
Appeal Decision

Site visit made on 30 January 2018

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 21 February 2018

Appeal Ref: APP/F0114/Y/17/3188781

11 Lansdown Place East, Lansdown, Bath BA1 5ET

- 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 Ms Crane against the decision of Bath & North East Somerset Council.
 - The application Ref 17/04256/LBA, dated 1 September 2017, was refused by notice dated 16 October 2017.
 - The works proposed are internal alterations to a grade II listed building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I noted on my site visit that the works have been completed. I have therefore determined the appeal on the basis that the development has already occurred.

Main Issue

3. The main issue in this case is whether the proposed works preserve the Grade II listed building known as 11 Lansdown Place East or any features of special architectural interest that it possesses and whether they preserve the significance of the heritage asset.

Reasons

4. The appeal building is a mid-terrace dwelling by John Palmer that dates from the late 18th century. Part of the terrace, 4-9 Lansdown Place East, was affected by bomb damage during World War II and as a result this part has been largely rebuilt. The terrace and neighbouring buildings are constructed of stone and slate and form an attractive example of classically influenced architecture.
5. Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that significance can be harmed or lost through alteration or destruction of the heritage asset.
6. From the details available to me, including the listing description, I consider that the significance and special interest of the listed building is largely derived from its age, form including its floor plan, fabric, architectural features and

- association with notable people. The cellular plan form of this classically influenced dwelling which included the main reception room at the front of the building is an important part of the historical significance of the building.
7. The works involved the removal of a partition wall between a reception room and the kitchen. The wall provided infill within an arched opening and this opening has been retained. The kitchen and the reception room now effectively read as one large open plan room. The appellant has stated that the wall consisted of a stud partition with modern plasterboard and gypsum plaster covering it. The photographic evidence indicates that the outer layer of that wall consisted of plasterboard and gypsum plaster.
 8. However, it is not reasonable to ascertain from that evidence that the wall was solely of modern construction due to the limited size of the hole shown. The wall could have been damaged through the bomb blast that affected the adjacent properties. As such, there is insufficient evidence before me to indicate that the wall and any associated joinery did not constitute part of the historic fabric of the building. I consider that it is likely that parts of the wall and joinery formed historic fabric and even though a modern replica of the wall could be reinstated the loss of historic fabric is irreversible.
 9. Whilst, the ornate archway is now fully exposed the alterations have eroded the legibility of the original cellular form of this part of the building which has considerably altered the special interest of a large proportion of the ground floor. As stated above, its significance is partly derived from the distinct character and function of each separate room. Thus, the works have undermined the ability to appreciate that significance especially in interpreting how the dwelling was occupied and the status of the rooms.
 10. I acknowledge that some properties in the surrounding area may have been altered in a similar way in the past. However, I do not know of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. As a result, I attribute little weight to them. In any case, I am required to determine this case on its individual merits.
 11. I consider that the works to remove an internal wall within the appeal building have had a harmful effect on the character of the appeal property as a building of special architectural or historic interest. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
 12. In this case I conclude that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the Framework, less than substantial. In those circumstances, paragraph 134 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
 13. I acknowledge that the building appears to have been extensively refurbished by the appellant. However, I am required to carefully consider the impact of any works on the significance of the heritage asset. The appellant states that the opening allows for better axial movement through the property and the utilisation of the kitchen space to its full potential. Whilst, the works are clearly beneficial to the appellant, I regard this as a private rather than public benefit given the absence of evidence that the current accommodation is deficient to an extent likely to threaten the viability of the house as a dwelling.

Consequently, there are no public benefits that would outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 134 of the Framework.

14. In so far as it is a material consideration the works would also conflict with Policy HE1 of the Bath and North East Somerset Placemaking Plan. This policy, amongst other things, requires the significance of listed buildings to be sustained and enhanced.

Other matters

15. The site is within Bath Conservation Area (BCA). Whilst the Council make no reference in their reason for refusal to the effect of the works on the character and appearance of BCA, section 72(1) of the Act requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. As the works only affect the interior of the building I consider that they have little impact on the character, appearance and significance of BCA and as such it is preserved.
16. I note that the appeal site is within the Bath World Heritage Site but no party has raised any issues in this respect and I have dealt with the appeal on this basis.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR