
Appeal Decision

Hearing held on 21 September 2016

Site visit made on 21 September 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 13 October 2016

Appeal Ref: APP/F1610/Y/16/3149629
16 Thames Street, Lechlade, GL7 3AG

- 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 Nick Sandhu against the decision of Cotswold District Council.
 - The application Ref 15/03762/LBC, dated 25 August 2015, was refused by notice dated 10 November 2015.
 - The works proposed are essential repairs and minor alterations for change of use back to a single dwelling.
-

Procedural matters

1. Works to the building in connection with the change to residential use have taken place and the building is now occupied. Some of these works are the subject of an enforcement notice dated 27 January 2016. There was no appeal against the notice and it came into force on the 1 March 2016.
2. This is an appeal against the refusal to grant listed building consent for the proposed works as shown on the submitted plans and as scheduled on the application forms. My assessment cannot include matters relating to the requirements of the enforcement notice or to any works which have taken place which are not shown on the submitted plans, as these are matters for the Council.
3. The submitted plans also refer to works as having been carried out before the appellant purchased the property, such as the blocking up of the former front door and the post and beam frame around the ground floor window. However, there is no record of listed building consent having been granted and as these works are shown on the submitted plans, I am required to take them into account in my assessment.

Decisions

4. The appeal is dismissed in relation to the proposed works shown on the submitted plans and the repair methods listed on the submitted plans and application forms, with the exception of those works listed below.
5. The appeal is upheld in relation to the closing off of three existing openings, removal of existing partitions at ground floor rear and first floor rear and replacement windows only.

6. Listed building consent is therefore granted for essential repairs and minor alterations, to include the closing off of three existing openings, removal of existing partitions at ground floor rear and first floor rear and replacement windows, for change of use back to a single dwelling in that respect only at 16 Thames Street, Lechlade, GL7 3AG in accordance with the application dated 25 August 2015 and the submitted plans (location plan, plans 01A and 03) and the following conditions:
- 1) Full details of the proposed replacement windows hereby consented shall be submitted to the local planning authority within three months of the date of this decision for written approval. The submitted details shall include vertical and horizontal sections and elevations of the proposed replacement windows at a scale of 1:20, showing the opening method, the proposed windows in relation to the openings, cills and internal window boards, as well as full size details of the proposed sections, mouldings and a specification for the timber, its decoration, window panes and all hinges, latches and handles.
 - 2) The existing replacement windows shall be removed and new replacement windows, constructed fully in accordance with the approved details, shall be installed within six months of the date of the approval of the details in writing by the local planning authority.
 - 3) All works of making good shall match the adjacent original work in all respects.

Main Issue

7. The main issue is whether the proposed works would preserve the listed building or any features of special architectural or historic interest which it possesses, and if not, whether there would be any public benefits arising from the works to justify the harm caused to the significance of the building.

Reasons

8. The building is Grade 2 listed and dates from the late 17th/early 18th century. It was originally a pair of small cottages, but is now one cottage. Part of the former second cottage is now incorporated into the adjacent range facing the High Street. The building has undergone considerable change to its layout and circulation in comparison with the survey plan of 1988 (figure 2 in Council's statement). The loss of the historic stair, the incorporation of most of the common alleyway between the two cottages into the front sitting room, the blocking up of the front door and the large rear extension have significantly changed the building. However, it retains significance as an example of a small town cottage. The set of three historic casement windows were a notable and rare example of early windows in the town. A fourth historic window at ground floor still survives in the right hand bay of the building, although this is now part of the High Street range.
9. The application for listed building consent was submitted without a heritage impact statement. This is contrary to paragraph 128 of the National Planning Policy Framework (the Framework), which requires that in determining applications local planning authorities should require an applicant to describe the significance of the heritage asset in order to understand the potential impact of the proposed works on the significance of that heritage asset. The

lack of a reasonable understanding of the history and construction of this building has been an obstacle to the proper assessment of these proposals.

10. The building is now occupied, decorated and carpeted, so I was unable to gain a clear understanding of its construction and structure. The appellant made the case that it is not fully clear whether there was a beam in the location of the proposed replacement softwood composite beam. However, a beam is shown on the 1988 plans (figure 2 in the Council's statement). From what I could see at the site visit, the floor joists are likely to run parallel to the front wall, and given the span, it is likely that they were supported by a beam supported somewhere on the lintel over the window and by the beam on the line of the former alleyway. Moreover, the submitted plans clearly state "new softwood ceiling beam to replace original hardwood downstand beam".
11. A letter from a Chartered Engineer dated 18 April 2015, was put before me at the Hearing although this was not submitted at the time of the application. It refers to the poor condition of the floor and ceiling joists and discusses two options – one to build supporting stud walls and the other to inserting new floor and ceiling joists between the existing joists, with the new joists supported on hangers. It makes no reference to the need for a new beam or the poor condition of an existing beam.
12. All the demolished material has now been removed from the site, so I am unable to confirm that this beam was at the end of its structural life. The need for this major structural intervention has not therefore been clearly justified. I note that this matter was the subject of discussion with the Council's then conservation officer and that the appellant states that the conservation officer agreed that any improvements would be acceptable (para 6 draft statement of common ground). However the officer's formal observations on the previous application (Appendix 2 of the Council's statement) does not support this.
13. The loss of the historic beam has irretrievably harmed the significance of this listed building, contrary to the requirements of Section 16 of the Act. The proposed replacement beam would not be made of traditional materials or techniques nor would it fall within the category of an imaginative or "honest" contemporary solution. The post and beam support around the window was only partially visible due to dry lining which had been installed, (this is not shown on the plans). The submitted documents give no reason for the use of this ad hoc form of support, which would be at odds with the historic line of the wall around the window bay. I therefore conclude that the proposed structural alterations would significantly harm the historic construction of the building and the simple vernacular character of this front room.
14. The appellant suggested at the site visit that the new beam could be treated to make it look like the existing beam. Whilst this could be required by a condition, such treatments are rarely convincing and would lack authenticity. This would only add to the harm caused by the proposed structural works.
15. The blocking up of the original front door, whilst it is still in place and visible externally, has affected the character and understanding of this room as part of an earlier separate cottage. I was not persuaded that the change in levels between the outside and the inside was a justification for this alteration. The dry-lining across the door is removable and there is an opportunity to discuss with the Council a more appropriate way of reducing thermal loss through this door.

16. The notes on the application documents propose that the windows are overhauled, with replacement casements and frames where necessary. However, all three windows and their frames have been removed and the demolished material has been removed from the site, so I am unable to assess whether they were beyond reasonable repair. I accept that the windows were likely to have been in a poor state, in particular the cills, as shown in the Council's photos. However, I have no evidence that they were assessed individually or that any attempt to repair/re-use as much historic material was made in line with the best practice as set out in the recent guidance set out by Historic England¹. The loss of these unusual casements, likely to be 19th century in date, has caused significant harm to the listed building.
17. The remaining historic window to right hand of the alleyway door is now an important record of the details of the historic windows in this cottage. This surviving window also has an ingenious adaption to provide a single vertical sliding sash, let into the right hand casement. It shows the full details of the method of opening of the ground floor casements (inward opening), the details of the glazing bars and sub frames and their relation to the cill. In particular it is a record of the swept heads, which were integral to the frame and not applied to glass. Photographs show that the first floor windows were similar, albeit each casement was six panes instead of eight and they opened outwards.
18. The notes on the submitted plans state that the proposed replacement windows would "match exactly existing original frames". The appellant makes the case that the replacement windows which have been installed fulfil this description. However, whilst they are constructed from painted softwood with single glazing and the correct number of panes, they fail to replicate the previous windows. Their methods of opening are different, (single fixed light on the ground floor, top hung single sashes at first floor), their detailed construction is different (incorrect glazing bar sections, lack of integral swept heads) and their relationship to the cills and frames is different (the first floor windows have sub-cills, for which there is no evidence).
19. The proposed works also include a general reference to "repair existing, underline and replace ceiling linings with plasterboard and skim finish". In general, the use of plasterboard is inappropriate in an historic interior, especially where traditional lime/hair and lathe plaster ceilings may survive. The appellant states that where surfaces had been treated with "artex", a skim coat only was applied.
20. However, the use of plasterboard linings would not replicate the gentle undulating character of traditional lime plasters. I also note that it is proposed to board over some surviving lathe and plaster walling in the remaining section of the former alleyway. For the same reasons this treatment would be harmful to the character of the building, especially as this section of original construction could be equally well protected by a traditional lime plaster, which was likely to have been the original material.
21. The appellant points out that the provision of modern living standards has to be taken into account. However, there is no reason why historically correct window details or the use of traditional materials such as oak or elm and lime plasters and traditional repair techniques would not provide equally good living conditions in this cottage.

¹ Historic England "Making Changes to Heritage Assets" Advice Note 2 Feb. 2016.

Conclusions

22. I have found that the irretrievable and unjustified loss of historic structure and windows has significantly harmed features of special architectural and historic in this listed building. I have also found that the proposed replacement structure and windows and repair methods would fail to preserve the listed building. This harm would be considerable, but would be less than substantial harm, in which case I am required by paragraph 134 of the Framework to balance this harm against any public benefits arising from the proposed works.
23. Whilst the appellant suggests that upgrading and converting the building to residential use is a public benefit, there is no dispute between the parties about the change of use and planning permission has been granted. The building is now occupied and this benefit has been delivered. There would be no additional public benefit to outweigh the harm caused by the loss of the historic windows, the inappropriate and unjustified structural alterations and the inappropriate repair methods proposed.
24. Whilst the enforcement notice requires the removal of the unauthorised ground floor window, it does not refer to the first floor windows, as these were still there at the time of the notice. I have therefore concluded that it would be in the best interests of protecting the special historic interest of the listed building to grant listed building consent for the replacement windows, subject to full details of the windows and their cills and sub-frames, with a timescale for their installation.
25. I conclude that the work to close off three existing openings and remove existing partitions at ground floor rear and first floor rear would not affect the significance of the listed building. I have therefore granted consent for this element of the proposed works. No conditions are necessary for this part of the work as it has been carried out.

Conditions

26. In accordance with Section 17 of the above Act, I have granted listed building consent for the specific works set out in my formal notice and subject to the condition, discussed at the Hearing.
27. In order to ensure that the replacement windows are a precise replica of the historic windows which were removed, I have required that full details of the replacement windows are to be submitted to the local planning authority within 3 months of the date of this decision. I have required the all the approved replacement windows are installed within six months of the date of the approval in writing of the submitted details, to ensure that windows constructed in accordance with the approved details are installed.
28. In order to preserve the character and significance of the listed building I have also imposed a condition that all works of making good shall match the adjacent original work in all respects.

Jacqueline Wilkinson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nick Sandhu	
Peter Riddle	Solicitor

FOR THE LOCAL PLANNING AUTHORITY:

Justin Ayton	Consultant Conservation and Design Officer
Yvonne Poole	Planning Enforcement Officer

INTERESTED PERSONS:

Stephen Hirst	Chairman, Planning Committee CDC
---------------	----------------------------------

DOCUMENTS

- 1 Appellant: Letter dated 18 April 2015 from M J Robinson Chartered Engineer titled Structural Report.
- 2 Appellant: 2 photos taken 20 September 2016.
3. Council: 1 photo taken 9 April 2015 and 4 photos taken 7 August 2015.