

Appeal Decision

Site visit made on 23 January 2017

by Mr Keri Williams BA MA MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/J2210/F/16/3154785

The Canterbury Hotel (Formerly Tharington House), 140 Wincheap, Canterbury, Kent, CT1 3RY

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by The Demlyn Group Ltd against a listed building enforcement notice issued by Canterbury City Council.
 - The Council's reference is ENF/13/00365.
 - The notice was issued on 20 June 2016.
 - The contraventions of listed building control alleged in the notice are:
 - 1) The removal of two stone Tuscan Columns from the entrance porch and their replacement with fibreglass columns.
 - 2) The installation of LED lighting strips along with plastic trunking on the front façade of the building.
 - The requirements of the notice are:
 - i) The removal of the inappropriate columns and the reinstatement of either the original columns, if they still exist, or their replacement with two stone Tuscan Columns in accordance with the drawing and details attached to the Enforcement Notice.
 - ii) The complete removal of the LED lighting and plastic trunking.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1) (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. I dismiss the appeal and uphold the listed building enforcement notice.

Background

2. The Canterbury Hotel was formerly known as Thanington House. It was designated a Grade II listed building in 1967. The building is prominently sited facing the north-western side of Wincheap. It is significant as an example of an early 19th century house with distinctive architectural features. They include a porch incorporating supporting columns, iron balconies at first floor level, cornice and parapet, quarter spherical hoods over first floor windows, a painted render façade and rustication at ground floor level. The building is within the Canterbury City Conservation Area.
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The Appeal on Ground (e)

Main issues

3. The appeal is made only on ground (e), that listed building consent should be granted for the works referred to in the notice. The first main issue is the effect of the works on the special architectural and historic interest of the listed building and on its significance. A further main issue is whether the character or appearance of the Canterbury City Conservation Area would be preserved or enhanced.

Relevant Statutory Requirements and Policies

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that, when considering whether to grant listed building consent, there must be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of any planning function.
5. The policies of the National Planning Policy Framework (the Framework) and of the Canterbury District Local Plan first review, 2006 (LP) are material considerations. The listed building and the Conservation Area are designated heritage assets. The Framework gives great weight to conserving a designated heritage asset when considering the impact of development on its significance. LP policy BE5 says that in considering proposals for external or internal alterations to a listed building the Council will, if the alterations are required or desirable, ensure that the building is fit for purpose while having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The Effect of the Works on the Listed Building and on the Conservation Area

6. The porch is a prominent and striking feature on the building's front façade. Two fibreglass columns have replaced the Tuscan columns which were previously in place. The Tuscan columns are referred to in the Council's evidence and in the Listed Building description. The Council alludes to the fine but simple detailing of the Tuscan Columns, which were of the Doric Order. The columns which are now in place do not reflect their material or detailing. They are fluted rather than plain, which is not consistent with the previous columns or with the simple detailing of pilasters either side of the entrance. There is also crude mastic jointing at the top of the columns and the use of fibreglass does not respect the building's historic fabric.
7. The Council refers to the LED lighting extending along the projecting profile of the bay windows and porch. Such lighting appears as an inappropriate and discordant addition to the front façade. It is an ill-considered approach to highlighting features of the building if that was intended. The trunking is a further discordant feature in the stone coursing detail of the rusticated element of the façade.
8. The replacement columns, the LED lighting and the related trunking fail to preserve the special architectural or historic interest of the listed building and are harmful to its significance. They are not consistent with the thrust of the Framework's policies to conserve the significance of designated heritage assets.

The Conservation Area covers the historic core of Canterbury and extends along Wincheap. The Conservation Area contains a wealth of listed buildings which make a substantial positive contribution to its character and to its appearance. The Canterbury Hotel is prominent on a principal approach to the city centre. As a result of the harm to the listed building the works also fail to preserve or enhance the character or appearance of the Conservation Area. They are harmful to its significance as a designated heritage asset.

9. Although significant, the effect of these works is not sufficient to be described as substantial harm to the significance of the listed building or to that of the Conservation Area. In those circumstances Framework paragraph 134 provides that the harm should be weighed against any public benefit, including securing optimum viable use. In this case there is no substantive evidence of any public benefit arising from the works which might outweigh the harm. I consider there to be none. The works are not consistent with the approach of LP policy BE5 which, amongst other things, has regard to necessity and desirability of works to a listed building.

Other Matters

10. The appellant asserts briefly that the columns were originally wooden and made from telegraph poles. It is said that they had started to rot and could be reinstated. It is also asserted that the LED lighting strips replaced fairground bulbs spaced at about one foot apart which could also be reinstated.
11. The appellant provides no substantive evidence to support these assertions, for example in the form of documents or photographs. The assertion concerning the columns conflicts with the Council's evidence with regard to columns which were previously in place. Its evidence is that the notice's requirements are the minimum necessary to restore the building to its condition before the unauthorised works were carried out. The appellant's assertion also conflicts with the listed building description. It refers to 2 Tuscan columns. Nor is there any reference to any listed building consents for any other form of columns or for lighting. I give little weight to these matters.

Overall Conclusion

12. Having regard to the above and all other matters raised the appeal should not succeed and the notice should be upheld.

K Williams

INSPECTOR