



Appeal Decisions

Site visit made on 16 June 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal A Ref: APP/G2815/W/19/3244014

37 West Street, Easton On The Hill PE9 3LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Gibbons (West Street Nurseries) against the decision of East Northants District Council.
 - The application Ref 19/01433/VAR, dated 25 August 2019, was refused by notice dated 22 October 2019.
 - The application sought planning permission for Alterations, renovation and extensions to the main house (listed asset). Renovation, extension and conversion of 2 existing barns. Subdivision of existing plot into 3 smaller plots by means of park rail fencing and hedges. Forming of new site access to serve converted barns and paddocks beyond without complying with a condition attached to planning permission Ref 17/01942/FUL, dated 15 November 2017.
 - The condition in dispute is No 15 which states that: *"Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall be carried out strictly in accordance with drawings 16- 520 (00) 001 Revision C, (00) 002, (20) 101B, (20) 110G, (20) G01C, (20) G10F, (20) R01B, (20) R10E, (21) E01A, (21) E02A, (21) E11E, (21) E12G, (21) E13D, (21) E14C, (21) E15F, (21) E17B and (50) G01B."*
 - The reason given for the condition is: *"In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted."*
-

Appeal B Ref: APP/G2815/Y/19/3244013

37 West Street, Easton On The Hill PE9 3LS

- 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 P Gibbons (West Street Nurseries) against the decision of East Northants District Council.
 - The application Ref 19/01314/LBC, dated 30 July 2019, was refused by notice dated 22 October 2019.
 - The works proposed are internal alterations to dwelling.
-

Decision

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed and listed building consent is refused for internal alterations to dwelling.

Preliminary and Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. In respect of Appeal A, planning permission was granted in 2017 for alterations, renovation and extensions to the appeal property. The Application Form states that works started in January 2019. However, the application seeks permission for the development as constructed, the layout of which is different from that approved, as three walls have been removed in the building. The application therefore seeks a new permission that would, among other things, be subject to a condition specifying the plans that reflect the revised layout. At the time of my site visit, all three walls had been removed.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building, 35 and 37 West Street, and any of the features of special architectural or historic interest that it possesses, and whether or not the planning condition is reasonable and necessary in order to preserve the special historic interest of the listed building.

Reasons

6. The appeal property is a two-storey house and is constructed of square coursed limestone and Collyweston slates. The house forms part of a terraced group of properties and is Grade II listed with No 35. The property dates from the late 17th Century, but as set out in the listing, it may have been remodelled in the early 19th Century.
7. There have been a number of consents and planning permissions in connection with the listed building¹ and the land to the north and west. The approved renovations, alterations and extensions to the listed building included a large two-storey extension to the rear of the building, with existing window openings at ground floor enlarged to form doorways through into the extension. Moreover, the photographs and plans referred to in the appellants' Statement of Case and Planning and Heritage Statement show the rear wall of the building, at ground floor, prior to the construction of the two-storey rear extension.
8. To the left of the rear extension was a larger window opening with chamfered inner reveals to either side that continued below the cill to the floor. The walling beneath the cill was inset. The inset panel was to be removed to create a door opening into the extension. To the right, a smaller window opening with flush walling below the inner and external cills, was also to be enlarged to floor level to create a further doorway into the extension. Hence, the former external wall between the two openings was to be retained, including the chamfering to either side of the larger opening. This would have formed an internal subdivision between the extension and the remainder of the building. To the front of the building, the left-hand wall of the entrance hall from West Street was to be moved further into the reception room to that side, to a position identical to that previously consented in 2015². However,

¹ Planning References: 17/01179/LBC and 17/02022/LBC. The latter repeating elements of the former.

² Planning Reference: 15/01081/LBC – this included a new staircase in the entrance hall from West Street.

it appears that in all of the recent consents, the right-hand wall was to be retained as part of a hallway leading to the rear of the building.

9. The plan form of buildings can form part of the significance of listed buildings, as it helps to demonstrate how buildings have been used, including any changes in the size or occupation of the rooms within the building to reflect the needs of society at that time. For example, the appeal property almost certainly now encompasses part of the original floor plan of No 35, and outbuildings to the north have also been subsumed in the house.
10. Although there have been a number of modern alterations to the property, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the architectural and historic interest of the floor plan layout and built fabric of the building, including the position of internal and external walls and openings. Moreover, the position of walls to either side of the hallway leading from the front of the building, as the principal entry point from West Street and the arrangement of reception rooms to either side; and the position of the former external wall and nature of the openings therein, was therefore important to understanding the legibility and thereby the significance of the listed building.
11. Crucially, both of the hallway walls, which enclosed the two smaller reception rooms to either side, and the former external wall to the rear, between the rear extension and the house, have all been removed. The main parties agree that this has resulted in less than substantial harm to the listed building. Given that this constitutes loss of built fabric that contributes to understanding the significance of the heritage asset, I also find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
12. There is some debate between the main parties as to whether the walls to the hallway consisted of reed and plaster or more conventional 20th Century studwork with plasterboard, but the evidence before me is not sufficient to provide certainty in either respect. I accept that Nos 35 and 37 were previously arranged with alternative subdivisions. Nonetheless, it is the effect of the removal of walls, which were of special interest, that is before me. I appreciate that ceiling beams have been exposed that align with the position of these walls and the front door is not presently used, with visitors directed to the rear. However, all traces of the subdivisions within this part of the building have been eroded and an open plan form has been introduced that is inconsistent with the humble origins of the cottage vernacular. This is harmful to the legibility and understanding of listed building, including the relationship of the front of the building as the principal entry point from West Street.
13. While the consented scheme of 2015 still appears to be extant, as it does not include for the removal of both walls from the hallway, it would not be comparable with the appeal scheme, as it would not result in the same harmful effects to the significance of the listed building.
14. In terms of the former external rear wall of the building, the appellants have not disputed its importance to the historic plan form of the building but have indicated that their structural engineer recommended its removal and the insertion of structural steel beams to support the remaining wall above, the floor joists and the roof. They state that the combined construction of rubble,

'rammel' and brickwork would not have been suitable in terms of its loadbearing capacity. This wall has therefore been removed.

15. While the position of the wall is still evident, to a certain extent, with the walling retained above the larger opening that has been created, the ceiling beam and additional fabric beneath it project awkwardly below the retained walling around the opening. Moreover, although the ceiling beam is supported structurally by the steel beam, it is left floating awkwardly. From an architectural perspective, the relationship of the beam and other fabric in the opening is harmful to the understanding of the significance of the historic layout and built fabric of the listed building. There is also no substantive evidence before me to suggest that this wall could not be retained beneath the steel beam. Furthermore, as with the element of the proposal to the front of the building, an open plan form will be introduced that will be inconsistent with the humbler domestic scale of the listed building. Furthermore,
16. I have had regard to Historic England's advice on 'changing the internal layout of a house 2019'. In particular, the retention of walls may be an inconvenience to the appellants in respect of the layout and subdivision of the combined internal spaces of the building. However, the proposal has disturbed the historic floor plan of the building, particularly in respect of the proportions of rooms and the alignment of walls.
17. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Furthermore, paragraph 193 of the National Planning Policy Framework 2019 (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. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
18. I have set out above that the harm to the listed building would be less than substantial. In such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
19. I appreciate that the National Planning Practice Guidance states that *works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit*³. Moreover, the appellant has suggested that the listed building was at risk of collapse prior to the works for renovation, alteration and extension being undertaken and these required the deployment of considerable funding and resources by the appellants. I acknowledge that these have been completed to a high standard but it is likely that this evidence will have informed the Council's previous decisions.
20. The more recent permissions and consents have already resulted in a lot of change and alteration to the internal and external fabric of the listed building and there is no substantive evidence before me to suggest that the proposal is required to make the building habitable or sustain the heritage asset. The continued viable use of the appeal property as a residential dwelling is

³ Paragraph: 020 Reference ID: 18a-020-20190723 Revision date: 23 07 2019.

therefore not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence.

21. Given the above and in the absence of any substantiated public benefit, I conclude that, on balance, the proposal has failed to preserve the special historic interest of the Grade II listed building. Furthermore, I also conclude that the planning condition is reasonable and necessary in order to preserve the special historic interest of the Grade II listed building. Hence, the proposal fails to satisfy the requirements of the Act, paragraphs 192, 193 and 194 of the Framework and conflict with policy 2 of the North Northamptonshire Joint Core Strategy 2011-2031 (Adopted July 2016) that seeks, among other things, to ensure that proposals should conserve and, where possible, enhance the heritage significance of an asset in a manner commensurate to its significance. As a result, the proposal would not be in accordance with the development plan.

Other Matters

22. The appeal property is situated within the Easton on the Hill Conservation Area. I have had regard to Section 72(1) of the Act, which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Given that the proposal relates solely to internal works to the listed building, it would preserve the character and appearance of the Conservation Area. I note that the Council raised no objection in this regard either.
23. I note that the appellants have suggested that there would not be any meaningful benefit associated with the walls being reinstated. However, it is not the purpose of the appeals before me to determine the scope or relevance of any works that could be required to address the harm that I have identified as resulting from the proposal.

Conclusion

24. For the reasons given above I conclude that both appeals should be dismissed.

Paul Thompson

INSPECTOR