



Appeal Decisions

Site visit made on 6 July 2020

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an Inspector appointed by the Secretary of State

Decision date: 6 August 2020

Appeal A Ref: APP/D3505/D/20/3254636

The Old Rectory, Rectory Road, Whatfield IP7 6QU

- 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 & Mrs Mike & Jane Appleby against the decision of Babergh District Council.
- The application Ref DC/20/01258, dated 23 March 2020, was refused by notice dated 12 June 2020.
- The development is a single storey & two storey side extension to form kitchen/dining/seating area with laundry, larder, WC & staircase to ground floor and bedroom/en-suite to first floor.

Appeal B Ref: APP/D3505/Y/19/3243518

The Old Rectory, Rectory Road, Whatfield IP7 6QU

- 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 & Mrs Mike & Jane Appleby against the decision of Babergh District Council.
 - The application Ref DC/19/01531, dated 13 March 2019, was refused by notice dated 21 June 2019.
 - The works proposed are a single storey & two storey side extension to form kitchen/dining/seating area with laundry, larder, WC & staircase to ground floor and bedroom/en-suite to first floor.
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Decisions

Appeal A Ref: APP/D3505/D/20/3254636

1. The appeal is dismissed.

Appeal B Ref: APP/D3505/Y/19/3243518

2. The appeal is dismissed.

Preliminary Matters

3. As the proposals concern a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 4. An application for costs was made by Mr & Mrs Mike & Jane Appleby against Babergh District Council. This application is the subject of a separate decision.
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Main Issue

5. The main issue in both appeals is whether the proposals would preserve the grade II listed building, The Old Rectory, and any features of special architectural or historic interest that it possesses.

Reasons

The significance of the listed building

6. This moated house, said to have been rebuilt in the mid C17, altered substantially in the C18 and since, suggests a humbler origin as a C14 or C15 moated farmstead or parsonage. The appellants' analysis suggests that the core of the house was at the west end, the main range running parallel to the moat, with a north-south cross-wing. It was extended in the late C18 or early C19 with a 2-storey wing to the west, with a single storey element in its foreground. These have been altered internally and externally.
7. The house presents with a strongly symmetrical main section of paired, gabled bays containing centrally aligned openings with a central, ornamental stack rising from the main roof, over the front door. These bays reflect the more modestly scaled gabled bay from which they are set back. The overall impression from the front is of a rather grand house, very elegantly arranged with the gabled bay a repeated device and with an interesting pattern to the order and the shapes of its openings. This gentle, mannered formality diminishes at the west end with the C18 or C19 wings which lack the cohesive power of the formal geometry of the main section of the front elevation of the listed building. As a series of more utilitarian, ad hoc expansions and alterations, in a traditional, vernacular design consistent with the crafts of local builders, their architectural interest, on their own, is limited.
8. Nonetheless, their lack of architectural ambition, compared to the earlier development, reveals something of the place and social preoccupations at the time of their construction. Their subordinate forms, the spatial arrangement within them, and their piecemeal alteration have historic value from revealing the changing service functions within The Old Rectory, illustrative of a time when rural parsonages may have had live-in domestic servants. This contributes to the narrative of the evolution of the building from the C17 to the C21 and its historic significance.

The effect of the proposals on the listed building

9. The single and 2-storey west wings would be demolished and replaced. I note that the 2-storey wing has been altered in the C20, but its contribution to the historic significance of the house, in terms of the function of spaces and uses it contained, their form and arrangement, and their relationship to the main section of the house remains. Its form and its detailing, including the earlier windows, and its use of local materials, despite alterations and repairs, retains substantial historic interest. In these respects, the loss of the 2-storey wing would deplete the building of some of its historic significance. As a sensitively designed, subordinate part of the whole building, against which it has stood and weathered over two centuries, it also retains some aesthetic value.
10. The profiled metal cap over the parapet of the single-storey wing, and its mono-pitched roof, at such a forward position in the front elevation of a building with such a distinctive roofscape, appear anomalous with the more

aspirational architectural approach of the other stages of development of the building. In the context of the rest of the building, and even as a utilitarian building, it has very little architectural interest. Nonetheless, the size and arrangement of the spaces it contains have some historic interest, and its walls and roof, however incompatible their detailing and siting with the main section of the house may appear today, reflect the social and economic background of the time of its construction and its position in the architectural hierarchy of the building, when it was built.

11. I have taken into account that the footprints of these west wings have been reduced, and that they have been altered. However, their total loss would deplete the listed building of a large part of two centuries of its development, and a substantial proportion of its historic interest. Because of their complete loss, these proposals would fail to preserve the historic interest of the listed building.
12. The replacement extensions would be deeper and wider than the footprints of the present structures. I appreciate that the new, 2-storey section would be no higher than the present structure, and it would be set back equally from the front elevation of the building. However, its length and breadth would be sufficiently great to unbalance the order of mass in the front of the building, displacing the older, gabled section presently at the apex of the hierarchy of the front elevation.
13. The long, box-like form of the single-storey extension would appear crudely insensitive abutting a building with such a distinctive roofscape of pitched roofs, its dissonance exacerbated by its flat roof and its prominent position towards the front building line. The siting of the full height chimney stack onto its front elevation, emphasised by the symmetrical window openings alongside it, would be an incongruous feature in the building, detracting from the more finely mannered order of the core in the front elevation of which chimneys rise from within the footprint of the building rather than upon its front façade. For these reasons, the replacement extensions would undermine the balance and order of the front elevation of the building and diminish its architectural significance. I conclude that the demolition of the west wings would fail to preserve the special historic interest of the grade II listed building, and that their replacements would harm its special architectural interest, contrary to the clear expectations of the Act.
14. I acknowledge the appellants' point that policy CN06 of the Babergh Local Plan 2006 (LP), to which the Council refers, is out of-date because it does not include the more balanced approach to proposals affecting heritage assets as set out in the National Planning Policy Framework (the Framework). While this omission diminishes the weight I can accord it, and notwithstanding its more prescriptive tenor, where it requires proposals for part demolition and extension of buildings of special architectural or historic interest to preserve their historic fabric, to justify demolition in terms of preserving the special character of the building, to cause the minimum possible impact, and to be of an appropriate scale, form, siting and detailed design to harmonise with the existing building, the policy appears broadly consistent with the Framework. Against these measures, the proposals would be in conflict.
15. For the reasons below, the application of the policies in the Framework which protect designated heritage assets provide a clear reason to refuse the

proposals. The presumption in favour of sustainable development in paragraph 11 of the Framework is not therefore engaged.

Planning Balance and Conclusion

16. The proposals would preserve neither the special historic interest nor the special architectural interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset, and that any harm to the significance of a designated heritage asset should require clear and convincing justification.
17. The parties disagree on the amount of harm to the significance of the listed building. Yet, significantly, there is no dispute between them that the harm caused, in terms of the demolition, would be less than substantial. So too, for the reasons above, is the harm that I have identified from the new extensions, less than substantial. 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.
18. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The Planning Practice Guidance¹ expands on these as benefits which deliver social, economic or environmental objectives as described in the Framework, of a nature or scale to be of benefit to the public at large, and not just a private benefit. It gives examples of heritage benefits which include reducing or removing risks to a heritage asset; sustaining or enhancing its significance; and securing its optimum viable use in support of its long term conservation.
19. I appreciate that the building has evolved over centuries. These increments of change weave through its historic fabric and are an important part of its significance. While another moment of development may enrich its long narrative, these proposals would remove a substantial part of the building's historic significance. They would not enhance our historic environment and do not therefore meet the environmental objective of sustainable development. I accept that the single storey wing has only limited aesthetic value in its own right, however, I have found that the new wings, which would also incorporate its replacement, would diminish the architectural significance of the building. This does not meet the environmental objective of sustainable development.
20. I have carefully considered the structural condition of the west wings, and the effects of the differential movement between them and the main section of the house, which the Structural Survey² suggests is likely to be caused by their different foundation depths. However, it does not indicate movement or its effects which are so severe that there is a risk of impending collapse, serious damage to the main section of the house, or that repairs would be impractical or ineffective. Nor does it suggest that repairs would conflict with the significance of the building, or that they could not be executed without these proposals.

¹ Planning Practice Guidance, Paragraph: 020 Reference ID: 18a-020-20190723

² Structural Survey by Stroud Associates Ltd, 16 December 2019

21. While I do not discount the conditions identified or underestimate the need for repairs, the west wings have stood for around two centuries, and the main section of the house for many more. These are old buildings, and their condition needs to be considered in this context. For instance, while the Survey identifies³ that in the 2-storey west wing the infill of the triangular roof section leans significantly back into the roof, it also notes⁴ that in the main section of the house, the pair of gable ends have significant outward lean. The Survey records that the roof profile over the 2-storey west wing undulates and has significant sag. However, it also notes⁵, that the roof of the main house undulates too, and there is an outward bow in its length. The purpose of these comparisons between the conditions of the west wings which are proposed to be demolished, and the main section of the house, which is to be retained, is not to trivialise the identified conditions but to contextualise the magnitude of the risks they present to the heritage asset.
22. Finally, I accept that the cause of many of the repairs needed in the west wings may stem from differential movement, and I understand that underpinning may introduce shear forces between the two structures. However, the Survey indicates that whilst the Engineer is not an advocate of underpinning it must not be discounted. Moreover, the appellants' Structural Review⁶ indicates that there is a problem with the immediate surrounds, and perhaps a fault with the subsoil or a problem beneath the foundations which needs to be resolved by exposing the foundations with trial holes. There are no trial hole results, nor is there any evidence that alternative means to accommodate movement and reduce risks to the heritage asset, less drastic than demolition, are unsuitable here.
23. While the proposals may remove the risks to the condition of the listed building from continued movement, the cure proposed here would be worse than the disease. They would be at odds with the Framework which indicates in paragraph 190 that the significance of a heritage asset should be taken into account when considering the impact of a proposal to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
24. I appreciate that the proposals would improve the living accommodation. However, the continued viable use of the building as a dwelling is not dependent on the proposals as the building has an ongoing residential use that would not cease in its absence. While the accommodation would meet the needs of its occupiers, the benefits to flow from this would be private rather than of benefit to the public at large.
25. I note that the proposals would include a ground source heat pump. Reducing the carbon footprint of the house would contribute to the environmental objective of sustainable development. Construction of the proposals would bring economic benefits from employment, the commissioning of services, and the retention of building craft skills. These public benefits do not, however, outweigh the harm identified above to the significance of the heritage asset to

³ Structural Survey, para 4.1.6

⁴ Structural Survey, para 4.1.9

⁵ Structural Survey, para 4.1.10

⁶ Structural Review by Stroud Associates Ltd, 16 December 2019, paras 8 & 9

the conservation of which the Framework indicates great weight should be given.

26. Whilst I note the judgements⁷ referred to, given the context of the proposals, the historic significance of the building, the magnitude of risk, the present condition of the building and effects of movement, the demolition and proposed replacement does not provide the clear and convincing justification for such a loss of significance, as indicated in paragraph 194 of the Framework, and does not amount to a public benefit.
27. I conclude that the proposals would fail to preserve the special historic and architectural interest of the grade II listed building. They would fail to satisfy the requirements of the Act and the development plan, as well as paragraph 192 of the Framework. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR

⁷ *Bedford BC v SSCLG* [2013] EWHC 2847 (Admin) at [29] & *Pugh v SSCLG* [2015] EWHC 3 (Admin) at [53]
