



Appeal Decisions

Site visit made on 2 April 2012

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 April 2012

Appeal Ref: APP/T2350/E/11/2161957

Mellor Lodge Gate House, Preston New Road, Mellor BB2 7NP

- 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 D Outhwaite Bentley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0205, dated 14 March 2011, was refused by notice dated 11 July 2011.
 - The works proposed are the extension and alterations to Mellor Lodge Gate House also patio to rear and decking walkways.
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Appeal Ref: APP/T2350/A/11/2161961

Mellor Lodge Gate House, Preston New Road, Mellor BB2 7NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Outhwaite Bentley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0206, dated 14 March 2011, was refused by notice dated 11 July 2011.
 - The development proposed is the extension and alterations to Mellor Lodge Gate House also rear patio and decking walkways.
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Decision

1. The appeals are dismissed.

Reasons

2. The main issue is the effect of the extension and alterations to Mellor Lodge Gate House, a Grade II listed building, on its character and architectural and historic interest.
3. Mellor Lodge Gate House is one of a pair of lodges and is on the east side of an original driveway to Woodfold Hall. It was built towards the end of the 18th century. The original, small, single room building has sandstone ashlar walls, with a cornice and blocking course, under a hipped shallow pitch slate roof. In August 2005 listed building consent 3/2005/0314 was granted, and in July 2006 planning permission 3/97/0010 was granted, for an extension to the building. The listed building consent is a renewal of consent 3/96/0767 for the present owner and is subject to seven conditions. The approved drawing in both cases shows a rectangular extension, nearly three times the plan area of the original building, with rendered walls over a stone plinth. Subsequent approval was given by the Council for the walls to be faced with stone rather than render.

4. The extension has been constructed but not in accordance with the approved drawing of the consent or the permission. The Council issued a listed building enforcement notice (Ref. 3/2009/001/E dated 15 January 2010) against the 'alteration and extension of the listed building without listed building consent'. The Appellant and his wife submitted appeals on grounds (g) and (k) and the appeals (Refs. APP/T2350/F/10/2122977 & 2122978) were determined under ground (k). The notice was upheld though varied by deletion of one of its ten requirements. No ground (e) appeal was made so whether listed building consent ought to have been granted for the works as carried out could not, in those appeals, be considered.

5. The Appellant subsequently submitted planning and listed building consent applications for the alteration and extension of the listed building as carried out, including a cantilevered decked walkway around two sides of the extension that was not a subject of the listed building enforcement notice. These applications were refused by the Council and are the subjects of this Decision.

6. The extension as built differs from the approved extension in several respects; it is higher to the gutter and eaves, its north-east elevation is in line with that of the original building rather than slightly set back, it has one two-pane window in its north-east elevation rather than two multi-pane windows, it has a wide six-pane window and a pair of patio doors in its south-east elevation rather than one small narrow window, it has two two-pane windows in its south-west elevation rather than two large windows, and it has a doorway and a small window in its north-west elevation rather than one multi-pane window.

7. Listed building consent and planning permission has not been granted for the raised patio area alongside the south-east elevation of the extension or for the cantilevered decked walkway around the south corner of the extension. Condition 4 of the listed building consent requires the prior approval of windows for the extension that "...will complement rather than imitate the historic window style..." of the listed building, and condition 5 requires the prior approval of walling and roofing materials, though these are not at issue, and details of any surface materials to be used including their colour and texture. These conditions have not been discharged. Rainwater goods and the boxed eaves of the extension are surface materials and these are in brown uPVC.

8. The extension is substantially larger than the listed building and its scale, proportions and detailing are critical if it is not to cause harm to the architectural and historic interest of the gate lodge. The extension as built has, given its scale, proportions and detailing, caused serious harm to the listed building. The height of the approved extension was carefully considered so that its gutter and boxed eaves lined through with the stone cornice. This relationship is crucial and must be a feature of an extension to the listed building. The use of uPVC for the gutter, boxed eaves and downpipes of the extension is inappropriate. uPVC is a modern material that is inappropriate for use on an extension to a building that is listed for its architectural and historic interest.

9. The windows of the listed building, there is one twelve-pane sash window in the middle of each exposed side of the building, have the same proportions. The windows of the approved extension reflect the proportions of the windows in the listed building and un-discharged condition 4 of the listed building consent requires prior approval of the windows. The windows and the patio doors that have been installed in the extension are unacceptable for several reasons. Their proportions, lintel heights and irregular size are inconsistent with the windows in the listed building, the windows have inappropriate outward opening upper casements and

flat frames lacking in sensitive detailing, the patio doors have similarly flat frames and are incongruous in form, and the openings have been inserted without regard to the proportions of the elevations.

10. The raised patio area bounded on its two outer sides by stone walls about 900mm high has added significantly to the bulk and scale of the extension and has exacerbated the dominance of the extension over the listed building. The cantilevered decked walkway, with its turned timber balusters and newel posts, is an unsympathetic and unattractive feature that has also increased the scale of the extension. The alterations to the listed building include the insertion of replacement windows in two of its original openings. These windows are crudely detailed with unduly thick glazing bars to support the double glazed units. Furthermore, their unpainted finish is untypical of windows in buildings of the late 18th century. Comparison with windows installed at Woodfold Hall does not alter the conclusion that the two replacement windows have undermined the architectural and historic interest of the listed building.

11. There is a long history of correspondence and meetings between the Appellant and Council Officers and the Appellant has made a formal complaint against the Council that has been considered by the Local Government Ombudsman. These matters cannot, however, influence determination of the appeals. They must be determined on the facts of the case and on the effect of the extension as built on the character and architectural and historic interest of Mellor Lodge. Furthermore, it is a matter of fact that the extension is higher than shown on the approved drawing, the fenestration installed is wholly different to that shown on the approved drawing, and the raised patio and cantilevered decked walkway are not features of the permitted extension.

12. The other lodge has been the subject of a substantial extension and has an extensive planning history. Harm to this listed building does not justify allowing harm to the appeal building and the extension as built must be considered on its individual merits. Agreement to details of the building works by a Building Control Officer cannot be taken to be approval by the Council in exercise of their duties to ensure compliance with listed building and planning legislation. The Appellant does find himself in financial difficulty as a consequence of the ongoing situation between himself and the Council. However, listed building consent and planning permission was obtained for an extension and money was subsequently spent building an extension that differs significantly from that approved.

13. The extension and alterations to Mellor Lodge Gate House have had a serious adverse effect on the character and architectural and historic interest of the listed building. The works conflict with saved policy ENV20 of the Ribble Valley Districtwide Local Plan. The National Planning Policy Framework (NPPF) has replaced Planning Policy Statement 5 'Planning for the Historic Environment', amongst other documents. This does not affect the outcome of these appeals.

Other matters

14. The land around Woodfold Hall, Woodfold Hall Estate which encompasses Mellor Lodge Gate House, is listed Grade II in the Register of Historic Parks and Gardens. Compared to the approved extension the extension as built has had a neutral effect on the historic interest of the Woodfold Hall Estate.

John Braithwaite

Inspector