
Appeal Decision

Site visit made on 17 September 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/Z3825/Y/18/3216524

Burletts, Clays Hill, Bramber BN44 3WD

- 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 Avon against the decision of Horsham District Council.
 - The application Ref DC/18/1429, dated 6 July 2018, was refused by the Council by notice dated 21 August 2018.
 - The works proposed are installation of through-floor lift, form aperture in ground floor ceiling.
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Decision

1. I allow the appeal and grant listed building consent for a through-floor lift and the formation of an aperture in ground floor ceiling at Burletts, Clays Hill, Bramber BN44 3WD in accordance with the terms of the application Ref DC/18/1429, dated 6 July 2018 and the plans submitted with it, as listed in the Council's Notice of Refusal dated 21 August 2018, and subject to conditions 1) to 5) on the attached schedule.

Reasons

2. The building is listed Grade II and the main issue in this appeal is the effect of the works on the historic and architectural significance of the building. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. These duties are reflected in Policy 34 of the Horsham District Planning Framework on cultural and heritage assets and although section 38(6) of the Planning and Compulsory Purchase Act 2004 on the primacy of the Development Plan does not apply to listed building consent applications and appeals, this policy is a material consideration. 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.
3. The proposal is for a through-floor lift to allow step-free access to the upper floor and it has been designed specifically for the needs of the appellant. The original Appeal Statement referred to it being required to allow him to remain at the property despite his poor physical health, but at the time of the site inspection the appellant was in hospital. Whilst the hope and intention is that he will be able to return to the house, that would rely on physical adaptations being carried out to the property. The option of arranging all essential facilities on the ground floor would likely be disruptive of the fine rooms there and the

use of a stair lift suitable for a wheelchair would not only disrupt the architectural presence of the staircase, hall and landing, but would appear to be technically challenging due to the curvature and steep winders, together with the position of adjacent door openings.

4. The proposed lift would be free-standing in that there would be no connections to the walls, and hence the frieze and cornice would be physically unaffected, but the installation relies on connections to both the ground and first floors and to the first floor ceiling, together with the necessary aperture through the first floor finishes and structure. The lift stanchions would be a permanent feature with the lift carriage being in either the lower or upper room. When in the lower room a shaft-lid would sit flush with the upper floor.
5. The ground floor dining room has a fine parquet floor and a scheme would be required to protect it, or remove it, or to avoid fixing holes remaining obvious. The ceiling is a feature of architectural significance, but it appears less certain that it has true historic significance, there being evidence of its previous loss and reinstatement in fibrous plaster, as opposed to 'run' mouldings. The bedroom floor has fitted carpets but appears to be boarded only, and the ceiling in that room is of limited significance being plain and said to be plasterboard in any event. Works would be required to the floor structure to trim the joists and form the lift aperture.
6. The presence of the lift structure and carriage would have an adverse effect on the architectural significance of the rooms, which despite the evidence of previous dilapidation as a result of military use, have been repaired and conserved to a high standard, the appellant being the owner of a large local building firm when he purchased the property in 1978.
7. Harm would be caused to the architectural and historic significance of the building as set out above, but consideration of the effect should be moderated by the temporary nature of the need and hence the harm, and the degree to which that harm can be mitigated by reinstatement works. The appellant offers careful removal and storage of the affected ceiling and minor fixings can be made-good. It would however be reasonable to seek a reinstatement scheme prior to installation, rather than when proposed to be removed, to ensure success.
8. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. The appellant clearly has an emotional attachment to the property and it is policy within the health service to seek discharge as soon as possible provided home facilities and care are suitable, and this is generally considered to be in the patient's best interests and represents a saving in public costs. This is a public benefit of considerable weight. Placed against the harm identified and the necessarily temporary nature of that harm, which can be secured by conditions as suggested by the appellant, the balance lies in the proposal being acceptable.
10. The Council suggested 3 conditions, the first requiring recording of the building, whilst it is only the affected area that should be recorded as suggested by the appellant; and the second requiring a method statement which would appear to

go further than is necessary for the works proposed. The third condition requiring works and making good to match the existing is however appropriate and necessary to safeguard the significance of the building. The conditions suggested by the appellant will be amended in line with the findings of this Decision, but the main provision of a temporary installation is decisive and hence necessary. There is no need to list the drawings in a condition since the provisions for greater flexibility in planning permissions do not apply to listed building consents; it being sufficient to refer to them in the formal Decision.

11. With those conditions, the proposal is acceptable and would accord with the aims of local and national policy as well as statute on the long-term preservation of listed buildings, whilst providing for the necessarily transient needs of a particular occupier. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

Schedule of conditions

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) All building works, finishes, and making-good shall match the relevant existing work in respect of method, detail, and finished appearance unless otherwise approved in writing by the Local Planning Authority.
- 3) No works shall be carried out until a schedule of condition and a photographic record of the affected area of the interior of the building have been submitted to and approved in writing by the Local Planning Authority.
- 4) No works shall be carried out until a scheme for the removal of the lift and the reinstatement of structure and finishes, to include any proposals for the protection, removal, storage and reinstatement of parquet flooring and ceiling finishes, have been submitted to and approved in writing by the Local Planning Authority. The installation shall be carried out in accordance with the approved scheme.
- 5) The Stiltz lift and associated building works hereby permitted shall be removed and the interior of Burletts restored to its former condition no later than a date 10 years from the date of this Decision, or within six weeks of Mr Avon vacating the property, whichever is the sooner, such works to be undertaken in accordance with the scheme approved pursuant to Condition 4) above.