
Appeal Decisions

Site visit made on 5 November 2019

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2019

Appeal A Ref: APP/H1515/W/19/3232641

Penthouse North, London Court, The Galleries, Warley, Essex, CM14 5FW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Fitch against the decision of Brentwood Borough Council.
 - The application Ref 18/01839/FUL, dated 22 November 2018, was refused by notice dated 7 January 2019.
 - The development proposed is the removal of roof and loft space to form private terrace to residential unit.
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Appeal B Ref: APP/H1515/Y/19/3232640

Penthouse North, London Court, The Galleries, Warley, Essex, CM14 5FW.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed buildings consent.
 - The appeal is made by Mr Adam Fitch against the decision of Brentwood Borough Council.
 - The application Ref 18/01840/LBC, dated 22 November 2018, was refused by notice dated 7 January 2019.
 - The works proposed are the removal of roof and loft space to form private terrace to residential unit.
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Decisions

Appeal A Ref: APP/H1515/W/19/3232641

1. The appeal is dismissed.

Appeal B Ref: APP/H1515/Y/19/3232640

2. The appeal is dismissed.

Main Issue

3. Penthouse North is a three-bedroom, second floor apartment located within part of the roof space of the former Warley hospital, listed Grade II. I therefore consider the main issue to be the effect of the proposed development on the special architectural and historic interest of the former Warley Hospital listed Grade II.

Reasons

4. Warley hospital, which closed in 2002, has subsequently been converted to residential use. The extensive hospital grounds have also been developed for

- residential purposes. The design of the former hospital building's, which dates from the mid-nineteenth century, reflects that of the Gothic revival movement.
5. The building's recent conversion has resulted in a number of alterations to the roofs and parapets, including the introduction of new gables and the raising of parapets to projecting bays. While noticeable, to other than the casual observer, these alterations have been carried out such that they have not unduly compromised these prominent elements of the building.
 6. The appellant proposes the removal of part of the roof and loft space of his apartment to form a private terrace. The works would include both internal and external alterations.
 7. From what I have seen and read I consider the significance of this building to relate to its historic interest as a Victorian County Asylum, subsequent change to residential occupation, its fine architectural design and detailing, including, amongst other things, its prominent roof scape.
 8. The gables of this building, and in particular in this case the west elevation, have a very distinctive profile due to the fact that they rise vertically from the lower eaves line of the main roof, have a short flat return before sloping steeply up to their ridge. Although set back from the face of the gable the raising of the parapet on the west façade to form the proposed terrace and the introduction of a new higher eaves line where the roof would be removed would all, in my judgement, serve to imbalance the established symmetry and rhythm of the roof form. Further, I consider that the ridge beam configuration to support the small-retained gable would, despite being tile clad, appear as an incongruous feature.
 9. Accordingly, although only open to limited views, I nevertheless consider that the proposed works would, in these respects alone, have a negative impact on the architectural integrity of the listed building and therefore its significance. Accordingly, the works would fail to preserve the special architectural and historic interest of this heritage asset.
 10. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include listed buildings. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
 11. The proposed extension, by providing private amenity space, would serve to ensure that the listed building remains relevant to the residential occupation of the apartment and therefore its use for day-to-day living. This is clearly a public benefit. However, this benefit is plainly not wholly reliant on the proposed addition. Given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict with the Framework and saved Policies CP1 and C15 of the *Brentwood Replacement Local Plan* (Adopted August 2005) as they relate to the duties imposed by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the desirability of preserving listed buildings or any features of special architectural or historic interest which they possess.

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should fail.

Philip Willmer

INSPECTOR