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## Appeal Decisions

Site visit made on 6 August 2020

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 October 2020**

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### **Appeal A: APP/T0355/W/19/3234510**

**Old Gunsbrook House, Twyford Road, Waltham St Lawrence, Reading RG10 0HE**

- 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 Bangs against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref: 19/00359, dated 5 February 2019, was refused by notice dated 15 May 2019.
  - The development proposed is described on the Council's decision notice as "*alterations to chimneys to lower height and install new chimney pots, removal of two sections of pitched roof and replacement with flat roof, removal of chimney stack and alterations to fenestration (Part Retrospective)*".
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### **Appeal B: APP/T0355/Y/19/3234509**

**Old Gunsbrook House, Twyford Road, Waltham St Lawrence, Reading RG10 0HE**

- 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 Bangs against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref: 19/00360, dated 5 February 2019, was refused by notice dated 15 May 2019.
  - The works proposed are described on the Council's decision notice as "*internal and external works to Grade II listed building. Seeking consent to retain: removal of modern partitions, fixtures, fittings, finishes and services; internal refurbishment and joinery works; works to fireplaces; new window openings; new internal door openings; alteration of chimneys and roofs. Seeking consent for: completion of internal refurbishment works, including flagstone flooring and joinery to historic patterns; works to fireplaces; completion of unfinished window openings; reinstatement of external infill brickwork; new external and internal doors to historic patterns; completion of unfinished roofs in traditional materials*".
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## **Decisions**

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed.

## **Introduction and Background**

3. The amended descriptions of proposed development and works has been agreed by the appellant and are taken from the Council's decision notices rather than the application form.
4. Some of the works the subject of these appeals were considered by my colleague Inspector as part of the appeals against listed building enforcement notices (LBEN) under references APP/T0355/F/18/3219317, APP/T0355/F/18/3219318 and APP/T0255/F/18/3219319 at a Hearing on 15 October 2019, decided on 9 December 2019. Subject to corrections and/or variations the appeals were dismissed and the listed building enforcement notices were upheld.
5. Therefore, the following works are covered by previous appeals and should be carried out according to the requirements of respective corrected and/or varied LBENs:

### *Notice 1*

- 1) Removal of chimney stack and fireplace from the dining room;
- 2) The creation of new openings and fitting of windows in the west elevation in what is known as bedroom 3;
- 3) The reconfiguration of the projecting roof on the ground floor covering the dining room.

### *Notice 2*

- 1) Removal of the wall to the east of the sitting room which has been opened up to the hallway;
- 2) Removal of internal wall to the east of the dining room which has been opened up to join with the sitting room and the removal of the internal wall in the south of the dining room which has been opened up to join with the extended part of the reception hall;
- 3) Plastering of walls, ceilings and fireplaces;
- 4) Removal of the external wall on the first floor on the north elevation of the bathroom.

### *Notice 3*

- 1) New window opening in the south elevation of the kitchen on the ground floor;
  - 2) New window opening involving the removal of part of exposed external timber frame in the dining room on the ground floor;
  - 3) Removal of the window and creation of a larger opening at the top of the first half of dog leg stairs;
  - 4) New window openings in the south and west elevations of the first floor in bedroom 2.
6. At the site visit my attention was drawn to certain works and proposals the subject of LBENs, as well as the current appeals, which the appellant notes

have been carried out. It is not my role to ascertain whether this is the case. Furthermore, it is my understanding that the appellant no longer wishes to carry out some of the works proposed in the applications. However, these remain the subject of the appeals before me and I have therefore determined them.

7. The following items are included in the appellant's schedule of works in the Heritage Design and Access Statement. The local planning authority does not consider they require listed building consent (LBC) and therefore are not matters of dispute. I see no reason to disagree with the Council's conclusion with respect to these works:

*External works*

- External groundworks, drainage, replacement metal rainwater goods;
- Roof covering – repair and patch replacement with matching tiles.

*Internal works*

- Kitchen - joinery repairs.
- Dining room - repair to ceiling.
- En-suite 2 - redecoration and replacement of bathroom fittings.
- Bedrooms 1 and 5 and en-suite – redecoration.

8. Furthermore, it is my understanding that some works have been carried out following agreement via a legal undertaking between the appellant and the Council. These are:

- External groundworks;
- Below ground drainage comprising new rainwater drainage disposal system and connection to a new drain/soakaway;
- Rainwater goods – review and renew in black-painted cast iron as required;
- Repair and repatch replacement of roof coverings with matching tiles as required;
- External walls – brick replacement and mortar repair;
- Complete installation of heating on ground floor by raising floors and installing radiators;
- Removal of gypsum plaster and re-plastering in lime plaster;
- Removal of gypsum plaster to expose cement tanking.

9. The following works have been agreed under applications reference 19/01769/LBC and 19/02552 CONDT:

- Staff Flat – renewal of underfloor plumbing and relaying floorboards; and
- Removal of modern skirting, fire surrounds and down lighters.

10. In addition, there is no dispute between the main parties with respect to other works and I agree that these do not affect the special architectural or historic interest of the building; namely:

*Internal works*

- Entrance hall – new skirting and boards.
- Kitchen – Removal of post-1988 kitchen and installation of new fitted kitchen.
- Dining room – Replacement skirting boards.
- Sitting room – Replacement skirting boards.
- Utility – Removal of modern finishes and replacement fitted units.
- Cloak room – Removal of wine fridges.
- Staircase half landing/gallery – Removal of radiator on landing.
- Bedroom 2 – New skirting boards.
- Bedroom 3 – replacement skirting boards.
- Bedroom 4 – Removal of modern partition and shower room and new skirting boards.

*External works*

- Removal of tiles to external face of bathroom wall, replacement with external oak boarding and reinstatement of lath and lime plaster externally.

11. Subject to the submission of further details the Council has no objection to the following works, which are part of the applications:

*Internal works*

- Entrance hall – removal of modern finishes from internal joinery and timbers; oak clad entrance step and removal of post-1998 platform in bay and new floor covering.
- Kitchen – New flag stone floor.
- Dining room – New flag stone floor.
- Sitting room - Blocking up opening from sitting room to hall, remove and plaster over 1990s fireplace, install new fireplace to historic pattern and new stone flag floor.
- Bedroom 2 – Repair works to historic beam.
- Bedroom 4 – Blocking up post-1998 door opening.

12. With respect to these matters, as part of the overall package of works or individually, there is insufficient information at this stage to demonstrate that there would not be a level of harm to the building and that listed building consent should be granted. They will therefore not receive any further

consideration in this decision. A further application for listed building consent to the local planning authority in more detail may be successful.

### **Policy Background**

13. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as well as the provisions of section 16(2) of the Act.
14. The development plan includes the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003) (the LP). Policy LB2 reflects the Act, indicating that the Council will have special regard to the preservation of listed buildings and their setting when assessing proposals affecting Listed Buildings or their setting. Policy CA2 also reflects the Act, requiring that all development will enhance or preserve the character or appearance of Conservation Areas. Policy DG1 sets more general design guidelines, including with respect to the use of materials and the character of areas.
15. There is also an emerging local plan, the Borough Local Plan 2013-2033 Submission Version (ELP), Policy HE1 of which indicates that permission will not be given for works which would cause harm to the significance of a heritage asset without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the heritage asset. This generally reflects the Act and guidance in the National Planning Policy Framework (the Framework).
16. In addition, Policy Gen 2 of the Hurley & Walthams Neighbourhood Plan (December 2017) (the NP) relates to quality design, stating that development proposals, including alterations to existing buildings will be supported providing they reflect the architectural and historic character and scale of buildings, among other objectives.

### **Main Issues**

17. With respect to both appeals, the main issues are:
  - i. whether the proposals would preserve a Grade II listed building, Old Gunsbrook House, and any of the features of special architectural or historic interest that it possesses, and
  - ii. whether or not the proposals would preserve or enhance the character or appearance of the Waltham St Lawrence Conservation Area.

### **Significance of the listed building and historical development**

18. Old Gunsbrook House is a Grade II Listed Building. The house is irregular in plan and form, due to its long history of extension and alteration. The listing describes it as early sixteenth century, extended in the late seventeenth and nineteenth centuries and altered, extended and restored in early twentieth century.
19. The house is of two storeys in red brick with visible elements of external and internal timber framing, which is structural in the older parts of the building and an applied façade treatment in some of the later parts. It has an irregular arrangement of fenestration, steep pitched red tile roofs and tall chimney

- stacks. The windows appear to be consistently late nineteenth or twentieth century and are mainly leaded with diamond panes with oak frames.
20. The listed building is at its core a sixteenth century or earlier hall house. It is difficult to precisely date the building, but the oldest parts of the house are two timber framed elements probably from the sixteenth or seventeenth century and these are each rectangular of broadly the same size footprint. There is a central chimney which may have originally been a smoke bay, and the cross passage behind this could have led to an outdoor kitchen, where the well is located. The element to the north blocks a historic window to the southern section, suggesting this was once an external wall. Internally, the northern element has a framed newel staircase with twisted balusters, which from its design appears to be mid to late seventeenth century. The appellant notes that this suggests either that the northern element is a mid-late seventeenth century extension to the southern element, or that it was fitted into the pre-existing building at this time, or, equally, that is a much later insertion of a salvaged or new staircase to a seventeenth century pattern.
  21. The house is shown on an 1815 enclosure map as having a further projection on its west side, for what is now the dining room, with bedroom 2 above. It is not known when this was built, but it is likely to be a seventeenth or eighteenth century addition. The external chimney breast on the south elevation of the kitchen is probably also a pre-nineteenth century addition to the earliest elements of the house.
  22. Between the 1815 enclosure map and the 1840 tithe map the footprint of the house does not appear to change. The 1875 map shows to the east side a two storey extension that contains what is now the study and drawing room on the ground floor, and bedrooms 4 and 5 on the first floor. It is likely that it was built in the 1840s.
  23. Various further, small extensions were added to the house by the time of the 1899 Ordnance Survey map. These include the annexe for servants' accommodation on the north-east corner; the large window and entrance lobby leading to the reception hall; the bay window to the breakfast area and the single storey extension to the dining room.
  24. The significance and architectural and historic interest of the listed building relates to the age of the building with particular significance to the older parts, with the materials and detailing making an important contribution. However, that does not mean that the later alterations are not of considerable merit. The later additions in the Arts and Crafts style are of significant interest in themselves and the design, detailing and materials are complementary to the older parts of the building. The whole structure forms a highly attractive and characterful building with the brick and timber framing, steep roof forms, clay tiles and prominent chimneys all being important elements. The ratio of the windows/walling is also important with the opening areas being clearly considerably less than the wall areas. Internally the plan form of the building, although changed through time, remains important as a record of the building's historic development, as do the internal features and detailing.
  25. The appeal site is situated in the Waltham St Lawrence Conservation Area where its significance lies in its setting and quality as an historic property within extensive well managed landscape gardens close to the village.

## Reasons

### Appeal A – Planning Permission

26. Some of the following works which are the subject of the planning appeal have been the subject of ground (e) listed building enforcement appeals, but nonetheless require separate determination under the current s78 planning appeal.

#### *Alterations to chimneys to lower height and install new chimney pots*

27. The chimney stacks in question make an important contribution to the significance and special architectural and historic interest of the listed building. They are prominent feature on the roof of the building, are particularly visible from the garden, making an important contribution to the character and appearance of the roofscape and the overall building generally. The appellant contends that the stacks were perceived to be unstable during roof works, but there is insufficient evidence for me to conclude that this is the case. Had the chimneys been found to be structurally unstable, then I would expect them to have been repaired or rebuilt to their original form, rather than being lowered. Any salvaged bricks could have been used in reconstruction works and existing clay chimney pots reinstated.
28. The appellant argues that the impact of the works carried out is neutral. This is because, although the stacks were lowered with the loss of some historic fabric, this represents a minor change that has been executed well. Furthermore, the appellant contends that the impact is further mitigated because the lowered sections were extensions to the earlier stacks, the banded detailing has been retained and the reinstated chimney pots have been implemented to an historic design. Nonetheless, as agreed by the appellant, the works have led to the loss of historic brickwork that makes a positive contribution to the roofscape of the building and therefore the historic and architectural significance of the building.
29. I conclude that the loss of the original form and fabric of the chimneys in one of the oldest parts of the property, has caused harm to the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

#### *Removal of two sections of pitched roof and replacement with flat roof*

30. I noted at my site visit that this part of the proposal had been implemented, but subsequently reinstated apparently in accordance with LBEN1. Nonetheless, as part of the planning application it requires consideration under the current appeal.
31. The roofscape makes a very important contribution to the significance and special architectural and historic interest of the listed building. Whilst this part of the roof is a later addition, it was designed in sympathy with the original building as a traditional pitched roof covered with plain clay tiles. The proposed arrangement of a lead flat roof covering would be an alien and incongruous arrangement, having a significant jarring impact when viewing the listed building from the garden, in particular. The resultant shortened form would cause harm to the significance and special architectural and historic interest of the listed building.

32. The development would also result in the loss of historic fabric from the listed building. The appellant indicates that some of the original timbers were rotten and needed replacement. However, photographs show some damage but do not indicate that removal of the whole of the upper part of the roof is necessary. I accept that the proposal involves the retention of some of the original timbers in the lower parts of the roof, but the upper section timbers would be removed which would be harmful to the significance and special architectural and historic interest of the listed building. I appreciate that these timbers are not from the older parts of the building, but they retain significance in relation to the later work and harm has been caused.
33. I also understand that there were problems with the junction of the dining room roof with the framed wall behind. However, this type of junction is not unusual in such buildings and there is little evidence to demonstrate that the junction could not have been repaired in a sympathetic way. Even if this were the case, there would be no justification for the removal of the top part of the roof. The appellant suggests that high quality workmanship and materials would be used, but that is not sufficient to overcome the harm caused by the change to the roof form.
34. I conclude that the partial removal of roof timbers and rearrangement of the roof form would harm the significance and special architectural and historic interest of the listed building by removing historic fabric and unacceptably affecting the building's character. In terms of the Framework this represents less than substantial harm.

#### *Removal of chimney stack*

35. As already noted in this decision, the chimney stacks make an important contribution to the significance and special architectural and historic interest of the listed building. The listing itself does not identify the correct number of chimneys, but its main purpose is to identify the building in question. Consequently, the fact that something is or is not mentioned does not necessarily impute a particular interest to that item.
36. The chimney proposed for removal is a prominent feature on the garden elevation of the building, making an important contribution to the character and appearance of the roofscape and building. I understand that the chimney was found to be in poor repair, but the evidence presented does not show that it was not repairable. I conclude that the loss of the chimney, in terms of historic material and effect on the character and appearance of the building, would cause harm to the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

#### *Alterations to fenestration*

##### *i. Creation of new openings and fitting of windows in the west elevation in bedroom 3*

37. I noted at my site visit that this part of the proposal had been implemented, but subsequently reinstated apparently in accordance with LBEN1. Nonetheless, as part of the planning application it requires consideration under the current appeal.

38. The appellant notes that this part was probably built around the seventeenth or eighteenth century as an extension to the earlier section of the building. The appellant argues that it is likely that there were windows in this elevation in the position proposed prior to the dining room extension being constructed, its roof obscuring any lower windows at first floor level. This is because the height of the windows removed would have reached above the beam. This would not have been a normal location and would not provide a good view of the garden which would have been historically important. The Council's evidence suggests that the original windows are likely to be fairly recent in date. The appellant also points to the western gable where there are two similar lower windows.
39. The evidence provided does not satisfactorily demonstrate that this was the case. Although the arguments used are not unreasonable, there is insufficient evidence to justify the insertion of new windows. There would be further loss of historic fabric, albeit limited given the probable age of the window removed. I have taken into consideration the high quality of the workmanship that would be used in the construction of the new windows.
40. However, the real difficulty in considering whether to grant planning permission for the new openings concerns the dining room roof, an important feature of the building which must be replaced under the LBEN. Therefore, it would not be possible to keep the windows inserted as they would be crossed by the roof. The possible history or the benefit of views out from the bedroom are not sufficient to overcome the harm caused by the redesign of the dining room roof and loss of historic fabric.
41. I conclude that creating new openings and fitting new windows would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.
  - ii. *New window opening in the south elevation of the kitchen on the ground floor*
42. I noted at my site visit that this part of the proposal has been implemented, but subsequently reinstated apparently in accordance with LBEN1. Nonetheless, as part of the planning application it requires consideration under the current appeal.
43. The insertion of the new window, whilst fitted within the existing timber framework, would remove historic fabric from the building and cause harm to the historic integrity of the building. The proportion of window opening to the solid parts of the framed walling is an important aspect of the character of the building. Historically, the building had relatively small window openings and relatively few of them. This proportional relationship between the windows and solid walls is very important, even allowing that the window arrangement changed somewhat over time, particularly with the Arts and Crafts movement. The introduction of the new opening would upset the proportional relationship and harm the significance and special architectural and historic interest of the listed building. I accept that the replacement windows would be well designed, in hardwood with high quality glass, but that would not overcome the harm caused by removal of the historic fabric and effect on the character of the building by the introduction of the new opening.
44. The appellant contends this and the other new windows proposed would provide some symmetry to the elevation. However, part of the charm of the building arises from the irregular placing of windows in the elevations. The

introduction of more windows, particularly in a uniform symmetrical pattern, would cause harm to the historic character of the building.

45. I conclude that removal of historic fabric and insertion of the window and resulting change to the elevation would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*iii. New window opening in the south and west elevations of the first floor in bedroom 2*

46. Internally, the addition of each of the proposed windows would unacceptably increase the proportion of the window openings to wall area, harming the character and historic arrangement of the room. The windows would also open the room up in a way never historically anticipated. Externally, each of the additional windows would harm the character of the building by adversely affecting the proportions of wall to window. Each window would also involve the removal of historic fabric. I have considered the high quality of the materials and workmanship proposed for the windows, but this aspect does not overcome the harm caused individually and cumulatively
47. I conclude that removal of historic fabric and insertion of each of the windows has harmed the significance and special architectural and historic interest of the listed building by removing historic fabric and the change to the elevation. In terms of the Framework this represents less than substantial harm.

## **Appeal B – Listed Building Consent**

### *Replacement of French doors to front garden*

48. The solid oak doors to the kitchen are consistent with other doors in the external elevation of the building and appear to have been constructed of eighteenth century panelling within a more modern frame. It is thought that the panelling may have been re-used from elsewhere in the property and as such the doors should be retained as part of its historic fabric. The proposed replacement with ornate glazed and carved French doors would be at odds with other door openings in the property rather than showing consistency. It is likely that the original doors would have been simple planked doors. As such the proposal has no justified historical precedent and is not suitable from historic or architectural perspectives.
49. The appellant argues that the works would be beneficial to the character and experience of this space and also mitigate the risk of damp and condensation. However, there is insufficient evidence to support this claim and, in any case neither benefit would outweigh the harm arising from the effect of the ornate design on the historic and architectural integrity of the listed building.
50. Therefore, I conclude that insertion of the proposed French doors would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

### *Render and install hearth and stove to fireplace in entrance hall*

51. Rendering the fireplace and the insertion of concrete blockwork to create a hearth are not acceptable. A flagstone hearth is proposed, but the fireplace originally had a quarry tile hearth before removal, part of the historic fabric of the building and as such should be reinstated. In addition, a wood burning stove would require a liner/pipe and a cowl to the chimney. No details of these additional requirements have been submitted. The appellant accepts that the removal of the rear of the fireplace has caused some harm to the significance of the listed building by covering up historic brickwork with a modern material. It is also my understanding that the appellant has already agreed to remove render and plaster work elsewhere in the house, some of which has already been implemented. I see no reason why the necessary reinstatement works could not take place, subject to the use of suitable materials and workmanship.
52. Therefore, I conclude that rendering the fireplace and the creation of a new hearth and stove would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*Walls – gypsum skim on areas of cement tanking*

53. The building was listed grade II in 1955. The appellant notes that there have been numerous internal refurbishment and modernisation schemes since the 1960s. Generally, lime-based plaster has been almost completely superseded by the use of cement, gypsum and plasterboard for internal plaster. I accept that large areas have been replaced and not all is recent. There are photographs and records from site inspections which indicate that there are clearly large areas of wall where the 'modern' plaster predates the work of the appellant, but it is also clear that the appellant has used modern plaster during the refurbishment. I appreciate why the appellants would have followed on from previous work, but that does not make it correct and appropriate professional advice at the time would have been of benefit.
54. Whilst the appellants had no hand in carrying out previous repairs and refurbishment, the change in the plaster dates from the 1960s and is clearly work undertaken to the building after listing. Therefore, the current owners are responsible for putting unlawful works right. The previous unlawful repairs do not justify perpetuating harmful works.
55. The appellant acknowledges that lime-based plasters are the best practice treatment for historic buildings due primarily to breathability and flexibility. Modern plasters tend to be much too hard and brittle to flex and move, an important feature for a timber framed building and can break down in the presence of moisture, again an important factor where the walls are relatively thin and there is not cavity separation. Lack of breathability in particular can cause high moisture retention, which close to say the timber frame, could lead to premature deterioration of the historic fabric.
56. The appellant argues that the modern plaster has not led to deterioration of the building. However, it is not always possible to detect damage that is occurring behind plaster until it is too late. The absence of evidence of harm at present does not mitigate the risk of using the modern plaster.
57. I conclude that the old plasters have been replaced since the building was listed and the use of modern plastering techniques have altered the building in a manner that affects its character as a building of special architectural or

historic interest. As such their retention would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*Replacement of doors into rear hall*

58. The proposed doors would incorporate ornate glazing and carved features which would be at odds with other door openings in the property rather than showing consistency. It is likely that the original doors would have been simple and as such the proposal has no justified historical precedent and is not suitable from historic or architectural perspectives.
59. Therefore, I conclude that insertion of the proposed French doors would harmed the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*Removal of infill panels to gallery and installation of glazing*

60. The proposal affects the oldest part of the property. Although the appellant contends that, before removal, the lower panels on the balcony were plasterboard, there is insufficient evidence before me to show that was the case. Their replacement with glazing to match the glazing above significantly alters the appearance of the hall and is not sensitive to the character of this part of the property. I have noted that the appellant argues that the works are acceptable, comparing the landing to the external windows and other windows elsewhere in the house. However, it is likely that originally the landing would have been open above the balustrade, with either a plaster finish or timber balustrades similar to those on the rest of the landing.
61. Therefore, I conclude that works would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*Cutting of frame above doorway to bedroom 2 and finishing opening by strapping to beam above and new door*

62. The cutting and removal of a section of the early timber wall plate has resulted in the loss of historic fabric and also has the potential to undermine the structural stability of the timber frame. There is insufficient evidence, such as a structural report or advice of a timber structure specialist, to show that this would not be the case. The submitted drawings show the cut beam retained and a new taller timber door inserted, but the details of the repairs to the frame do not seem to have been submitted. However, the drawings appears to show that the proposal is to strap the cut ends of the beam into an existing beam, but the effect of this on the building's structure is unclear.
63. Therefore, I conclude that works would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*New opening to loft in bedroom 2*

64. It is my understanding that a new access from bedroom 2 into the loft was created by cutting through existing plasterboard, but subsequently blocked up. It is no longer the appellant's intention to implement this part of the works, but

it remains part of the proposals before me. It is not clear whether the timber structure in place was part of this work, or earlier works. A new door would be added to the loft opening, matching the design of the new door from the hallway into the bedroom. There is insufficient evidence before me to show that the works would not harm the architectural and historic significance of the building. Consequently, the proposal is unacceptable in its current state

*Removal of floor boards and replacement with chipboard in bedrooms 2, ensuite 2, bedroom 3 and bedroom 4*

65. The appellant acknowledges that the removal of the floor boards in these rooms and their replacement with chipboard has caused some harm to the significance of the listed building. Such a modern material is not considered to be suitable in an historic building such as this. Furthermore, the loss of traditional floor boarding, irrespective of whether from an early or later period, has caused harm to the special interest of the historic building.
66. Consequently, I conclude that works would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*Removal of fireplace surround and plastering of fire place using gypsum plaster in bedroom 2*

67. The building was listed grade II in 1955. The appellant notes that there have been numerous internal refurbishment and modernisation schemes since the 1960s. Generally, lime plaster has been almost completely superseded in the present day by the use of cement, gypsum and plasterboard for internal plaster. I accept that large areas have been replaced and not all is recent. There are photographs, and inspection at site, which indicate that there are clearly large areas of wall where the 'modern' plaster predates the work of the appellant, but it is also clear that the appellant has used modern plaster during the refurbishment. I appreciate why the appellant would have followed on from previous work, but that does not make it correct and appropriate professional advice at the time would have been of benefit.
68. Whilst the appellants had no hand in carrying out the previous repairs and refurbishment, the change in the plaster dates from the 1960s and is clearly work undertaken to the building after listing. Therefore, the current owners are responsible for putting the unlawful works right. The previous unlawful repairs do not justify perpetuating harmful works.
69. The appellant acknowledges that lime-based plasters are the best practice treatment for historic buildings due primarily to breathability and flexibility. Modern plasters tend to be much too hard and brittle to flex and move, an important feature for a timber framed building and can break down in the presence of moisture, again an important factor where the walls are relatively thin and there is not cavity separation. Lack of breathability in particular can cause high moisture retention, which close to say the timber frame, can lead to premature deterioration of the historic fabric.
70. The appellant argues that the modern plaster has not led to deterioration of the building, but it is not always possible to see harm that is occurring behind plaster until it is too late and the lack of harm at present does not mitigate the harm of using the modern plaster.

71. I conclude that older plasters have been replaced since the building was listed and the use of modern plastering techniques has altered the building in a manner that affects its character as a building of special architectural or historic interest. In terms of the Framework this represents less than substantial harm.

*Repairs to internal door and architrave in bedroom 4 where the floor has been raised for heating installation*

72. Repair works have been carried out to the architrave and door in order to accommodate raising the floor levels for the central heating installation. However, there is dispute between the main parties as to whether agreement was ever reached to raise the floor levels. The evidence before me suggests that there was some kind of understanding that the central heating system could be completed, but this did not include replacing the original floorboards with chipboard and raising floor levels. Given the unauthorised nature of the works to the floor and the consequent lack of detail with respect to the works that have been carried out to the doorway, I conclude that this part of the wider operation with respect to the floorboards is unacceptable, resulting in unnecessary damage to the historic structure.

73. Consequently, I conclude that works would harm the significance and special architectural and historic interest of the listed building. In terms of the Framework this represents less than substantial harm.

*The removal of the window and creation of a larger opening at the top of the first half of the dog leg stair*

74. The first part of this proposal is to remove the existing window, timber rail and cupboard door on the landing. These works have been carried out following the appellant's assessment of the poor condition of the window. I have no evidence to support the contention that the window was in a poor condition. Moreover, in the process of removing the window I understand that the appellant removed part of the historic wall plate. The pitched roof behind the cupboard door was also removed, potentially causing some damage to the lath and plaster. The works that have taken place to date have resulted in a large opening which has been temporarily weather-proofed using Perspex and plastic sheeting. I also understand that some repairs have taken place to the lower part of the opening by installing oak rail and post on the internal face of the junction to the lowered roof slope. The appellant contends that the works that have taken place are sympathetic to the historic character of the listed building.
75. In order to complete these works it is proposed to install a new window in the location of the removed one, reinstate the oak wall plate below this and insert a new window between the wall plate and the repairs to the bottom part of the opening. In part, I understand that the appellant intends to comply with the LBEN by reinstating the removed upper window. However, the appellant argues that the steps required by the relevant LBEN do not include the reinstatement of the timber rail that has been removed which he considers would be beneficial to the listed building. The appellant also states that building a new brick wall beneath the reinstated window, as required by the LBEN, would be problematic because it is claimed that no brick wall previously existed there and because it is not clear whether this measure could be implemented from a structural point of view.

76. The appellant maintains that the Council has not understood the original arrangement. Although my colleague inspector concluded that further investigation is required in order to formulate the most appropriate steps to restore the character of the building, the proposal remains part of the application the subject of the current appeal.
77. I agree that the alternative arrangement proposed, would, in part, comply with the requirements of the listed building enforcement; however, there remains insufficient evidence before me of what was there and as such it is not possible to determine whether the measures proposed are appropriate or acceptable in listed building terms. Consequently, further investigations are required and until such investigations have been presented, I cannot conclude that the proposal is acceptable
78. As such I conclude that the works would alter the character and appearance of this part of the listed building in a way which affects its character and appearance as a building of special architectural and historic interest. In terms of the Framework this represents less than substantial harm.

### **Whether public benefits outweigh any harm found**

79. The continued maintenance and occupation of the listed building, even without public access represents a public benefit. However, given the high quality of the building and its location it is highly unlikely that the building would cease its use as a residence, even if the current appeals were refused. Consequently, I only attach moderate weight to this benefit.
80. I acknowledge that the appellant's overall objective is to improve the building and that he has undertaken repairs and maintenance beyond that considered under the current appeals. I also note that part of the work involved the removal of a modern stud wall. This helps in relation to maintaining the plan form of the listed building and I adduce moderate weight to this. I have also taken into consideration the practical benefit arising from any improvement to the layout of the building.
81. However, with such a high quality historic building, it is necessary to ensure that repair does not turn into unacceptable restoration and alteration, as has occurred here and as is proposed. The development and works undertaken in relation to these appeals and previous appeals as described above have caused great harm to the significance and special architectural and historic interest of the listed building. Furthermore, additional proposed works and development would amplify the harm to the significance and special interest of the building. I do not consider that the benefits identified in the evidence submitted outweigh the harm identified, either individually or cumulatively, such that planning permission or listed building consent should be granted.
82. Therefore, I conclude that the proposals would fail to preserve a Grade II listed building, Old Gunsbrook House, and the features of special architectural or historic interest that it possesses. Additionally, the proposals harm the significance of the listed building as an historically architecturally and historically important building within extensive well-managed landscape gardens and would therefore fail to preserve or enhance the character or appearance of the Waltham St Lawrence Conservation Area. As such they conflict with Policies LB2, CA2 and DG1 of the LP, Policies HE1, SP2 and SP3 of

the ELP, Policy Gen 2 of the NP and the Framework. Overall, they conflict with the development plan as a whole.

*AA Phillips*

INSPECTOR