
Appeal Decision

Site visit made on 20 August 2018

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 26th September 2018.

Appeal Ref: APP/G2625/Y/17/3181822

The Boardroom, Bethel Street, Norwich NR2 1NR

- 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 Roger Gawn against the decision of Norwich City Council.
 - The application Ref 16/01925/L, dated 19 December 2016, was refused by notice dated 13 February 2017.
 - The works proposed are repair works to gable wall, west wall, attic floor & cornice. Reinstatement of former door opening into the Boardroom ante-room.
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Decision

1. The appeal is dismissed insofar as it relates to the reinstatement of former door opening into the Boardroom ante-room.
2. The appeal is allowed, however, insofar as it relates to the remainder of the application, and listed building consent is granted for repair works to gable wall, west wall, attic floor & cornice at Bethel Hospital, Bethel Street, Norwich NR2 1NR in accordance with the terms of the application Ref 16/01925/L dated 19 December 2016, subject to the conditions set out at the end of my decision.

Application for costs

3. An application for costs was made by Mr Roger Gawn against Norwich City Council. This application is the subject of a separate Decision.

Preliminary Matters

4. I have used the address of the appeal site as shown on the decision notice as opposed to that used on the application form in my formal decision above, as I consider that to be more precise.

Main Issue

5. The main issue in this case is whether the proposed works would preserve the special architectural or historic interest of the Grade II* listed building.

Reasons

6. Bethel Hospital lies close to the centre of Norwich and is a Grade II* former hospital and clinic which at the time of my visit was largely empty. According to the listing, the building dates from the late 17th or early 18th century, with additions in the 18th, 19th and 20th centuries. The building has a distinctive 'H' plan with a later closing northern range fronting Bethel Street; the listing notes that the earliest part of the building is a 2 storey 'U' plan, and that the south

wings of the building were later. The appellant states that the building was originally the country's first purpose built asylum.

7. Both south wings are 2 storey with attics and have noticeable arched recesses in their gables with lunettes, and four small dormers facing into the central garden courtyard to the south of the building. The west south wing has a small single storey canted bay, with the east wing having no such bay but a very large window. This lights a good sized room, 'the Boardroom' which has a distinctive plasterwork dentilled cornice. Two-storey dormitory cell ranges were added flanking the width of the H plan and following the later Bethel Street and Little Bethel Street frontages. The walled garden and courtyard provides an oasis of calm a world away from the bustling city centre streets, particularly to the south and east.
8. Although extended and altered over the years, I consider that the prominence of the building in the street scene on Bethel Street, the fine architectural detailing of the building and the integrity of the core of the building and its plan form are important parts of the buildings' special interest and significance, as well as its history and historical purpose.
9. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses. Policy DM9 of the Local Plan¹ states that all development must have regard to the historic environment and shall maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets.
10. The proposal comprises two distinct elements.

Works to gable end.

11. The east wing gable end (the end wall to the Boardroom) was stabilised at the time of my visit by a system of scaffolding. Evidence states that the wall has been supported in this manner since 2014 following the issue of an Urgent Works Notice by the Council. This followed a scheme to repair the gable end wall being approved in 2011, but which was not implemented and has now lapsed. The Council raise strong concerns that the previous evidence used to support the 2011 consent ('the 2010 report'²) has not been updated sufficiently and that in essence that report is now out of date and not comprehensive enough to allow a new scheme to be approved. The appellant submitted various information subsequently which they considered confirmed that the 2010 report remained valid.
12. The 2010 report was prepared by a Mr Armitage, of the Morton Partnership. Both parties hold the credentials and advice provided by the owner of the partnership, Mr Morton, in high esteem, and based on all that I have read and seen I certainly have no reason to disagree with this view. Much of the disagreements between the parties relates to the interpretation of the evidence submitted since 2010 by Mr Morton. Due to this the appeal was altered to be a Hearing but unfortunately this was not possible due to Mr Morton's passing. It is therefore my duty as the decision maker to assess the evidence as I see it and my site visit, which took place during good weather conditions in daylight

¹ Norwich development management policies local plan, December 2014.

² Dated 19 May 2010, The Morton Partnership

- hours. During this visit I was clearly able to view the gable wall on both sides, as well as the rest of the property.
13. The 2010 report details faults in the gable wall, including a bellying out of the wall to its mid height, with distortions between top and bottom and also corner to corner, and of the brickwork that forms the corner piers. More recent indications of movement to the gable and subsequent cracks between window frames and reveals, infill panel and arch above and through the internal plasterwork is also identified. The author states that these faults are attributable to the inherent form of the construction or later modifications which have weakened the wall. Evidence of a wide range of previous repairs, including underpinning on one side to the wall is also included. This report was based upon opening up of the wall, including "extensive removal of internal plasterwork and cutting localised pockets to understand the condition of brickwork and the embedded timbers". A range of remedial measures are proposed based on the restraint of the gable and localised repairs. I consider the report to be comprehensive and clearly written and note that this report informed the approval of the 2011 consent.
 14. A letter dated 20 October 2016 states that Mr Morton was involved in the temporary scaffolding to the gable and details his understanding of the 2010 report produced by his office. This letter states his encouragement due to the lack of significant current movement of the wall, but he notes that "the right hand wall, when looking from the inside, has bowed out considerably and has moved away from the timber plate at lower level". Further advice is provided over remedial actions including the production of a methodology for such works.
 15. A further letter from Mr Morton dated 2 November 2016 states that they were unable to view the gable wall from outside but following further investigations inside found that the "long side wall" bulging was significant and up to 70mm out of line. A letter dated 29 November 2016 from the same author documents 4 visits to the site since mid October 2016 and also states concerns over the "bowing out of the left hand long wall". The letter also states that Mr Morton considers the 2010 report as perfectly adequate for the process of investigation to start, although notes that individual areas of repair may be altered slightly depending on further investigations once works begin.
 16. A statement dated 13 February 2017 from Mr Morton details the author's credentials and states that the 2010 report is "still valid" as a general approach to the conservation repair of the structure. Finally, a letter dated 24 March 2017 from Mr Morton following the refusal of the consent that forms this appeal states that the 2010 report was confident and well put together and that final decisions as to the details of the repair of the brickwork could not be made until the wall is opened up, at which time the best conservation advice would be adopted.
 17. The Council are of the view that the 2010 report is invalid as the condition of the Boardroom and its gable end have deteriorated significantly since the production of that report, so much so that the Urgent Works Notice was required in 2014. A Council's structural engineer was unable to open up the wall and consequently unable to provide a conclusive methodology for the repair or commission and approve a contractors method statement for the repairs. They state that the fundamental problem is that the additional

evidence from Mr Morton had been formulated without the benefit of an up to date visual inspection and a necessary level of agreed opening up. I agree that the letters from Mr Morton primarily refer to the 2010 report as a general approach to the repair of the structure.

18. Much of the difference in opinions relates to the extent of any deterioration to the gable end since 2010. With substantial deterioration more investigative works may be required to justify the proposals and ensure that works do not harm the significance of the building. The evidence can be interpreted in both ways, and I note the presence of the urgent works notice and the fact that the appellant did not object to such works. However, in all the evidence of Mr Morton it is not clear to me at all that the condition of the wall has deteriorated substantially.
19. Naturally one can assume that the wall deteriorated somewhat between 2010 and 2014, but the majority of the evidence over further issues to the boardroom walls seemingly relate to the west wall of the gable; the right hand wall when in the inside of the room, or the left hand long wall from outside, and not the south facing gable wall. The letter from Mr Morton in the Council's evidence acknowledging that the scaffolding had been erected to his satisfaction neither agrees nor disagrees that such works were required at that time, merely that they would safely restrain the gable wall.
20. A common theme of Mr Morton's submissions relates to the use of the 2010 report as a guide to the works required now; words such as "perfectly adequate", "still valid", and "well put together". It was agreed in 2011 that the report was adequate, and subject to suitable conditions I see no reason why it would not form the basis of a suitable way forward now. While the extent of later visual inspection is not completely clear, given the works that informed the report, and the supplementary additional evidence compiled fairly recently and that which would emerge via works which could be enforced via condition I am satisfied that the range and depth of understanding and assessment available is sufficient to allow this to a reasonable way forward and one that complies with paragraph 189 of the National Planning Policy Framework (the Framework).
21. The Council have suggested a condition which states that no works take place to the gable end of the building until details of a an agreed method for inspections, a conclusive resulting methodology and sequential method statement for the repairs required have been submitted and agreed. This condition is comprehensive and would seem to me to be both reasonable and necessary. Such a condition would ensure that the proposals would not cause harm to the building and would allow the Council to maintain full control over the extent and breadth of works proposed to the gable end, with agreement reached by methods of repair to individual area of the walls where necessary, and if necessary, differing from those in the original 2010 report. Such a collaborative approach to the repairs would be informed by the evidence so far amassed and would ensure that only that work which is considered necessary and in the best interests of the building will take place. With such a condition in place the proposal in this respect would comply with Policy DM9 of the Local Plan and with the Framework, and would ensure that this particularly important building of more than special interest is suitably repaired.

Door opening

22. The 2011 consent also allowed the re-opening of a doorway between the room to the rear of the boardroom (known as room G44) and a room to the east (known as room G60). Since the 2011 consent a Conservation Management Plan (CMP) was produced which is a detailed document which aids greatly in the understanding of the differing time zones of the construction of the building.
23. At the time of my visit the opening was present, and forms a full height doorway stepping down into the lower floor height of G60 from G44. The opening has a timber lintel set above, with a brick soldier arch above. This brick arch is set slightly to the south – i.e. not perfectly over the opening, and did not appear to match others present in and around the building; those facing the internal courtyard has a deeper arch and more recent areas of the building had fan shaped brick arches over; however, it does match the upper windows of the east range, which would match with the evidence of Historic England and the appellant, who describe it as dating from the original phase of the building of the property from 1713.
24. I am not convinced by the brick arch demonstrating that a former doorway was located in this position – aside from the fact that the arch covers an area slightly to the south, this could have been a door or a window. Critically the appellant acknowledges this and states that an area of plaster from the east wall of G44 would need to be revealed to show if this was a door or a window, but goes on to state that the south reveal of the door is full height and therefore must have been a later door opening. However, this does not alter the fact that the south reveal does not lie underneath where it would be under the brick arch, and so while a full height opening may well have been in place under the timber lintel, it is not shown conclusively when the former opening was moved to the north (if it was), or the precise date of this opening.
25. The CMP does not show an opening between G44 and G60 in the plan I have been provided with, and the CMP shows how the eastern area in which G60 lies would have been a utilitarian part of the hospital, whereas G44, in being an ante-room to the board room would have been a more high status area of the hospital and somewhere patients were unlikely to be found or allowed.
26. Given this, I remain unconvinced on the basis of the evidence submitted that the opening as it is now can be termed as a reinstatement of a historic opening, and I agree with the Council that insufficient evidence exists to allow such works to take place. The historic plan form of the building is of considerable importance to the building and, as described above, forms a key part of its significance. While I acknowledge the appellant's evidence on this matter, I consider that not enough evidence has been provided to justify the provision of such an opening, and consider that this would harm the heritage asset.
27. The Framework makes it clear that when considering the impact of a proposal on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above I consider that insufficient evidence has been submitted to demonstrate that this aspect of the proposal would not result in harm being caused to the significance of this listed

building. However, and particularly as the works would only affect a small part of the building, I am satisfied that the degree of harm caused would be less than substantial.

28. In such situations the harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. Whilst I do not doubt the appellant's intentions to carry out the proposed works in a sympathetic manner and the quality of the appellant's chosen contractors, I find no convincing justification for this element of the proposal. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused. The proposal in this respect would be contrary to Policy DM9 of the Local Plan and to the Framework.

Other Matters

29. There is substantial disagreement between the parties over communication issues and the manner in which the application was dealt with. Complaints of such nature should usually be made via the Council's own complaints service. I have dealt with the appeal on its own merits and on the basis of the evidence available to me.

Conditions

30. Aside from the condition mentioned above concerning the gable end, I have also imposed conditions concerning time for implementation and compliance with plans, in the interests of certainty. A further condition is imposed concerning making good of any damage to the fabric of the listed building as a result of the approved works, to ensure harm is not caused to the heritage asset.

Conclusions

31. I have found that on the basis of the evidence provided the proposed reinstatement of doorway would not preserve the special architectural or historic interest of the Grade II* listed building, but that the proposed works to the gable end, with the imposition of the described conditions, would. However, those elements of the proposed works that I have found to be unacceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should be dismissed insofar as it relates to the reinstatement of former door opening into the Boardroom ante-room and allowed insofar as it relates to the repair works to gable wall, west wall, attic floor & cornice.

Jon Hockley

INSPECTOR

SCHEDULE OF CONDITIONS RELATING SOLELY TO REPAIR WORKS TO GABLE WALL, WEST WALL, ATTIC FLOOR & CORNICE.

- 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 3 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 6110 03E, 6110 02D, 6110 04 except in respect of the anteroom door shown on plan 6110 04.
- 4) No works shall take place in relation to the repairs to the gable end until the following details have been submitted to and agreed in writing with the Local Authority the following:
 - a) an agreed method/area for undertaking opening-up inspections;
 - b) a conclusive resultant methodology and plans;
 - c) a sequential method statement for the repairs from the contractor (signed off by the structural engineer).

The works shall be carried out in accordance with the approved details.