



Decision by Rob Huntley, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-270-2008
Site address: Old Farm, Glenmoriston Lodge Estate, Invermoriston, Inverness IV63 7YA
- Appeal by Mr and Mrs D Grant against the decision by Highland Council
- Application for listed building consent 17 /00565/LBC dated 7 February 2017 refused by notice dated 11 April 2017
- The works proposed: Installation of garden room and alterations to existing wall
- Date of site visit by Reporter: 14 August 2017

Date of appeal decision: 11 September 2017

Decision

I dismiss the appeal and refuse listed building consent.

Preliminary matters

1. I understand that a parallel application for planning permission was refused by the council and that this is the subject of an appeal to the local review body. I also understand that an application for listed building consent for an amended proposal has since been made to the council, together with a further application for planning permission. Those matters are not before me for determination and I have confined my consideration to the works proposed in this appeal against the council's refusal to grant listed building consent.

2. I note the appellants' comment that annotated photographs included in the council's report of handling are inaccurate and misleading. I also note that the council levels similar criticisms at illustrative material provided by the appellants. I accept that representations expressed through the annotation of photographs can be subject to distortions and other deficiencies, so need to be treated with care. In this case I have found the material presented by both parties to be of assistance in setting the general context of the proposed works. However, I have not attached significant weight to this illustrative material and have based my assessment of the effect of the proposal on the submitted drawings, in the light of my inspection of the site.

Reasoning

3. Section 14 (2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The determining issues in this appeal are the extent to which the proposed works would preserve the special interest of the listed building and its setting.

The listed building

4. The complex of buildings, now Old Farm, was originally constructed as a linen factory in the mid-18th century as part of an early highland economic diversification project. It is little altered from its original form, notwithstanding that the linen factory use apparently ceased in about the 1790s after a relatively short period of operation, following which it was used in connection with the farming of the estate. The symmetrical form of the linear main building, set above and facing towards Loch Ness, is a notable element of the character of the complex as a whole. The 2 former privy buildings at either end of the main range, and their associated dry-stone wall elements, contribute to and reinforce this symmetry. The published list description makes specific mention of symmetry as a notable characteristic, which is also acknowledged on behalf of the appellants in the Design, Access and Conservation Statement submitted at application stage. The category A listing confirms that the complex is of national or international importance.

5. The proposed garden room building, including its substantial roof overhang, would occupy a broadly rectangular space of around 5 by 6 metres in plan form, rising to a height of some 3.5 metres above the sloping ground. Although the building would not be directly attached to any of the main buildings in the listed complex, its construction would require the removal of a significant length of the 1.5 metre high stone wall linking the south-west privy to the driveway-wall. Part of this would be re-built as an element of the proposed new building, but the connecting link to the privy building would no longer remain. The partial demolition of the stone wall, and the introduction of a new building in this location, would significantly detract from the symmetry of the complex, altering the balance and composition of built forms in views from the loch-facing front lawn.

6. Paragraph 3.38 of the Historic Environment Scotland Policy Statement: June 2016, (HESPS) provides a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting. This is consistent with paragraph 141 of Scottish Planning Policy which explains that change to a listed building should be managed so as to protect its special interest, and that listed buildings should be protected from demolition or other work that would adversely affect it or its setting. The existing stone wall between the main building and the former privy (notwithstanding that it is pierced by a gateway), is a significant element of the overall listed complex. Removal of part of it as proposed would give rise to such adverse effects.

7. Paragraph 3.39 of HESPS acknowledges that alteration and adaptation of listed buildings may be required to enable them to remain in beneficial use, and that such proposals should not be prevented if they do not adversely affect the special interest of the building. It has not been suggested to me that any of the circumstances listed in paragraph 3.42 of HESPS are applicable in this case to counteract the presumption against demolition, nor that continued beneficial use of the building requires the construction of the proposed garden room. I have found that the proposed works would not preserve the special interest of the listed building and therefore conclude that the removal of part of the stone wall and the construction of the proposed new garden room would fail to preserve the fabric of a significant part of this nationally important category A listed building, contrary to relevant national policy.

Setting

8. The appellants suggest that the location of the proposed building, within an established area of garden ground and away from the principal loch-facing elevation of the main building, would ensure that any effect on the setting of the listed building would not be significant. However, I note that the Historic Environment Scotland publication “Managing Change in the Historic Environment – Setting” (2016) explains in section 2 that a building’s setting is not dependent on any degree of visual prominence. In any case, during my site inspection I observed that the proposed garden room would be highly visible from the main approach to the building complex, in views along the driveway. In such views it would substantially infill the gap between the main building and the much smaller former privy. This would interfere with the appreciation of the relationship between these 2 complementary elements, which is a deliberately planned feature of the layout of the original industrial complex, and would undermine its essential symmetry. The setting of the listed building would not therefore be preserved.

9. The appellants comment that 1874 and 1901 historical mapping, and the remains of a line of stonework, suggests that a building previously existed where the proposed garden room would be constructed. The appellants suggest that this means that the proposed new built form would beneficially reinstate a formerly existing situation, thereby preserving or enhancing the setting. However, I find the early mapping to be inconclusive as to the existence of a building in this location. In any event it gives no indication of the nature, appearance or function of any such building that may have existed, or what contribution it may have made to the composition of built forms. The council comments that the indication on the historical maps could represent a walled enclosure rather than a building. Even if, at some time in the past, a building had been in existence where the garden room is now proposed, it does not now form part of the building complex listed as being of special architectural or historic interest. It is the setting of the building as listed that I am required to have regard to in this appeal, which includes the complex as a whole. I am not therefore able to conclude that the introduction of the building proposed would reinstate some historical relationship of built forms, or that this would outweigh the harm to the existing setting that I have found would be caused.

10. For the above reasons I find that the construction of the proposed new garden room would fail to preserve the setting of this nationally important category A listed building, and indeed would bring about substantial harm to that setting, contrary to relevant national policy.

Other matters

11. The appellants have drawn attention to policies of the development plan, and make particular reference to policies 28, 29 and 57 of the Highland Wide Local Development Plan 2012 (LDP), as does the council. In the context of this listed building appeal development plan policies do not have the weight accorded to them by section 25 of the Planning Act. However, I have taken these into account as relevant considerations.

12. Although policies 28 (Sustainable Design) and 29 (Design Quality & Place-making), seek to ensure that new development respects historic patterns of development, policy 57 is of more direct relevance to the appeal proposal. The proposed garden room is of a

contemporary design contrasting with that of the listed building. I accept that the design of the proposed building itself is of a high quality and that a modern design approach can be appropriate in a historic building context. However, in view of the conclusions I have set out above, I find that overall the proposal would not be in keeping with the historic environment or respect the historic pattern of development at the site. For these reasons there would be conflict with LDP policy 57, which provides that heritage resources of national importance should not be compromised.

Overall Conclusion

13. For the reasons set out above I conclude that the proposal would neither preserve the special interest of the listed building nor its setting and that it would not accord with relevant policies of the development plan or national policy. I therefore dismiss the appeal.

Rob Huntley

Reporter