
Appeal Decision

Site visit made on 4 November 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2019

Appeal Ref: APP/X0415/Y/19/3232574

159 High Street, Amersham HP7 0EB

- 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 Claire Kenny against the decision of Chiltern District Council.
 - The application Ref PL/19/0732/HB, dated 5 March 2019, was refused by notice dated 30 April 2019.
 - The works proposed are to remove rear ground floor window, flint and brick wall and door and replace with two side hung patio doors with flanking single light casements and reconstructed wall panels using the reclaimed flint from the original wall.
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Decision

1. The appeal is dismissed and listed building consent to remove rear ground floor window, flint and brick wall and door and replace with two side hung patio doors with flanking single light casements and reconstructed wall panels using the reclaimed flint from the original wall is refused.

Preliminary Matter

2. As the proposed works relate to a listed building in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

3. The main issue is whether the proposed works would preserve the grade II listed building, 159 High Street, and any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

4. This building, part of a long terrace fronting the High Street, was listed in 1958 for group value and is described as having a late C18 front over an earlier building, which the Council considers may date from the late mediaeval period based on its records which also suggest that the building was altered in the C18. The brickwork and timber door in the rear elevation, which has retained its timber framing in the gable, indicate that the back may well have been altered then, too.
 5. The back wall of the house has been altered around the ground floor window which appears to be early C20 and incorporates a panel of knapped flintwork below its cill of clay tiles. Within this is a small, timber water chute, possibly
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once connected with a scullery, though it remains an isolated archaeological feature today, the space within the building no longer having a direct connection to it. Beside the window is what appears as an C18 plank door in a pegged frame, under a shallow arch of a single course of headers, the shape and wear of the brickwork of the reveal beside its leading edge suggesting the intensity of its former use.

6. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the fabric of the rear elevation and the architectural character of the scale and arrangement of the openings within it.

The effect of the proposed works

7. Though the present flint panel and timber chute would be incorporated below the new window openings alongside sensitive, new material, the removal of the C18 door would result in the loss of historic fabric, significant not only for its material and construction interest, but equally for its role as a small, efficient opening connecting the inside of the house with the outside area behind it.
8. I appreciate that the brick arch above the door would remain, which would mark the location of the former opening, but this would not mitigate the loss of the smaller scale of a single door opening. Moreover, the retained arch would have lost its purpose and integrity, appearing as little more than an architectural vestige above an opening several times its width. The span of the new opening, at almost the breadth of the house, would be disproportionately long compared to the narrower openings in the present rear elevation, which retains a solid: void ratio that is more characteristic of this building's age, use, and location.
9. I note that the application the subject of this appeal followed pre-application consultation with the Council after a refused application, and my attention has been drawn to the neighbouring buildings in this terrace, many of which have a modern rear extension including patio doors. However, I am not aware of the significance of those buildings or the circumstances which led to their consents, to draw parallels to these works which I have considered against this building and on the merits of this case.
10. The proposed works would fail to preserve the special historic and architectural interest of the listed building, contrary to the clear expectations of the Act. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets.
11. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met. For the same reasons, the works would also conflict with the development plan policies which seek similar policy objectives.

Planning balance

12. In the context of the definition of setting in the Framework, as the surroundings in which a heritage asset is experienced, the works would have such limited, direct impact on the setting of the other buildings in this group,

that they would be preserved in accordance with the expectations of the Act, and the requirements of development plan policies insofar as relevant. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting.

13. I have had regard to my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Amersham Old Town Conservation Area (CA), to the distinctive architectural character of which the rear elevation and openings of this building make a significant contribution. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain and only have limited prominence from the private domain. Unlike listed buildings, the significance which a CA is dependent upon is more widely experienced. Case law¹ has established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and would thus preserve its significance.
14. Under such circumstances, paragraph 196 of the Framework advises that harm should be weighed against the public benefits of the proposal. I appreciate the points the appellant advances about the benefits of the proposed works. I acknowledge that the Framework promotes the transition to a low carbon future in a changing climate and that the thermal efficiency of the house would be improved, and its carbon footprint reduced. It would also rectify problems of damp.
15. However, there is no substantive evidence that a more sensitive solution could not achieve similar benefits. I acknowledge that admitting more daylight into the dining room would have amenity and health benefits for the occupiers. While I understand the motivation and recognise the environmental and social benefits of the proposed works, these would be of little benefit to the public at large. In any event, they would not outweigh the harm to the listed building.

Conclusion

16. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special historic and architectural interest of the grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 192 of the Framework, and the development plan policies insofar as relevant. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89