

Appeal Decisions

Site visit made on 15 May 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 30th August 2017

Appeal A: APP/C1950/Y/16/3165114

Brocket Park, Marford Road, Lemsford, Welwyn Garden City AL8 7XG

- 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 Howard Kruger, Trustees of The Brocket Estate against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0450/LB, dated 17 March 2016, was refused by notice dated 17 August 2016.
 - The works proposed are to remove various chattels from the building.
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Appeal B: APP/C1950/Y/16/3165168

Brocket Park, Marford Road, Lemsford, Welwyn Garden City AL8 7XG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Howard Kruger, Trustees of The Brocket Estate against Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0455/LB is dated 16 March 2016.
 - The works proposed are to remove various chattels from the building.
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Appeal C: APP/C1950/Y/16/3165161

Brocket Park, Marford Road, Lemsford, Welwyn Garden City AL8 7XG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Howard Kruger, Trustees of The Brocket Estate against Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0453/LB is dated 17 March 2016.
 - The works proposed are to remove various chattels from the building.
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Decisions

1. **Appeal A is dismissed.**
 2. **Appeal B is allowed.** Listed building consent is granted for removal of photographic print of George, Prince Regent of Wales at Brocket Hall, Brocket Park, Marford Road, Lemsford, Welwyn Garden City, AL8 7XG in accordance with the terms of the application Ref 6/2016/0455/LB dated 16 March 2016 and the plans and documents submitted with it, subject to the conditions set out at the end of my decision.
 3. **Appeal C is allowed.** Listed building consent is granted for removal of glazed gilt metal hexagonal hall lantern, four bronze wall brackets, six glass wall
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lights, seven-branch cut-glass chandelier and cut-glass five-branch chandelier at Brocket Hall, Brocket Park, Marford Road, Lemsford, Welwyn Garden City, AL8 7XG in accordance with the terms of the application Ref 6/2016/0453/LB dated 17 March 2017 and the plans and documents submitted with it, subject to the conditions set out at the end of my decision.

Preliminary Matters and Main Issues

4. All three applications were described on submitted forms as 'to remove various chattels from the building'. I have used the Council's description of the proposed works in my formal decisions as I consider these to be more precise. Similarly, I have also slightly amended the appeal site address.
5. Appeal A was made against a refusal of listed building consent. Appeals B & C were made against a failure of the Council to give notice within the prescribed period of their decision. In both the latter cases the Council have indicated that they would have refused the applications, had they been able to do so. The reason in both cases would have been similar to that given in Appeal A, that the proposals would cause harm to the significance of the Grade I listed Brocket Hall.
6. The main issue in all three appeals is therefore whether the proposals would preserve the special architectural or historic interest of the Grade I listed building.

Reasons

7. Brocket Hall is a Grade I listed large red brick rectangular mansion set in an extensive Grade II listed historic landscaped park. The listing notes that the property was built by James Paine for Sir Mathew Lamb and his son Sir Penistone Lamb (later Lord Melbourne) between around 1760-1780. In their consultation responses to the proposals, Historic England note that the Hall is one of Hertfordshire's most important country houses whose plain appearance belies the richness of its interiors, and state that the house has considerable historical significance by virtue of the political roles of its 19th century owners.
8. The appeals concern the proposed removal from the Hall of three distinct sets of fittings; two demi-lune tables (appeal A), a portrait (appeal B), and various light fittings (appeal C).
9. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object fixed to a listed building shall be treated as part of the building. Historic England note that the determination of whether an object is a fixture depends upon the method and degree of annexation of the object to the building, and the objective and purpose of any such annexation.

Appeal A: Demi-lune tables

10. The two George III demi-lune tables lie within the Morning Room of the Hall, a large ground floor corner room of the property whose windows overlook the widened River Lea/the Broadwater and the impressive Grade II* listed stone bridge. The tables, noted by the appellant to be later painted and gilt, are set underneath substantial pier glasses. Both pieces are acknowledged by the appellant to appear within Country Life articles from 1925 concerning the Hall.

11. The tables and pier glasses clearly form part of the architectural regime of the room, filling the two piers on the south eastern inner wall of the Hall. The mirrors and tables are sized for the piers and for each other and form part of the rooms, and therefore the Hall's special architectural and historical interest.
12. The tables are attached to the building by means of two wood screws each, inserted through the underside of them into the chair rail behind. The tables are designed, or have been altered to specifically fit to the wall; the rear of each table has a lower frame section which fits snug to the wall through which the screws are inserted at an angle, above this section the marble top is larger than the frame so as to effectively rest upon the chair rail, virtually filling a narrow gap between the top of the chair rail and the bottom of the frame of the pier glass. The Council considers that such an effect was achieved through alterations to the chair rail and the inclusion of balls to the bottom of the legs of the tables to heighten the pieces.
13. Whilst the removal of the tables may be relatively straightforward, there remains some degree of physical annexation to the building, and critically the objective and purpose of fixing the tables to the wall and altering their design to fit the pier glasses appears to have been to beautify the room as a whole. As such I consider that, as the appellant acknowledges the pier glasses do, the tables form part of the architectural regime of the room and their removal would adversely affect such the special architectural, and given their age, the historical interest of the Hall.
14. Having regard to the advice in paragraphs 132-134 of the National Planning Policy Framework (the Framework), I consider that given the size and nature of the Hall that such harm to the significance of the heritage asset would be less than substantial. In such circumstances this harm should be set against the public benefits of the proposal. No public benefit to the removal of the tables has been put forward. They form an integral part of the room at present and appear well maintained. The Hall continues to function as a venue for events and is in use.
15. I therefore conclude that the proposed removal of the demi-lune tables would not preserve the special architectural and historic interest of the Grade I listed building, and would be contrary to the Framework.

Appeal B: Photographic print

16. The ballroom, a long room set on the south western face of the Hall directly overlooks the Broadwater. At the time of my visit the room hosted a long dining table and a range of portraits along the available walls. At the head of the room is located a photographic reproduction of a portrait of King George IV as Prince of Wales by Sir Joshua Reynolds. Evidence states that the original was sold in the 1990s and the copy dates from 1996.
17. The print is set in a modern large gilt frame and is attached to the wall via wrought iron bars and a stated chain to the top of the painting. An overhead light forms part of the frame. The painting occupies an important position within the room, but it is reasonably clear from close up views that it is a print, as opposed to an original painting.
18. The degree of annexation to the wall is via the iron bars and chain, but although the size of the frame fills the gap at the end of the room between two

doors proportionately, it is not located on a panel or joinery specifically made for its location. As such I do not consider that the annexation of the print to the wall is sufficient for the picture to constitute a fixture of the Hall when considering the age and quality of the print. The reproduction is not essential to the character or appearance and therefore the significance of the room or the Hall. Furthermore, given the age of the print and its frame, even it were to constitute part of the listed building I do not consider that its removal would harm the significance of the Hall.

19. I have concluded that the photographic print does not constitute part of the listed building, and further that the proposed removal of the print would preserve the special architectural and historic interest of the Grade I listed building. The proposal would comply with the Framework.

Appeal C: Light fittings

20. Appeal C concerns a range of light fittings located in four ground floor rooms and one at first floor level. A submitted method statement details how such items would be de-mounted and replaced.
21. The family dining room hosts a seven branch cut glass Georgian style chandelier which is stated to date from after WWII, whilst the first floor Kings Room contains a five branch cut glass chandelier dating from a similar time. The dining room example hangs from a chain and brass plate, with the Kings Room chandelier off a bound chain and a silver coloured ceiling rose.
22. Removal of the chandeliers would be relatively easy to achieve, with minimal harm to historic fabric caused. Both fittings light the rooms in which they are located but are not historical in their own right or relate especially to the style of the rooms that they are located in. The removal of the chandeliers and replacement with standard pendant fittings would not cause harm to the architectural or historical interest of the Hall.
23. The drawing room houses 6 cut glass wall lights. The lights have two branches with two small lamps on each with small glass pediments hanging from each branch. The design of the lamps is not particular to the room and it is reasonably clear that they are not original features. Each light is hung via a single small brass plate which is set into the wall. Such fitting could be easily removed with only negligible damage to the wall. I do not consider that the removal of these lights and their replacement with the stated 2 arm brass wall lights would cause harm to the architectural or historical interest of the Hall.
24. The Morning Room contains 4 bronze wall brackets in Adam style. The 3 branch lights are imitation candle stands and appear to be very loosely hung on the wall, with one example appearing to be falling away from the wall slightly. The lights do not appear as part of the architectural regime of the room and do not specifically match other fittings within the room. Their removal and replacement with the stated 2 arm brass wall lights would not cause harm to the architectural or historical interest of the Hall.
25. Finally, the entrance hall contains a glazed gilt metal hexagonal hall lantern. The lantern houses a 3 light fitment, and hangs from a chain from an ormolu hook in the ceiling. As such, it could easily be removed by a qualified electrician with no harm being cause to the historic fabric of the Hall. Whilst the lantern is appropriately sized for the Hallway and does not look out of

place, it does not form part of the original design and construction of the Hall. Its removal and replacement with a standard pendant fitting would not cause harm to the architectural or historical interest of the Hall.

26. All lights within Appeal C have the primary purpose of lighting the rooms that they are sited in, but none of them appear to have been designed or made specifically for their locations and their siting and placement does not create beautiful rooms as a whole. Furthermore, whilst they are all inevitably physically annexed to the building in varying degrees, such fixings can be removed relatively simply. I also note that Historic England are of the view that all lights were fitted after the listing of the house in 1952. I therefore conclude that the glazed gilt metal hexagonal hall lantern, four bronze wall brackets, six glass wall lights, seven-branch cut-glass chandelier and cut-glass five-branch chandelier do not form part of the listed building, and that as such their removal would preserve the special architectural or historic interest of the Grade I listed building. The proposal would comply with the Framework.

Conditions for Appeals B & C

27. No conditions have been suggested by the Council in the event of approval. For the avoidance of doubt I have included standard conditions for Appeals B & C concerning time for implementation. I have also imposed a condition on both consents to ensure that where items are removed, any resulting damage to the fabric of the Hall is made good, in the interests of the architectural and historical interest of the Hall.

Conclusion

28. I have concluded that the proposals under Appeal A would not preserve the special architectural and historic interest of the Grade I listed building. However, in the cases of Appeals B & C I do not consider that the proposals would cause harm.
29. Therefore for the reasons given above, and having regard to all other matters raised, I conclude that Appeal A should fail and Appeals B & C should succeed. Listed Building consent is granted for Appeals B & C.

Jon Hockley

INSPECTOR

CONDITIONS SCHEDULE FOR APPEAL B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 6 months in accordance with a scheme submitted to, and approved by, the local planning authority.

CONDITIONS SCHEDULE FOR APPEAL C

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent
- 2) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 6 months in accordance with a scheme submitted to, and approved by, the local planning authority