed building consent is now required for the proposed works.

7. A raised wooden platform, complete with reclaimed decorative balustrade and steps down to the courtyard, has also been built to the anticipated doorway. Although Cadw has referred to its rustic appearance when submitting representations, this structure is not included in the appeal application for listed building consent. Nor have I been informed of its lawfulness in view of the conditional planning permission to which I have referred.

8. There are 2 steps to the consideration of the application. The first is the overarching principle of converting the window opening to a doorway and the second is the detailed scheme. I consider them in that order.

9. The proposal is to convert an existing window into a door opening fitted with French windows. The window is at the outer end of a range of 3 identically proportioned and patterned windows on the southern elevation of the former chapel schoolroom, part of the 1885 alterations. The school room is now a kitchen which is at ground level with the front main door but, because of the sloping site, the windows are at first floor level facing onto a rear courtyard. The windows have stone cills and lintels and are recessed from the outside face of the random stone wall. Similarly styled windows appear at a comparable level on the east elevation of the main chapel building, albeit in a rendered setting. This relationship, and the presence of similar windows elsewhere at this level, is referred to in the listing description. That part of the main chapel forms an L-shape with the school room so that the full range appears as a unified composition.

[2] The Planning (Listed Buildings and Conservation Areas) Act 1990

[3] Planning and the Historic Environment: Historic Buildings and Conservation Areas

10. Cadw refers to the window elevation as 'somewhat austere'. I have remarked on it being part of a composition with the main chapel building, albeit it's lesser elevation which is similarly austere in appearance. The range of windows and their dressings provide relief to that impression. That is achieved by both the rhythm of the pattern of fenestration and the attractive glazing bar pattern. Like the others in the range, a timber mullion and transom in a cruciform divide the window into 4, each with an inserted light or casement, the top 2 of which appear to be opening and the lower, larger pair fixed. The lights themselves are subdivided by slim glazing bars to create large central panes and relatively narrow perimeter panes with square panes at each corner. These are distinctive and, importantly, typical of the character of the building.

11. Circular 61/96 advises that that doors and windows should not generally be altered in their proportions or details particularly when they are a conspicuous element of their design. In my opinion, conspicuous in this context means evidently or obviously part of the design rather than the degree to which it can be seen by the general public. The fact that elevation affected is at the rear of the building, out of public view, is of little relevance when applying the statutory duty. For the reasons given, I consider that the pattern of window openings and windows is a conspicuous design element.

12. Before I explain the scheme in greater detail, it is the case that the existing window opening would remain where it is and kept at its existing width and overall height with its stone lintel over. The lowering of the cill to floor level would inevitably interrupt the uniform appearance of the group of windows, as the Council points out, although, importantly, the general rhythm of the composition of openings would be maintained. Circular 61/96 also explains that the listing of a building should not be seen as a bar to future change. My view is, subject to appropriate detailing, the overarching principle of what is proposed would not necessarily harm the special interest of the listed building.

13. As to the second step, the detailed scheme, what has so far occurred is the removal of stone below the cill. This area was boarded over at my inspection but I could see that the edges of the extended opening had been crudely cut with an angle grinder. Such a sharp edge is at odds with the main, original openings and unacceptable. Were consent to be granted it would be necessary to remedy this and form new corners with quarried stone to match the existing. This could be secured by condition.

14. At first appearance what is proposed is reasonably well-mannered and Cadw recognises the thought which has been applied. I have already mentioned that the existing stone lintel would remain while the stone cill would be re-used as a new threshold. The top pair of lights is shown to be retained within their existing outer frame as a fanlight over the replacement doors. They would be set in a new frame below, I believe, the existing transom. The lower pair of lights is also shown to be re-used set within the new pair of doors above vertically boarded panels.

15. Circular 61/96 advises that full information should be provided to enable the likely impact of proposals on the special architectural or historic interest of the building to be assessed. In this case a variety of drawings have been provided. Most are inadequate to show other than the general intention I have described. A further drawing, 7585-2, appears more precise but is not. It shows the doors opening out onto the raised platform. I was informed at my visit that the intention in fact is for the windows to open inwards, into the kitchen. That is logical in view of the impediment that open doors would create for the use of the platform and steps. However, it has potentially significant implications for the relative plane of the doors, re-used lights and retained lights over which can only be guessed at.

16. Moreover, this drawing, as do the others, clearly show that the vertical line of glazing bars above and below the transom would be kept and this gives the undoubted impression that consistency would be maintained not only between the old and new components of the proposal but between the altered window and others in the group. The overall effect illustrated is that the existing window mullion, transom and lights would appear unaltered, both in pattern and mouldings, but with wooden panels replacing the removed stone below cill level. If so, it would go yet a further step to safeguard the building's special character. However, it misrepresents what can be achieved and what has already been prepared.

17. As I mentioned, work had already commenced before it was halted by the Council. The replacement door and frame has also been manufactured of which a photograph has been provided as part of the appeal submission. I also saw it during my inspection and it was shown to me as the article to be used. It is reasonable to assume that regard is to be had to it as the intended replacement. It does not accord with drawing 7585-2. In particular, the meeting styles above the lower panel are considerably wider than the drawings show and consequently do not replicate the fineness of the mullion which they purport to replicate. As a consequence the promised alignment between the upper and lower lights cannot be achieved.

18. Moreover, the understated sections and intricate mouldings of the existing windows, typical of the style and period of the chapel, are essential to their overall effect. In comparison, the replacement joinery is oversize, chunky and of plain square section which fails to maintain qualities and features which are essential to the special interest of the building. Nor do the details provided make it sufficiently clear how the old and new joinery is to marry, not only to accommodate the existing lights within the doors, but also where the new frame sits within its opening and where it meets the retained 'fanlight' over. At the very least sections through the confluence of old and new at a sufficiently large scale would have been necessary to illustrate and assess its effect.

19. The Council has also criticised the impact of the proposal within the former school room. As I saw, the feeling of space has been kept and the kitchen successfully integrated. While kitchen units have inevitably screened much of the dado panelling around the walls, there is sufficient still exposed for its contribution to the character of the room to be appreciated. The panelling is in framed sections above a deep, plain skirting and finishes at cill height. Although the panels do not align with the window opening above, I am satisfied that the removal of a section, its adaptation and return into the new reveals would have been sufficient to safeguard the character of this feature. However, it would be essential that the splayed window reveals above cill level were carried through. The drawings are not of sufficient quality to be confident that that is as intended; indeed they infer square and not splayed corners. However, ensuring that this and details of the altered panelling are satisfactory could have been secured by condition and would not have led me to refuse listed building consent.

20. I have considered whether these objections could be overcome by yet further conditions requiring alternative details to be agreed. However, in view of the uncertainty which remains and the work undertaken, I do not consider that course of action appropriate.

21. I have considered also that the new door is intended to provide better access to the courtyard and gardens from the main living level which may well be a considerable benefit to the users of the house. It might also give improved means of exit in case of fire although it is less than clear that this is required for other regulations or why it has been raised so long after the conversion of the chapel was designed or

implemented. However, neither consideration is persuasive or justifies the need for the proposal. Moreover, they fall considerably short of establishing that it is desirable in terms of its effect on the listed building.

22. In summary, while I would not reject the overarching principle of what is proposed, the detailed scheme is lacking in essential and accurate detail to permit it to be fully assessed. However, the information which is available, including what has already been made, shows that the proposal would have a harmful effect on the special interest and architectural features of the building. Accordingly, the proposal would not satisfy the statutory requirement and is unacceptable.

R G Gardener

Inspector