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## Appeal Decision

Site visit made on 23 May 2017

**by Neil Pope BA (Hons) MRTPI**

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

**Decision date: 2 June 2017**

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**Appeal Ref: APP/Y3940/Y/17/3167418**

**37, St. Mary Street, Chippenham, Wiltshire, SN15 3JW.**

- 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 and Mrs Aranha against the decision of Wiltshire Council.
  - The application Ref.16/08684/LBC, dated 6/9/16, was refused by notice dated 1/11/16.
  - The works proposed are internal alterations to basement.
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### Decision

1. The appeal is allowed and listed building consent is granted for internal alterations to basement at 37, St. Mary Street, Chippenham, Wiltshire, SN15 3JW. Consent is granted in accordance with the terms of application Ref. 16/08684/LBC, dated 6/9/16, subject to the conditions in the Schedule below.

### Preliminary Matter

2. The Design and Access Statement (DAS) submitted with the application includes the following statement: *"It is finally proposed that the uPVC windows are replaced with traditional timber casement windows that match the 6 panes at the front."* During my visit, Mrs Aranha informed me that it was proposed to replace all of the uPVC windows on the rear elevation of the building.
3. The Council has informed me that whilst it would support the proposed replacement windows this is not mentioned within the description of the proposed works and no details are shown on the submitted plans. It has argued that this is not included as part of the application.
4. To understand the nature of the proposed works it is necessary to look, amongst other things, at the application form, the DAS and the plans. Whilst the plans do not show any details in respect of replacement windows the works listed in the application form include replacement windows. As I have noted above, the DAS also refers to such works. However, as the application is specific to the basement (including reference to exterior works) and there is only one uPVC window within this part of the building then, insofar as proposed works to windows, I have limited my consideration to this window only.

### Main Issue

5. The main issue is whether the proposed works would preserve the grade II listed building at 37 St. Mary Street or any features of special architectural or historic interest which it possesses and preserve or enhance the character or appearance of the Chippenham Conservation Area (CCA).
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## Reasons

6. 37 St. Mary Street in an early 19<sup>th</sup> century house with limestone rubble walls, stone quoins and a Roman tiled roof. It adjoins the grade II listed 17<sup>th</sup> century dwelling at 36 St. Mary Street and lies within the sizeable CCA.
7. The significance of 37 St. Mary Street is derived primarily from its architectural qualities, including its traditional walls and roof, chimney stacks, symmetrical window range, 2-unit plan form and its historic fabric. These attributes add to the special architectural and historic interest of the CCA.
8. The existing uPVC window in the basement of the appellants' house, by virtue of its thickset frame, sheen and plastic (and seemingly mass produced) construction detracts from the architectural qualities of No.37. A replacement timber casement window to match those on the front of the house would be far more in keeping with the special qualities of the building and would enhance the character and appearance of this part of the CCA. Details of this replacement could be dealt with by way of a condition attached to a consent.
9. The main part of the proposed works would involve creating a bedroom within the basement. This would include removing the existing concrete floor (which I understand has a damp proof membrane) to expose flagstones. There is no evidence that the existing 'non breathable dry' floor, which has been in situ for many years, has harmed any important historic building fabric. The flagstones would then be lifted and damp protected before being re-bed using a lime mortar. These proposed works would better reveal/restore the historic floor materials and would enhance the integrity of the building.
10. The proposed works would also include dry-lining the basement. In traditional buildings such as this, which are not built using modern construction methods such as cavity walls and impervious barriers to protect from damp, properties rely on their ability to 'breathe' allowing the evaporation of moisture to occur naturally from the surface of the walls. Dry-lining can affect the 'breathable' qualities of traditional buildings and increase in the build-up of moisture within the walls. This in turn can cause damp and decay to the fabric of listed buildings and harm their special qualities.
11. Mindful of the above noted issue, the appellants' architect has assessed moisture absorption within the basement of the building. As set out within the DAS, it is proposed to construct a stud wall with a damp proof membrane in front of the external walls that are underground together with a drained cavity. This would be vented at both ends with small grills. These would exceed the size of the existing trickle vents in the basement with the aim of increasing ventilation to the face of the wall. Externally, the drainage would be improved away from the wall in an attempt to limit water pressure to its external face. I note the architect's comment that in effect, the historic fabric would be preserved behind a modern internal 'bubble'.
12. I consider that thoughtful consideration has been given to draining, ventilating and reducing the hydraulic load on the basement walls in order to make this part of the building more useable. A condition could be attached to a consent requiring details of the design of the drained cavity and the proposed external drainage in order to safeguard the historic fabric of the building.

13. The proposed internal partitions and alterations to some of the internal walls of the basement would provide more practical space within the building without disrupting the plan form or resulting in any harmful loss of important fabric. A removable flood barrier would also be provided to the door to improve the building's flood defence.
14. The proposed works would preserve the features of special architectural and historic interest of 37 St. Mary Street and would preserve the character and appearance of the CCA. The appeal scheme would accord with the aims of the development plan and the National Planning Policy Framework for protecting designated heritage assets.

#### *Conditions*

15. In addition to the standard limit for the commencement of works, in the interests of certainty it would be necessary to specify the approved plans. To safeguard the special architectural and historic qualities of the listed building conditions would be necessary regarding details of the proposed replacement window, the drained cavity and external drainage and any new external vents or flues. For the same reason a condition would be necessary requiring the flagstone floor to be re-bedded with a lime mortar. Other conditions suggested by the Local Planning Authority would be unnecessary.

#### *Conclusion*

16. Given all of the above, the appeal should succeed.

*Neil Pope*

Inspector

#### SCHEDULE OF CONDITIONS

1. The works authorised by this consent shall begin not later than three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved plans: 498/LBC/1 (site location); 498/LBC/3 (proposed floor plan); 498/LBC/4 (basement detail A-A).
3. No works shall commence in respect of the replacement basement window until drawings at a scale of 1:20 of the proposed timber casement window have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
4. No works shall commence until details of the design of the proposed cavity drainage and the external drainage and any new external vents or flues have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
5. The flagstones shall be re-bedded using a lime mortar, the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority.