



Appeal Decision

Site visit made on 9 June 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2020

Appeal Ref: APP/A2470/Y/20/3245746

17 High Street, Oakham LE15 6AH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Richard Tyler against the decision of Rutland County Council.
 - The application Ref: 2019/0849/LBA, dated 5 August 2019, was refused by notice dated 17 January 2020.
 - The works proposed are single storey extension to rear. Internal alterations. Alterations to existing shop frontage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal relates to a listed building and is in a conservation area, I have had special regard to section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issues

3. Neither of the main parties expresses a view that the proposal would harm the character or appearance of the Oakham Conservation Area (CA), in which the building is located. Nevertheless, third party concerns are raised in respect of this matter. Furthermore, I have had special regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. Having regard to the above, the main issues are whether the proposed works would:
 - a) preserve the Grade II listed building, '15 and 17 High Street' (Ref: 1177764), or any features of special architectural or historic interest that it possesses, and
 - b) preserve or enhance the character or appearance of the CA.

Reasons

5. The building comprises a late eighteenth century, three-storey house with distinctive coursed stone walls and a slate roof. It has three windows with moulded flush frames, flat stone arches and marginal glazing bars. It also

- incorporates a modern shop front. The building is located close to Market Place in the town centre.
6. The CA includes the historic core of the Oakham, centring on the castle, parish church, Market Place and High Street. A Conservation Area Appraisal is not provided. However, from what I saw of the area and the evidence before me, the CA's significance lies in its illustration of the town's historic evolution, and its characterful mix of historic buildings including shops, houses and pubs.
 7. The building is part of a row of Grade II listed buildings, from odd Nos 11 to 19 High Street, which date from between the seventeenth and nineteenth centuries. Most of the buildings in the row originated as houses and at least one was a shop. The residential buildings were subsequently converted to shops as commercial uses began to predominate in this part of the town. As such, the building is a significant historic component of the streetscene of the town centre. Furthermore, the building and its setting have evidential value, in illustrating the evolution of Oakham's High Street and the changing uses of its buildings. This contributes to both the building's special interest and the significance of the wider CA.
 8. During my site visit I saw that the staircase between the ground floor and the first floor of the property is one of a set of two staircases, the other of which connects the first and second floors. Together they are integral to the historic circulation system and layout of the building. Apart from the more modern bottom six treads, the majority of the stairs appear substantially older. The Outline Historical Appraisal and Heritage Impact Assessment (HIA) provided by the appellants assesses the historic section of the ground floor staircase as probably original to the building.
 9. I acknowledge that the lower part of the ground floor staircase has been modified and replaced with a more modern section. I recognise that this reduces its evidential value. Nevertheless, what remains in the form of the remaining section of the staircase contributes to the building's historic fabric and character. This plays a key role in the historic legibility of the building's former use as a dwelling and potentially a shop.
 10. Together the staircases are narrow and winding, with shallow treads. In combination with the modest proportions of the rooms of the appeal property, they contribute significantly to the domestic intimacy and architectural charisma of the building's historic interior.
 11. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the legibility of the building's historic layering as well as the intact fabric and domestic intimacy of the historic section of the ground floor staircase.
 12. The HIA suggests that the property is a later nineteenth century retail and residential unit, rather than the late eighteenth century house described in the listing. Even if this were so, it would not fundamentally alter the special interest of the building, insofar as it relates to this appeal.
 13. The building is currently subdivided into two shop units at Nos 15 and 17 High Street. Listed building consent and planning permission¹ were granted in January 2020 for another scheme. This would partly knock through the ground

¹ Planning Application Ref: 2019/0898/FUL and Listed Building Consent Application Ref: 2019/0899/LBA.

- floor units at Nos 15 and 17 High Street into one shop, while retaining the historic section of staircase between the ground and first floors at No 17.
14. The shopfront is a more modern addition, which the HIA suggests dates from the 1980s or perhaps earlier. Town Council and resident representations suggest that the width of the existing front shop window exceeds the original, with glazed display cabinets having been added at each side. It is proposed to merge the cabinet space and central window space into an undivided, single pane window. This would entail removal of part of the building's ground floor front wall. The interested parties are concerned that the above would result in loss of historic stonework, an unsympathetically wide expanse of glazing, and a failure to return to a more modest window width to match the narrower front window at No 15 High Street.
 15. I recognise that the proposal would remove rather than reveal parts of the front wall, which are obscured from view from the street by the window cabinets. It would also result in a single front pane of glass, rather than three.
 16. Nevertheless, the evolution of No 17 as a shop has included an increase in its shopfront window width. The proposal would echo the ground floor, front elevation format of a door and single front pane at No 15. Simplification of the front window display space would remove the later cabinet additions which distract from the main front expanse of stonework on the upper two storeys. Moreover, the High Street's townscape includes a noticeable variety of widths and styles of shop windows, with which the proposed shopfront would not be discordant. Furthermore, sympathetic detailing of the proposed shopfront alterations could be secured by condition.
 17. Together, the above factors lead me to find that the proposed shopfront alterations at No 17 would assimilate acceptably as part of the building, the streetscene and the CA.
 18. The proposed rear single-storey extension would entail removal of a lean-to, roofing over a modest amount of courtyard space and relocation of a rear doorway. These elements would largely be unseen from the public domain. Moreover, they would constitute a proportionally modest increase in the building's overall floorspace. Together with the incorporation of the eastern corridor into the retail space, the above would not diminish the overall sense of modesty of room proportions within the building. As such, the above elements would not be detrimental to the historic layout of the building or the character of the wider CA.
 19. Turning to the proposed removal of the staircase between the ground floor and first floor. The appellants consider that producing a photographic and drawing record of the staircase would mitigate its loss. However, the loss of fabric of the historic section of the ground floor staircase would diminish the building's historic interior and detract from the legibility of its former use as a dwelling.
 20. Taking the above together, I find that the proposed loss of the historic section of staircase would significantly erode the historic legibility of the building and lead to a loss of historic fabric but would not harm the character or appearance of the CA. Therefore, I find that whilst the significance of the CA would be preserved, the proposal would fail to preserve the special interest of the listed building. I give the harm to the listed building considerable importance and weight.

21. 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. 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. Given the extent of the changes, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
22. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
23. I acknowledge that the proposed works would make for a simpler, more open and larger retail space. I also note the letting agent's reported feedback that the presence of the staircase significantly reduces the letting potential of the shop, given the apparent lack of offers over a 14 month period, prior to the appellants' purchase of No 17.
24. Nevertheless, the unit has previously functioned as a shop with the staircase in place and the staircase provides important historic character. Furthermore, the other scheme recently granted planning permission² to conjoin the two ground floor shop units in the building, which suggests the possibility of a combined single retail space with the historic section of staircase at No 17 retained. Moreover, there is not a comprehensive marketing viability report before me which assesses 'with staircase' options for the shops at No 17 and No 15 as separate and, alternatively, conjoined units.
25. During my site visit I saw that the units in the host row from Nos 13 to 19 High Street were vacant. Nevertheless, the High Street, which features a significant proportion of older properties, appears to have a relatively full occupancy rate and a vibrant mix of shops, businesses and facilities. A charismatic selection of independent shops and a 'heritage feel' are distinctive elements of the town centre's character.
26. The above factors together lead me to question whether the relatively small proportion of floor space which the proposed removal of the staircase would free up on the ground floor, would make a decisive difference between the shop being viable, or not. Moreover, the historic intimacy of scale and quirkiness of character of the building's interior - of which the staircase is a key element - presents an opportunity for a retail experience with an independent, 'heritage feel', that chimes with the character of Oakham's High Street.
27. As such, I am not persuaded that the building's future use as a retail unit, and the town centre's vitality, is dependent on the proposed works, including removal of the staircase. Therefore, I find that the continued viable use of the property as a shop is not demonstrably dependent on the proposed works. Accordingly, I find that there is not a proven public benefit in this respect.
28. Given the above and in the absence of any substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also

² Ref: as footnote 1.

conflict with Policy CS22 of the Rutland Core Strategy (2011) and Policy SP20 of the Rutland Site Allocations & Policies Development Plan Document (2014), insofar as they seek to implement the Act. Together, the local policies seek to ensure that proposals complement local distinctiveness, including through conservation of heritage assets.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR