
Appeal Decision

Site visit made on 1 July 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/Y9507/Y/18/3208885

The Old Rectory, The Village, Berwick BN26 6SR

- 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 David Jones against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/01532/LIS, dated 19 March 2018, was refused by notice dated 14 June 2018.
 - The works proposed are to carefully form large opening in separating wall between existing kitchen and adjoining space (formerly back staircase but no longer existing).
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Decision

1. I allow the appeal and grant listed building consent to form an opening in the separating wall between existing kitchen and adjoining space (formerly back staircase) at The Old Rectory, The Village, Berwick BN26 6SR in accordance with the terms of the application, Ref SDNP/18/01532/LIS, dated 19 March 2018 and drawing 004 dated February 2018, and subject to the following conditions;
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this Decision.
 - 2) No works shall commence until full details of the method and layout to be employed in the formation of the opening between the kitchen and the void have been submitted to and approved in writing by the Local Planning Authority. The details are to include cross section drawings and details of structural work including temporary supports and making-good, permanent finishes as well as boxing in of pipework and the installation of new services. The works are to be carried out only in accordance with the approved details.

Main Issue

2. This is the effect of the works on the historic and architectural significance of the building and its setting.

Reasons

3. The building is Listed Grade II and lies within the Berwick Conservation Area, although with the proposed works being to the inside of the building and having no external or wider effects, the character and appearance of the conservation area would be preserved.

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan, referred to in section 6 of the Officer's Report, does not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses.
5. These duties are reflected in Policies SD12 and SD13 of the emerging South Downs Local Plan while the adopted Wealden Local Plan and Core Strategy currently form part of the Development Plan for the part of the South Downs National Park in which the appeal premises are situated. The first purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage.
6. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
7. The Heritage, Design and Access Statement includes extracts of plans and elevations of the dwelling dated 1847, and the original was seen during the site inspection framed on the walls of the ground floor toilet. The original rear stair referred to in the description of the proposed works appears on the ground floor plan rising to the first floor and shown also on that plan. The location is to the rear of a cross-wall that at ground floor level separated the main front rooms and main stair from the kitchen, wash-house and more private study. That separation is a significant feature of the building and remains at present and would remain with the proposed work carried out.
8. A feature that does not however remain is the rear stair itself, nor any evidence of it at ground or first floor. The location is signalled by the later enclosure on the ground floor mirroring the toilet enclosure in what is shown on the 1847 as a store. It is noted that whilst a single centrally placed rear window lit the store on the earlier plan and is shown on the accompanying east elevation, that was augmented at some time by narrower windows on each side, having lower head heights. Whether the lower head height was prompted by the need to remain below the soffit of the rising stair is conjecture, but the indication is that this dated from the time that the ground floor toilet was put in and the stair was still in position.
9. The situation now is of the larger, original, central window lighting the rear extension of the hall, with the south window lighting the toilet and the north window lighting the void where the stair was. There is no entry into that void other than by way of the window and no ready way of checking the condition of the void; whether the window is letting in water, whether the soil-and-vent pipe is leaking, or whether some other problem has befallen this seemingly unventilated space. Clearly the building was not designed to have such a void, two sides of the enclosure are not original work, and this visually and historically disrupts the understanding of the building. The saving feature is the balance, together with the toilet enclosure, that the enclosure gives to the rear hall.
10. The proposal is to make use of this void by incorporating it within the space of the kitchen, allowing the worktop to be set within the recess so formed with

'nibs' and a down-stand being left to signify the previous line of the wall. There would, as asserted by the Authority, be some loss of fabric, but this is not a rare or particular material. Of more weight is the change brought about to the floor plan and the appreciation of spaces; the breaking through in this location would reduce the symmetry across the width of the house and would introduce space to the kitchen. However, that symmetry is less strong in the central areas as both original stairs were to the west only, and the original open space of the 'store' has been lost previously. The appreciation of space in the kitchen is also less distinct now than would have been the case historically due to the introduction of wall units and the like.

11. Drawing all of these considerations together, the removal of part of the wall and the opening-up of the void to be part of the kitchen would cause some limited further harm to the original layout of the house, but the level of harm would be significantly low down the long 'less than substantial' range. As a result, paragraph 196 of the Framework applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. The optimum viable use of the building is as a family home, and that was what it was built for, albeit linked to the nearby church. The dwelling has been in the same family for 50 years and is clearly well cared-for. Nevertheless, concern should be acknowledged over the presence of a void that is not readily accessible but could be vulnerable to damp. The minor intervention would not strike at the heart of what gives the building its architectural or historic significance and in the balance between the limited harm and the public benefit of allowing and encouraging the continued care of the listed building for future generations, the conclusion is that the harm is outweighed, and the proposal is acceptable.
13. Conditions would be required to ensure the presentation of the 'nib's' and down-stand as well as seeking further details. The Authority suggest a condition listing the drawings '*for the avoidance of doubt and in the interests of proper planning*', but the provisions for greater flexibility in planning permissions do not apply to the listed building consent regime and it is sufficient to list the drawing in the formal Decision.

Conclusions

14. The proposed works are acceptable as the very limited effects would be outweighed by the public benefit of the better preservation of the listed building through ready access to the present void. The proposal accords with the statutory test in the 1990 Act and the aims of the Framework, as well as the Development Plan, emerging policy and the purposes of the National Park, as material considerations. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR