



Appeal Decision

Site visit made on 9 March 2020

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal Ref: APP/U1430/X/19/3238833

11A High Street, Rye TN31 7JF

- The appeal is made under section 26K of The Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant a certificate of lawfulness of proposed works to a listed building.
 - The appeal is made by Mr David Wylson against the decision of Rother District Council.
 - The application Ref. RR/2019/716/O, dated 18 March 2019, was refused by the Council by notice dated 1 May 2019.
 - The application was made under sections 26H of The Planning (Listed Buildings and Conservation Areas) Act 1990.
 - The development for which a certificate of lawful use or development is sought is the repointing an area of mathematical tiling and installation of a brass lantern.
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Decision

1. The appeal is dismissed.

Reasons

2. 11A High Street is an 18th Century, Grade II listed building which until recently was used as a bank. The proposal relates to an area requiring repointing and mortar stopping, together with the provision of a brass lantern to the front elevation of the property. The building is located within the High Street and Conservation Area.
3. Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") provides that anyone who wishes to ascertain whether proposed works for the alteration or extension of a listed building would be lawful, can make an application to the Local Planning Authority. Section 26H(2) clarifies that proposed works would be lawful if they 'would not affect the character of the listed building as a building of special architectural or historic interest'. The planning merits of the proposal are therefore not considered as part of this appeal. The merits and description of the listing are not in dispute.
4. The application submitted to the Council is for the repointing of mathematical tiles. The tiles have already been inserted into an opening where the bank night safe was removed. However, the application does not include the siting of the mathematical tiles themselves. It was clear from my site visit that No 11A occupies a prominent position near the top of the sloping High Street. The night safe was not original to the building and the opening left by its removal, is at ground floor level in the main façade fronting the High Street. It is therefore highly visible on the building and the wider context of the street scene.

5. The tiles that have been used to repair the opening are original to the building, but had been saved and stored, following works to a front window to create a second front door when the property was divided. They did not therefore form part of the original fabric of this part of the building. I have no evidence that the related works to the front window, or the reuse of the tiles in their current position, have the benefit of listed building consent.
6. Although the proposed works are minor in nature, to my mind it follows that they constitute a step required in order to complete the more extensive repair. I acknowledge that once the repair work is complete, it may not be readily perceptible. Nonetheless, the repointing required to achieve this, either alone or in combination with the work already carried out, would affect the character of the listed building as a building of special architectural or historic interest.
7. Turning to the lantern, it is clear from the evidence that the lantern shown in the appellant's photographs was removed many years ago. The photo dated circa 1900 shows a lantern, however the earlier watercolour dated around 1800 does not. The introduction of a lantern onto this uncluttered front elevation would be highly visible in this High Street setting. Accordingly, I find that it would affect the character of the listed building.
8. Drawing the above points together, I find that the re-pointing, mortar stopping and the installation of a brass lantern, would as a matter of fact and degree, affect the character of the listed building as a building of special architectural or historic interest. The Council's decision to refuse the certificate sought was therefore well founded and the appeal is therefore dismissed.

Conclusion

9. I have carefully considered all of the matters that have been raised, but for the above reasons I conclude that the Council's refusal to grant a certificate of lawfulness was well founded. I therefore dismiss the appeal.

Hilary Orr

INSPECTOR