



Appeal Decision

Site visit made on 3 August 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/M4320/Y/20/3248621

15 Adelaide Terrace, Waterloo L22 8QD

- 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 Michael Eicke against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/01314, dated 11 July 2019, was refused by notice dated 1 October 2019.
 - The works proposed are internal structural alterations, installation of a wood burning stove, installation of a bath and WC to the second-floor bedroom, the erection of timber stud partitions to second floor with extract fan venting to the rear elevation and alterations to the window.
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Decision

1. The appeal is dismissed in so far as it relates to internal structural alterations, installation of a wood burning stove and extract fan venting to the rear elevation. The appeal is allowed in so far as it relates to the installation of a bath and WC to the second-floor bedroom along with the erection of timber stud partitions and alterations to the window in the second-floor bedroom. Therefore, Listed building consent is granted for the installation of a bath and WC to the second-floor bedroom along with the erection of timber stud partitions and alterations to the window in the second-floor bedroom at 15 Adelaide Terrace, Waterloo L22 8QD, in accordance with the terms of the application, Ref DC/2019/01314, dated 11 July 2019, and the plans submitted with it, only so far as relevant to the part of the works hereby permitted, and subject to the following condition
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.

Procedural Matters

2. The application for Listed Building Consent was originally made in the name of Mrs Lisa Cummings. However, on the instruction of the original applicant and prior to the Local Planning Authority (LPA) issuing its formal decision, this was changed to Mr Michael Eicke. This is reflected in the LPA decision notice which identifies Mr M Eicke as the applicant. I am therefore satisfied that the appeal can proceed in the name of Mr Michael Eicke.
3. In the banner heading above I have used a slightly modified version of the description of the proposed works taken from the LPA's Decision Notice, rather than what is stated on the application form¹. I have done so as this appears to

¹ Which is "Internal structural amendments. Install wood burning stove. Install new bath and WC to first floor bedroom complete with sections of stud wall and extract fan venting to rear elevation."

be a more accurate reflection of what is proposed. I also note that the description used in the Decision Notice appears on the appeal form. Nevertheless, in my formal decision I have made some minor revisions to the description of works in order to accurately identify which elements of the proposal I have found to be acceptable and thereby reflecting the split nature of my decision.

4. There is some discussion in the parties' submissions of an alternative sized opening proposed between the two rear facing rooms. However, I do not have a revised plan or drawing before me. Moreover, the appeal process should not be used to evolve a scheme to overcome the LPA's reasons for refusal and instead a fresh application should usually be made². I have therefore considered the appeal on the basis of the plans and drawings that were before the LPA when it made its decision.

Main Issue

5. The main issue is whether the proposed works would preserve Nos 3 to 19 Adelaide Terrace (a Grade II Listed Building) and any features of special interest the building possesses.

Reasons

Special interest and significance

6. The appeal property is part of a wider terrace (Nos 3 to 19) of Grade II listed houses built in a neo-classical style and located within the Waterloo Conservation Area. Dating from the mid-19th century, the house is a two storey, three bay property with attic accommodation. The terrace has a colourful painted stucco frontage with string course, moulded first floor sill-band, prominent moulded cornice and is flanked by giant Doric pilasters which separate each dwelling along the row.
7. Internally, the appeal property has been subject to various alterations over time. Nevertheless, the historic plan-form survives to a great extent and remains legible, providing an insight into the historical use of the property and how it originally functioned as an early-Victorian house. Furthermore, a number of features of a historical character remain in some rooms, such as the central staircase and balustrade, windows and doors with accompanying architraves, decorative picture rails, profiled dado rails, cornices, skirting and chimney breasts.
8. From the evidence available to me, including my own observations, I consider that the special interest and significance of the property to be principally derived from its historical illustrative value and aesthetic designed value as an early-Victorian mid-terrace townhouse. It is also derived from the Terraces value as a group which illustrates the historical residential development of this part of the sea-front. These aspects of the Terrace also contribute positively to the character and appearance of the Waterloo Conservation Area. In so far as it pertains to this appeal, I consider the significance of the appeal property's interior to be largely derived from its historic integrity, to which the legibility of its extant historic plan-form and surviving historic features contribute.

² Annex M of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

The proposed works

9. Notwithstanding the description of the proposed works, the proposal comprises a number of items including: a structural opening between the existing rear facing lounge and dining room; alterations to the existing dining room chimney breast; repositioning the doorway between the existing dining room and kitchen and installation of a pocket door; installation of a wood burning stove in the existing rear facing lounge; plaster boarding over one side of the existing dining room door; the installation of a bath and en-suite facilities along with the erection of two sections of stud partition walls and installation of extract vent to a rear facing bedroom³ on the second floor and the application of frosted film to its window. Plans also show the positioning of new light fittings, the positioning of a new bath to a rear facing room⁴ on the first floor and two potential locations of a cowl for a fan on the rear elevation between the ground and first floors.

The effect of the proposed works

10. The existing rear facing lounge retains many historic features including large skirting, dado rail, picture rail, cornice and large projecting bay window with French doors flanked by wooden shutters, providing a good outlook over the rear garden. In combination, these features suggest that this was historically one of the formal rooms of the house that was likely to have been principally used by the owner and their family and where guests may have been entertained. This is in contrast with the more modest characteristics of the adjoining room⁵ where its more restrained detailing is suggestive of a functional as opposed to formal space, possibly associated with the activities of household staff. Therefore, the partition wall between the two rooms derives significance in its historical division of the household, separating the service areas from the more formal rooms of the house.
11. Despite the retention of nibs on either side and a section of downstand, that would retain the cornice and picture rail, the proposed structural opening would be substantial in the context of the room's proportions. It would therefore result in an obvious departure from the surviving historic plan-form of the building's ground floor. In addition, the removal of sections of wall on either side of the opening and replacement with engineering brick to provide structural support would result in a harmful loss of historic fabric. Moreover, the blocking up of the doorway between the hallway and the existing dining room, from the dining room side only, would further erode the legibility of the historic plan-form. In this regard, the proposal would detrimentally alter how the two rooms function, harmfully diminishing the building's historic integrity and identified significance.
12. In respect of several other elements of the proposal the submitted plans are ambiguous in a number of critical aspects including the lack of any illustrative details or specification for the proposed extract vent to the second floor en-suite area or the cowl for the fan that is proposed at two alternative locations on the rear elevation between the ground and first floor. Other than vague annotations on the floor plans, no illustrative material or specifications have been provided regarding the proposed installation of a pocket door, wood burning stove or alterations to the chimney breast in the dining room. The

³ Labelled as bedroom 7 on the accompanying plans

⁴ Labelled as bedroom 3 on the accompanying plans

⁵ Labelled as 'Dining' on the Existing Ground Floor Plan

extent of these works and their effect on the significance of the building is therefore unclear. Moreover, beyond the marked positions of new light fittings on the floor plans, no details have been provided as to the specification of these fittings and how they may impact on the historic fabric of the building. The inclusion of two alternative proposed positions for a bath within a rear facing room on the first floor also creates a degree of ambiguity.

13. This lack of detail does not allow for a meaningful assessment of the potential effects of these measures to the fabric, and thus the significance and special interest of, the listed building. Due to their extent, and the degree of ambiguity over what is proposed, it would be unacceptable to leave such matters to be controlled by conditions. Consequently, in these regards I conclude that it has not been demonstrated that these elements of the proposal would preserve the listed building and its special interest. Whilst I note that the LPA did not explicitly object to these elements of the proposal, I have reached my own conclusion on the evidence before me and therefore this does not detract from my findings in this regard which is born out of a lack of information and certainty over what is proposed.
14. Taking the above points together, and mindful of the duty arising from the Planning (Listed Buildings and Conservation Areas) Act 1990, I find that the aspects of the proposed works mentioned above, in their entirety, would fail to preserve the Listed Building and its features of special architectural or historic interest. In doing so, the proposed works would harm the significance of the designated heritage asset
15. Turning to the proposed installation of a bath and WC along with the erection of two sections of stud partition walls within bedroom 7 on the second floor, and the application of a frosted film to its window. These alterations are minor in scale and given that water and wastewater services already exist within this part of the house, the proposal would have a negligible impact on the historic fabric of the building. The stud partitions would amount to small sections of wall that would not have an appreciable impact on the significance of the building and could easily be reversed without causing damage. Similarly, the application of a frosted film to the window would not significantly alter the appearance of the window which does not appear to be original. Consequently, these elements of the proposal would avoid harm to the significance of the Listed Building and preserve its special interest.

Other Matters

16. To justify the works, it has been put to me that they are required to create a more accessible and sociable space that would make better use of the space and reflect modern living. It is also suggested that the works would provide a better connection to the rear garden with easy access on summer days and more natural light during the winter. In this regard, I accept that the works would improve the living space for the appellant and their family. However, these do not amount to public benefits that would be sufficient to outweigh the harm that I have identified. Furthermore, the continued viable use of the building as a residential dwelling is not dependent on the proposal as the property has an ongoing residential use; and I have been supplied with no substantive evidence to suggest that such use would cease in the absence of the proposed works. It has not therefore been demonstrated that the proposed works would result in the optimum viable use of the building.

17. In support of the proposal, the appellant draws comparisons between their proposed works and authorised works at Nos 7 and 19 Adelaide Terrace where similar structural openings have been approved. However, I do not have full details of the circumstances that led to these other proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal. From the limited details I have pertaining to No 7, it appears that there were public benefits that outweighed the harm in that case and therefore the circumstances are not comparable to this appeal. In any case, I have considered the appeal on its own merits and reached my own conclusions.
18. The appellant has suggested that they would install floorboards in the existing dining room similar to those in the rear reception room and would replace small modern skirting with wider skirting to match that which already exists. While they are of the view that this would be an enhancement, I disagree. There is no evidence before me to suggest that the installation of these features would be historically appropriate and I have little detail of such proposals, which are not shown on the accompanying plans or set out in the description of the proposed works.
19. The proposed works are mainly internal in nature, and in so far as they relate to externally visible aspects of the building, they would have only very limited visual effects in terms of the wider Conservation Area. On this basis, I conclude that the proposed works would preserve the Conservation Area's character and appearance. However, the lack of harm in these regards is a neutral factor that weighs neither in favour of nor against the proposed works.

Overall Balance

20. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed 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 clear and convincing justification.
21. The Framework also anticipates that once a finding of harm has been made that the magnitude of that harm should be assessed. Given the relatively limited extent of the proposed works, I find the harm to the Listed Building to be 'less than substantial' in this instance, but nevertheless of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
22. For the reasons set out above, it has not been demonstrated that the proposed works in so far as they relate to internal structural alterations, installation of a wood burning stove and extract fan venting to the rear elevation would result in an optimum viable use of the property. Although the installation of a bath and WC to the second-floor bedroom along with the erection of timber stud partitions and alterations to the window in the second-floor bedroom would avoid harm to the Listed Building, this and the appeal scheme's lack of harm to the Conservation Area are not positive benefits and have only a neutral effect on the overall balance. Moreover, no public benefits have been advanced in favour of the proposed works, in so far as they relate to internal structural alterations, installation of a wood burning stove and extract fan venting to the rear elevation of a weight sufficient to tip the balance in their favour when set

against the great weight and importance that their harm to the significance of the Listed Building attracts.

23. For these reasons, these aspects of the proposed works would clearly conflict with the Framework in so far as it requires heritage assets to be conserved in a manner appropriate to their significance; and would run contrary to Policy NH11 of the Local Plan for Sefton 2017, which establishes that proposals that harm the significance of Listed Buildings would not be permitted unless it can be demonstrated that public benefits outweigh the harm.
24. On the other hand, as set out above the aspects of the proposed works in so far as they relate to the installation of a bath and WC to the second-floor bedroom along with the erection of timber stud partitions and alterations to the window in the second-floor bedroom would preserve the Listed Building and its special interest – and in this respect would not conflict with the above-cited policy of the Local Plan or the Framework. As these aspects of the appeal proposal are clearly severable from the other works, I consider that a split decision is justified in this case.

Conditions

25. I have had regard to the list of suggested conditions provided by the LPA and have considered these in the context of the Framework which advises that conditions should only be imposed where they are necessary, relevant to planning and to the works to be permitted, enforceable, precise and reasonable in all other respects.
26. I have imposed the standard timescale condition in accordance with the legislation⁶. I note the LPA's suggestion for a condition listing the approved plans, but it is not usual practice to apply such a condition to a grant of Listed Building Consent. However, given the split nature of my decision I have been explicit in my formal decision as to the extent of the works hereby approved.
27. There is no need for a condition relating to external materials as no external works are approved.

Conclusion

28. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed in so far as it relates to internal structural alterations, installation of a wood burning stove and extract fan venting to the rear elevation; and should succeed in so far as it relates to the installation of a bath and WC to the second-floor bedroom along with the erection of timber stud partitions and alterations to the window in the second-floor bedroom.

Jeff Tweddle

INSPECTOR

⁶ Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990