



Appeal Decisions

Site visit made on 22 September 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 October 2020

Appeal A: APP/F1610/F/19/3237605

Canonbourne, Parsons Lane, Weston Sub Edge, Gloucestershire, GL55 6QR

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Young against a listed building enforcement notice issued by Cotswold District Council.
 - The enforcement notice was issued on 27 August 2019.
 - The contravention of listed building control alleged in the notice is (a) The removal of timber flooring to the rear of the ground floor hall way and the front section of the ground floor kitchen as identified on the applicants' attached Plan marked "Plan 3" and their replacement with a concrete screed and radon membrane; (b) The creation of an opening through a chimney breast between bedroom 1 and bathroom 1/dressing room at first floor level as shown on the applicants' attached Plan marked "Plan 2".
 - The requirements of the notice are A. Permanently remove the concrete floor and membrane from the front section of the ground floor kitchen as shown forward of the white line on Plan 3 and replace with a timber floor construction with timber joists and timber floor boards; B. Permanently remove the concrete floor and membrane from the rear section of the ground floor hallway shown hatched red on Plan 3 and replace with a timber floor, C. Permanently remove the door from the opening between bedroom 1 and bathroom 1/dressing room on the first floor; D. Permanently in-fill the opening between bedroom 1 and bathroom 1/dressing room on the first floor and, once infilled, permanently cover the exterior of the wall with timber laths and lime plaster; E. permanently remove the doors from the infill partitions in bathroom 1/dressing room; F. permanently remove the infill partitions from bathroom 1/dressing room.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1) (a), (d), (g), (h) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal B: APP/F1610/Y/19/3237607

Canonbourne, Parsons Lane, Weston Sub Edge, Gloucestershire, GL55 6QR

- 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 Young against the decision of Cotswold District Council.
 - The application Ref 19/02199/LBC, dated 9 June 2019, was refused by notice dated 20 August 2019.
 - The works proposed are concrete floor to ground floor Kitchen to replace rotten timber and cracked concrete combination. Concrete floor to part of the entrance hall. Restoration of a previously hidden opening between two first floor rooms.
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Decision

1. The appeal is allowed and the listed building enforcement notice is quashed.

Preliminary matters

2. Canonbourne is a large private house that was once a Rectory dating from the 1830s and built in the classical style. It was converted into 6 flats in 1960 which involved a major internal re-organisation and it seems many original internal features were lost at that point. The appellant purchased the property in 1978 and it was listed in 1998. Recently, it seems, the fabric of the building had deteriorated and the appellant began a complete restoration and internal reorganisation. As I saw on my site visit this has been carried out to a very high standard.
3. As part of the restoration works a timber floor at the back of the entrance hall and in part of the new kitchen in flat 1 was removed and replaced by concrete with a DPC. In a first floor bedroom in flat 1 a new opening was made in the wall to serve an ensuite bathroom and dressing room.

The Appeal on Grounds (a), (d) and (j)

4. It is clear the appeal on ground (a) is a mistake as the appellant does not seek to argue the building should be delisted, but that the works have not affected those elements of the building that make it worthy of listing. This is actually a ground (c) appeal. Although ground (c) has not been appealed it is clear this is actually the ground the appellant is seeking, that the works have not affected the character of the building as one of special architectural or historic interest.
5. The appeal on ground (d) is that the works were urgently necessary for the preservation of the building. This ground only applies to the hallway floor and cannot succeed because while the floorboards may have been rotten and the staircase in danger of collapse, the use of concrete was not the only solution, but merely one chosen by the appellant.
6. The appeal on ground (j) can only be pleaded when the notice does not seek to restore the building to its former state but requires some other works to be undertaken. In this case the requirements are full restoration so ground (g) is the correct ground in this case.
7. I shall therefore deal with the appeal as if it had been made on grounds (c), (g) and (h). Although ground (c) is new, there would be no injustice as both parties have provided full and detailed representations on the issues raised.

The Appeal on Ground (c)

8. This ground is that the matters alleged do not affect the character of the building as one of special architectural or historic interest. The appellant has provided a plan of the ground floor which shows there has already been a substantial loss of wooden floors and most of the ground floor is now concrete, having been put in during the 1960s works. Only the rear hall which contains the staircase, the large room to the right of the front entrance (now a living room), and two smaller rooms to the left (previously bedrooms 1 and 2) retained any wooden floors. Of the rooms as divided up in the 1960s, 14 have concrete floors. The living room and bedroom 2 retain their wooden floors. Bedroom 1 it would seem was once part of a larger room which was subdivided by a partition to create a bedroom, bathroom and corridor through to bedroom 2, the bathroom and corridor having concrete floors. The partition has been removed and it has been returned into a single large room, now a kitchen which had a partly wooden and partly concrete floor. The staircase hall has

also been opened up to reconnect it to the entrance hall. Both these internal changes have led to what would seem to have been original room spaces with half concrete and half wooden floors.

9. The loss of any original fabric of a listed building is to be avoided if possible, but in this case the appellant argues, and has provided photographs of the staircase hall to support this, that the wooden floors were rotten. He also maintains the floor boards were not original but date to the 1960 works, which would make them 60 years old.
10. The Council argue the photographs suggest the floorboards beneath the staircase appear to be 19th century. They also appear to be the remains of the floor that was removed and that floor may well have been both historic and salvageable. I'm not convinced the floorboards can be dated from the photographs, but equally it would seem odd that when the original floors were mostly replaced in the 1960s just a few areas were upgraded with timber when all the rest were concreted. However, even if they were historic, there is no evidence they were salvageable. The appellant states the staircase had come away from the wall due to the lack of support from the rotten timbers. I have no reason to doubt the argument that the timbers in both rooms were not reusable.
11. In such a case the question is whether they should be replaced with modern timbers in order to retain the significance of the building or not? The listing of Cannonbourn concentrates on the exterior but also picks up a number of interior details that clearly stood out. Although there is no mention of the wooden floors this does not mean they cannot contribute to significance. Nevertheless, it is difficult to see how two fragmentary floors do contribute to the significance of the property. Where a room retains its original floor intact is a different matter. Even if the floor were temporarily covered up the room could be returned to something like its original state. But in the case of the two floors here the replacement of the old timber with new would only serve to highlight the loss of the rest of the wooden flooring and would not enable even a facsimile of a 19th century room to be recreated. On this basis I do not consider their loss does affect significance nor does it affect the historic character of the building.
12. The Council also argue the replacement concrete floor with a DPC could cause problems with damp forced into the walls. This is certainly a possibility but by no means a certainty. I have no evidence as to how damp in the walls has been treated or whether it has ever been a problem. The appellant points out the rest of the house has had concrete floors over a DPC since 1960 with no problems so there would seem to be no reason for concern now.
13. The new opening created in the first floor bedroom is rather more complex. The appellant claims it was a re-opening of a previously blocked doorway. The evidence for this however is from photographs of a re-opened chimney breast on the ground floor. It was explained on the site visit that the modern utilities were threaded up through the chimney which ran through the wall next to the new bedroom opening. It is not clear how this bears on the provenance of the new bedroom door and would seem to be a red herring. However, the appellant does state that he found two wooden lintels in the wall where the opening now is and replaced with concrete. The wooden ones had rotted due to water ingress down the chimney flue. He also states at some time in the

1960s a fireplace was installed. It is not clear to me whether the space now occupied by the door was originally a chimney or not, although it does seem to have been used as one. However, there is also a flue next to it containing the now hidden pipework, and I have no reason to doubt that rotten wooden lintels were found in the wall. As I noted at the beginning the works have been carried out to a high standard and with an obvious eye for restoring or recreating the original features of the building. As a result I am reluctant to disbelieve the appellant. It would seem that the simplest conclusion is the wall has had a history of interventions and changes, which is perhaps not surprising in a building nearly 200 years old. The current door has been installed as a 'hidden door' which would have been a feature of early Victorian country houses. I therefore do not consider the new opening to have any effect on significance or on the historic character of the building.

Conclusion

14. I do not consider the matters alleged affect the significance of the listed building or affect the character of the building as one of special architectural or historic interest. The appeal thus succeeds on ground (c) and I shall quash the notice.

Simon Hand

Inspector