

---

**Delegated report**      Officer: Teresa Turner

**Application ref. DMPA/2019/0960**

The opening up of 7 former windows and modification to 1 external door at Walton Hall, Main Street, Swadlincote, DE12 8LZ

---

Valid date:                      21/08/2019

Consults expired:            11/10/2019

EIA development?          No

---

This decision is delegated to officers under the terms of the current Scheme of Delegation.

**Relevant planning history**

9/2019/0293/FH – Proposed phase 1 works to the main hall comprising of the opening up of 8 former windows – approved with conditions on 06/06/2019.

9/2019/0310/L – Listed Building Consent for proposed phase 1 works to the main hall comprising of the opening up of 8 former windows, relocating kitchen to the former library, forming new openings within internal walls and the repair and reinstatement of joinery details – granted with conditions on 06/06/2019.

**Responses to consultations and publicity**

Historic England (HE) comments as follows:

Walton Hall is a fine example of an early Georgian smaller country house which dates from 1724-29 and was built for William Taylor, and has subsequent early C19 and C20 alterations. Internally the Hall retains many important historic architectural features including fine panelled rooms, the historic staircase, cornices, and historic flooring, all of which make an important contribution to its significance and special interest. The original plan form is also clearly discernible. The site is located within the Walton on Trent Conservation Area and makes a strong positive contribution to its character and appearance.

Historic England is supportive of the owner's overall aspirations for the site which include repair of the hall and associated outbuildings, securing the long term future of these important listed buildings and working towards removing them from our Heritage at Risk Register.

The blind window GW14 is proposed to be re-opened on the ground floor. From our understanding of the information provided the opening up works undertaken reveal that the masonry in-fill is from a later date. However, the current historic staircase and panelling runs across this opening. It is therefore unlikely that the two features existed contemporaneously. HE believes that installing a window in the position would look incongruous, would not reflect the architectural development of the hall and would be conjectural. HE accept that the window was most likely blocked at a later date rather than built as blind which leaves some unanswered questions, however, the current proposal would be harmful to the overall significance of the hall, as it would visually detract from the architectural composition and proportions of the entrance hall. HE is therefore unable to support this element of the proposal and recommend that it is omitted from this scheme.

The blind window proposed to be re-opened on the first floor is FW21. No opening -up works appear to have been undertaken at this stage. HE are unable to comment on this element and advise that investigative works are undertaken. HE are however content to defer to your in-house conservation officer in this regard.

The blind windows proposed to be re-opened on the second floor are SW05, SW08, SW09, SW12, SW13 and SW24. The masonry infill has not been tied in the brickwork, indicating that the masonry infill was laid at a later date.

The proposal would restore the original design and architectural composition of the hall as the windows were not built blind and there would be relatively low impact to internal finishes. HE has no objection to the proposed reinstatement of windows in openings SW05, SW08, SW09, SW12, SW13 and SW24, subject to their detailed design and an appropriate scheme of recording being undertaken prior to the commencement of works. We are content to defer to your in-house Conservation officer in this regard.

It is proposed to alter the entrance door and frame on the east elevation and unblock the opening above to provide a light over. Whilst no photographic evidence has been provided within the accompanying information, the Heritage Assessment/Statement of Significance by Maxwell Craven has a photograph of this elevation dated 1880 (page 25). It is clear from this photograph that the opening above the door was previously glazed, consisting of six lights. The door arrangement is less clear however, the current door opening is wider than the blocked former opening above and does sit awkwardly within this elevation. HE has no objection to the proposed alterations to the door and light over, which will have a minimal impact on the fabric and would enhance this elevation.

HE comments on amended plans for Window GW14, received on 27/09/2019:

HE has reviewed the additional information provided and the proposed amendments to the design of this element of the scheme and their view remains that the proposed opening up of window GW14 and the resultant internal works would be harmful to the overall significance of the hall. As previously advised the current historic staircase and panelling runs across this opening. It is therefore unlikely that the two features existed contemporaneously. HE believe that installing a window in this position would be conjectural and would visually detract from the architectural composition and the proportions of the entrance hall. It would also require the removal of historic panelling from its original position. HEe therefore regret that they are unable to support this element of the proposal and continue to recommend that it is omitted from this scheme. HE do not believe that the resultant harm to significance caused by this element of the scheme has been clear and convincingly justified as required by paragraph 194 of the NPPF 2019.

The Conservation Officer comments on the originally submitted application as follows:

The majority of the proposed work appears reasonable, although some of it does have limited practical benefit and one item in particular (window GW14) has been the subject of further discussion on site during consideration of the application and the subsequent submission of additional information.

Overall the proposals would serve to preserve the special architectural and historic significance of the building as a grade II\* listed building, as is described as a desirable objective within sections 16 and 66 of the planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions are suggested requiring the retention of the panelling removed from the staircase for subsequent use in repairs to panelling in the kitchen, and not to be disposed of unless otherwise agreed in writing with the District Council. Also joinery details for the treatment of the staircase and the new spindles to be inserted in lieu of the panelling.

Officer comments:

The blind window GW14 details have been withdrawn from the application and the Design, Access and Heritage Statement has been amended in line with this (received on 21/10/2019). The description of the proposal has also been amended in line with the Agent's instructions. It should be noted that as this element of the proposal has been withdrawn from the proposal, the conditions requested by the Conservation Officer are no longer relevant.

Conservation Officer comments on GW14 revision (received on 27/09/2019) and the HE re-consultation comments:

Whilst there is less concern with the revised proposals for the interaction between a reinstated GW14 window and the internal staircase, HE have maintained their concerns and advocated the omission of this element of the scheme. The Conservation Officer is sympathetic and understanding of HE's viewpoint and the basis upon which that advice was provided. In the light that works to reinstate window GW14 have been withdrawn from the proposal, initial concerns have been removed as have the concerns of HE which related exclusively to this element of the submission. On this basis the

previous conclusions in respect of the rest of the proposed works remain relevant and the proposal would preserve the listed building in line with the desirable objective described in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and planning permission and listed building consent can be granted.

### **Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality), Policy BNE1 (Design Excellence), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2 (LP2): H27 (Residential extensions and other householder development), BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Walton on Trent Conservation Area Character Statement 2014 (CACS)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **Planning considerations**

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue(s) central to the determination of this application is/are:

- The impact on the significance of the heritage assets (listed building and conservation area); and
- The impact on the living conditions of the adjoining properties and the general character and appearance of the area.

### **Planning assessment**

#### The impact on the significance of the heritage assets (listed building and conservation area)

The reinstatement of the transom light above the existing door would have no practical benefit as this would be backed by a wall internally and as such would not provide any natural light internally and externally would leave a visible blank sheet of boarding fixed immediately behind. Whilst it is acknowledged that if the owner feels that the reinstatement would have aesthetic benefits, there would be no good reason to refuse this element of the proposal however it would nevertheless represent a poor investment of resources. The proposed work would increase the apparent height of the doorway which is currently a squat feature amongst the much taller ground floor windows and as such there would be some architectural benefit to this elevation, even though the former scale of the opening can already be easily discerned.

The proposal also includes the reinstatement of glazed windows into 8 blocked openings (N.B. revised to 7 on 21/10/2019), following on from a previous phase of works which have already seen several other windows reinstated into blocked openings. These openings appear to have been bricked up after the initial construction, and a render applied externally onto which has been painted a pattern of black squares and white glazing bars to allow the pattern of window openings to remain part of the architectural composition. In some cases this render has later been replaced by externally fixed painted plyboard. Investigation has revealed that the infill masonry is not toothed into the surrounding masonry, strongly suggesting that the windows are not false features as part of an original design but represent windows which have been blocked up in the past. There appears to be good justification for the reinstatement of windows and given the strong symmetry and rhythm of the building it is safe to

assume that windows in these openings would have matched adjacent windows which remain and can form a pattern on which to base detailed design.

In 7 out of the 8 cases this is more or less the limit of consideration and there would be no reason to object. However the 8th window opening (GW14) has been subject to other significant changes since it was infilled. This window is now also crossed by a staircase and internal panelling. Even if the window were once glazed, subsequent alterations (the installation of the staircase and its panelling) have cut across the window opening making its reinstatement more troublesome. It is this window which has been subject to further discussion and deliberation on site.

The proposal was initially to reinstate the window (GW14) and retain the panelling and stair, even though they clearly interfere with the window opening and would limit the degree to which the window would add to natural light available internally. This awkward detailing and juxtaposition of features would also see false panelling created on the reverse of the original where it would become visible through the reinstated window opening. Following investigations on site this proposal seems less unusual than at first it appeared. The other two windows at first floor level which provide light onto the stairwell are both cut across by the cornice and ceiling, whilst internally decorative plasterwork disguises this, from the scaffold it is obvious that the construction of the cornice and windows surrounds cuts across the top portion of the glazing. There is therefore some established precedent for the exterior window openings not always relating to what is happening with internal features, and most notably these existing examples are themselves related to this hallway and staircase.

The revised plans of 27/09/2019 propose that instead of retaining the panelling in situ only the top rail, which matches the mouldings and profiles of the staircase handrail, shall be retained with baluster spindles to match those on the balustrade added beneath. This would allow more light into the space whilst being less visually incongruous than having solid panelling running across the window. The section of panelling removed would then be used in the repair of similar panelling in the kitchen which was damaged and covered over by a tiled splashback, probably in the mid-20th century so that this fabric would remain within the building.

The submission suggests that windows were likely blocked as a consequence of window tax, if this is the case then it does represent a significant element of the social history of the building and as such the special significance of the building would be harmed if all examples of such blocked openings were to now be reinstated and this element of the buildings social history lost. The revised information does identify blocked windows which would still remain as features within the fabric of the building which would enable this aspect of the buildings social history to continue to be experienced and contribute towards understanding of its history.

The 27/09/2019 amended proposal clarifies that some blocked window openings would remain to preserve an interesting chapter in the social history of the building, has provided additional justification for the works in regard to the staircase window and has made revisions to the details of the proposal to ensure that both the interior and exterior character of the building and the stairs works aesthetically. Following the continued concern from HE regarding the GW14 window despite further justification being submitted, the agent has withdrawn the proposed works to this window from the application and has amended the relevant plans and Design, Access and Heritage Statement to reflect this.

The proposal, as amended on 21/10/2019, would therefore preserve the listed building and the character and appearance of the conservation area in line with the desirable objective described in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would conform to the requirements of Policy BNE2 of the LP1 and Policy BNE10 of the LP2.

#### The impact on the living conditions of the adjoining properties and the general character and appearance of the area

The proposed external works would be restricted to the opening up of existing blind windows and alterations to an external door which would result in an enhancement to the external appearance of the building. The affected windows and door are located such that the proposed changes would have no impact on any neighbours, including Walton Hall Cottage and Garden Cottage, both of which are

attached to the north side of the listed Hall.

The proposal, as amended, would conform to the requirements of Policy H27 of the LP2 in that the proposed external alterations would be in keeping with the character of the host property and would not be unduly detrimental to the living conditions of adjoining properties or the general character of the area.

The proposal, as amended, would conform to Policy SD1 of the LP1 in that it would not lead to adverse impacts on the environment or amenity of existing and future occupiers within and around the proposed development.

The proposal, as amended, would conform to the requirements of the NPPF and the PPG and with Policy S2 of the LP1 in that planning applications received by the Council that accord with the policies in the Local Plan Part 1 (and where relevant, with policies in neighbourhood plans) will be dealt with positively and without delay unless material considerations indicate otherwise.

## **Recommendation**

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

---

|                      |                 |
|----------------------|-----------------|
| Recommendation made: | 25/10/2019      |
| Report agreed:       | 25/10/2019      |
| Authorised officer:  | Richard Stewart |

---