



# Appeal Decisions

Site visit made on 6 January 2011

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

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**Decision date:**  
**3 February 2011**

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## **Appeal no. 1 Appeal Ref: APP/Y3940/E/10/2135151** **The Old Chapel, Seend Cleeve, Melksham, Wilts SN12 6PY**

- 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 Julian Mattock against the decision of Wiltshire Council.
- The application Ref E/09/1241/LBC, dated 9 September 2009, was refused by notice dated 25 February 2010.
- The works proposed are conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling.

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## **Appeal no. 2 Appeal Ref: APP/Y3940/A/10/2135148** **The Old Chapel, Seend Cleeve, Melksham, Wilts SN12 6PY**

- 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 Julian Mattock against the decision of Wiltshire Council.
- The application Ref E/09/1242/FUL, dated 9 September 2009, was refused by notice dated 25 February 2010.
- The development proposed is conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling.

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## **Decisions**

### **Appeal no. 1 Appeal Ref: APP/Y3940/E/10/2135151**

1. I allow the appeal and grant listed building consent for conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling at The Old Chapel, Seend Cleeve, Melksham, Wilts SN12 6PY in accordance with the terms of the application Ref E/09/1241/LBC, dated 9 September 2009 and the plans submitted with it, subject to the conditions in the attached schedule.

### **Appeal no. 2 Appeal Ref: APP/Y3940/A/10/2135148**

2. I allow the appeal and grant planning permission for conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling at The Old Chapel, Seend Cleeve, Melksham, Wilts SN12 6PY in accordance with the terms of the application Ref E/09/1242/FUL, dated 9 September 2009, subject to the conditions in the attached schedule.
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### **Procedural matters**

3. On 23 March 2010 the Department of Communities and Local Government published Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) which replaces PPG15 *Planning and the Historic Environment* and PPG16 *Archaeology and Planning*. Both applications now the subject of these appeals were determined prior to the publication of PPS5, although the appeals were submitted well after this event. Notwithstanding these circumstances, the Council's Appeal Statements take the form of the Officer Committee Reports, the reasoning of which, and reasons for refusal, refer to PPG15. For the avoidance of doubt, the decisions set out here refer to current national policy set out in PPS5.
4. Subsequent to the determination of both applications the appellant submitted a revised scheme to the Council in an attempt to address their concerns. These revisions were also submitted with the appeal documents and the appellant, advising that these represent minor amendments to the scheme, has asked that they be considered by the Inspector when determining the appeal.
5. However, the submission of an amended scheme at appeal stage is contrary to the principles set out in the Planning Inspectorate Good Practice Advice Note 10/2009, which indicates that new material not considered at application stage should not normally be considered at appeal. Moreover, the appeal system should not be used as a means of circumventing the normal process of revised schemes being submitted in the first instance to the local planning authority, for it denies the Council and interested parties the proper opportunity for comment. In this case there are a number of parties with an interest in it who have commented on the applications and the appeal, the applications also being presented to committee. As the amendments proposed do constitute a material change to the scheme, going beyond what could be considered minor, it is appropriate that they should have been the subject of a fresh application to the Council for consideration, prior to an appeal.
6. From the representations made in relation to the appeal it is not clear that those consulted are aware of the amended scheme, and this lends credence to the concerns expressed by the appellant that they were not widely available through the Council after the appeal was lodged. Whilst this may be a frustration for the appellant, in these circumstances, for which there is no provision within the appeal process to alter, it is appropriate that the decision be based on the contents of the applications that were refused permission and consent by the Council.

### **Main issues**

7. In relation to Appeal no. 1 this is whether the proposed works and development would preserve the grade II listed building known as The Old Chapel (listed as Former Primitive Methodist Chapel) or any features of special architectural or historic interest which it possesses. In relation to Appeal no. 2 this is the effect of the proposed development on the character and appearance of the area.

## Reasons

8. There are significant areas of common ground; the approach to the repair and internal alteration of the chapel is accepted, as is the principle of an ancillary extension handled in the design approach adopted, and no issue is taken with these matters here. However, the scale, presence and the visual impact the extension would have on the listed building and the character of the area are disputed, and it is this matter which are addressed below.
9. The addition comprises a two and three storey extension to the north east of the chapel with a linked entrance lobby. This is essentially an orthogonal structure with two slightly recessed gables of timber and glass set beneath an enveloping mantle of zinc cladding covering both roof and walls.

### *Effect on the special architectural and historic interest of the Chapel*

10. In keeping with the reformist doctrine of this branch of Methodism, the architecture of the chapel is simple and restrained. That said, it does not escape the essentially neo-classical format that characterises nearly all dissenting architecture of the period. This is characterised by the formal proportions of the elevations, the dressed stone quoins, door and window architraves, plinth and central steps of the formal front elevation. There can be no doubt that this western-facing elevation, with the greater degree of architectural embellishment and incorporating the primary access for the congregation, is the principal elevation, and therefore the foremost one in relation to the special architectural interest of the building and therefore its significance. These architectural attributes are underpinned by the interior, which though plain, has the gallery at this west end with the focus of the lectern beyond to the east.
11. With respect to the proposed extension, the council is right to seek to ensure that any such addition achieves the appropriate degree of subservience and deference to the listed building in terms of form, scale, location and materials. It is also right that this be achieved through an understanding of significance (of the building), and the delivery of a form of development that is practical, usable and well designed, and balances these requirements with the necessity of preserving special interest and significance.
12. The north western graveyard-facing elevation of the proposed extension is tall, comprising three storeys. However, it is set well back behind the line of that of the chapel and this alignment, coupled with the simple form and restrained detailing, serves to achieve the necessary degree of subservience to ensure the preservation of this primary element of the building, and so this key component of its special interest and therefore significance.
13. In order that the necessary amount of accommodation is provided and this degree of subservience achieved in relation to the north west façade, the north eastern elevation has to project beyond that of the chapel. Here the two storey structure, with eaves the same height as the chapel, would be seen in close, overlapping juxtaposition with the chapel in views down the lane to the south west. The strong assertive form and location of the extension, coupled with the overt modernity of its materials and detail, would stand in striking contrast to the listed building, to a degree competing with it in architectural terms. However, this remains the secondary elevation of the building which is

off-set from the road and already a component of an informal ensemble of buildings defining this frontage. Moreover, the footprint of the extension picks-up that of the now ruinous outbuilding on the site (evident from map evidence) and its simplicity of form and detailing resonate with the chapel's restrained Nonconformist architectural character. Whilst assertive, this does not amount to dominance or overbearing impact resulting in a diminution of the special architectural interest of the listed building, so avoiding substantial and material harm to it. Such an outcome would secure a sustainable new use for the chapel and deliver its structural repair whilst preserving its special interest, in accordance with the expectations of the Act. In the same regard it would be in conformity with policy HE7.4 of PPS5 and the local development plan policies that underpin national policy. It is also consistent with the approach set out in the Government's objectives for the management of the historic environment outlined in the beginning of PPS5 which recognises, inter alia, that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.

#### *Effect on character and appearance*

14. Much the same reasoning applies to the effect of the proposed development on the character of the area. Though its form, location and detailing the extension will be prominent in the street scene, especially from the north east. However, the extension would remove the desultory remains of the ruinous outbuilding and sit comfortably within the ensemble of informally arranged and detailed building that make up the road frontage. Again, whilst it's detailing and materials would mark it as discernibly *other* than its neighbours, there is sufficient diversity in form, texture and materials in the environs of the site to accommodate a building of such attributes. On this basis, the proposals would be appropriate to their context, in conformity with the design principles set out in Planning Policy Statement 1 *Delivering Sustainable Development*, with policy HE10 of PPS5 in respect of preserving the setting of the heritage asset, and with policy PD1 of the Kennet Local Plan, specifically criteria 2, 3, 7, 8 and 9 thereof.

#### **Other matters**

15. Concerns over the practicability and safe use of the garage may satisfactorily be overcome through a condition requiring details of the garage doors, including their means of opening. Concerns over parking understandably often attend development proposals but here both garaging and off street parking are proposed and concerns over such wider impacts are not shared by the highway authority. Moreover, no evidence is presented to suggest there is an acute issue of parking in the environs of the site; accordingly only little weight may be afforded such objections to the development on these grounds. Concerns about the overlooking of the adjacent property have been raised, though no specific property identified. Given the mature planting cover on the boundary and the distances involved, no overlooking would result that would cause material harm to living conditions of adjacent occupiers.

#### **Conclusions**

16. For the reasons given above I conclude that the appeals should succeed.

## Conditions

17. The appeals being allowed, in respect of Appeal no. 1 conditions are attached requiring that details of materials used to clad the extension, details of glazing, details of rear balcony and steps, details of rainwater disposal system, details of garage doors, details of the junction of the proposed steel beams with the existing walls and interior arrangements, details of the junction of the inserted floor and existing window openings and details of the internal steel engineering structure be submitted to the local planning authority to ensure the preservation of the character of the listed building. A condition is also attached requiring the submission of a detailed schedule of repairs for the listed building to the local planning authority, again to ensure the character of the listed building is preserved.
18. In respect of appeal no. 2, a condition is attached requiring that the development be carried out in accordance with the approved plans, in the interests of sound planning and for the avoidance of doubt and conditions are attached requiring the provision of visibility zones to be maintained free from obstruction and a condition requiring that the access area be surfaced to a depth of two metres of well bound material, all in the interests of highway safety. Although the Council have requested that the proposed garage doors be of a roller shutter type, this is over-prescriptive, though a condition requiring the submission of details of the garage doors has been substituted, again in the interests of highway safety.

*David Morgan*

## Inspector

### Schedule of conditions

#### Appeal no. 1 Appeal Ref: APP/Y3940/E/10/2135151

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) No works shall commence on site until details of the materials to be used for the external walls and roofs of the extension and link (including samples and details of proposed finishes) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 3) No works shall commence on site until constructional details for the glazed areas of the extension and link have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 4) No works shall commence on site until details of the balcony and steps to the rear of the extension have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) No works shall commence on site until details of any rainwater disposal system have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 6) No works shall commence on site until details of the garage doors to be installed in the extension have been submitted to and approved in writing by the Local

- Planning Authority. The works shall be carried out in accordance with the approved details.
- 7) No works shall commence on site until details of the junctions of the proposed steel beams with the existing side walls (i.e. the intervention required in order to insert the new structure and any measures to allow it to act in a tying capacity between the side walls) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
  - 8) No works shall commence on site until further details of the proposed steel beam above ceiling level over the balcony and the method of suspension of the balcony (to show how the inserted steel will relate to the existing roof/ceiling structure as well as detailing the appearance of the suspension device) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
  - 9) No works shall commence on site until larger scale details to clarify the proposed arrangement to the south-east elevation at the junction of the new inserted floor with existing window openings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
  - 10) No works shall commence on site until details of the compensatory steel "goal post" structure referred to in the structural engineer's report have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include a justification for the works and details of the structure's appearance and impact. The works shall be carried out in accordance with the approved details.
  - 11) No works shall commence on site until a detailed repair schedule for the listed building has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved schedule.

**Appeal no. 2 Appeal Ref: APP/Y3940/A/10/2135148**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans received on the 24<sup>th</sup> September 2009 and numbered:
    - Location Plan and Site Plan – Drawing no. 0223-04.1 (dated 08/09/2009)
    - Existing Plans – Drawing no. 0223-04.2 (dated 08/09/2009)
    - Existing Elevations – Drawing no. 0223-04.3 (dated 08/09/2009)
    - Existing Elevations and Cross Sections – Drawing no. 0223-04.4 (dated 08/09/2009)
    - Proposed plans – Drawing no. 0223-05.1 (dated 08/09/2009)
    - Proposed plans 02 - Drawing no. 0223-05.2 (dated 08/09/2009)
    - Proposed Elevations – Drawing no. 0223-05.3 (dated 08/09/2009)
    - Proposed Elevations and Cross Sections – Drawing no. 0223-05.4 (dated 08/09/2009)
    - 3d model views – Drawing no. 0223-05.5 (dated 08/09/2009)
    - Report on Structural Inspection ref. 8303w0001 (October 2008)
  - 3) The dwelling hereby permitted shall not be occupied until the area between the
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nearside carriageway edge and a line drawn 2 metres parallel thereto between the centre-line of the access and the eastern end of the site frontage has been cleared of any obstruction to visibility at and above a height of 800mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

- 4) The dwelling hereby permitted shall not be occupied until the first 2 metres of the access has been surfaced in a well-bound consolidated material (not loose stone or gravel).
- 5) No works shall commence on site until details of the garage doors to be installed in the extension, including their means of opening, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.