The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 20 October 2020

Appeal Ref: APP/T3725/F/20/3253269

64 Bath Street, Leamington Spa CV31 3AE

- 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 Shalbinder Malle against a listed building enforcement notice issued by Warwick District Council.
- The enforcement notice was issued on 12 May 2020.
- The contravention of listed building control alleged in the notice is the removal of historic timber panelled front door, door frame and fanlight and its replacement by the installation of a uPVC door set and decorative glass fanlight.
- The requirements of the notice are 1. Permanently remove the uPVC door set and fanlight in their entirety from the land; and 2. Install a replacement painted solid timber door, frame and glazed fanlight sized to fit the historic structural aperture. Door to be with top, bottom and lock rail, latch and hinge stile, lower raised fielded panel and upper glazed panel. The door, frame and fanlight above to match in style and proportion to that of the historic door, frame and fanlight as more particularly shown in the photograph marked Annexe 2.
- The period for compliance with the requirements is six calendar months.
- The appeal is made on the grounds set out in section 39(1)(a) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. The appeal is dismissed, the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Reasons

The ground (a) appeal

2. The Appellant has not provided any evidence to support his claim that 64 Bath Street is not of special architectural and historic interest. The property is, as a matter of fact, a Grade II listed building and is, by definition and in the absence of any conflicting evidence, a building of special architectural and historic interest. The ground (a) appeal therefore fails.

The ground (e) appeal

3. The main issue in the ground (e) appeal is the effect of the uPVC door on the architectural and historic interest and significance of the listed building

4. 64 Bath Street is listed, along with nos. 60 and 62, as three houses that were built about 1818-36, though they are now shops with flats over. The four

storey building is built in pinkish-brown brick with a painted stucco front façade under a Welsh slate roof. The façade of the building, as mentioned in the listing description, has many architectural features including 'panelled doors'. The panelled door at no. 64 has been removed and replaced by a uPVC door.

5. uPVC is a modern material that is wholly inappropriate for a door in a building that is listed for its special architectural and historic interest. Furthermore, the modern design and style of the installed door visually conflicts with the historic detailing and features of the façade. The uPVC door adversely affects the architectural and historic interest and significance of the listed building, and thus conflicts with policy HE1 of the Warwick District Local Plan.

6. Paragraph 134 of the National Planning Policy Framework states that where a development proposal causes less than substantial harm to the significance of a heritage asset the harm should be weighed against the public benefits of the proposal. The security of the property could be ensured by means other than the installation of a uPVC door, which has not provided any public benefit. The harm caused is less than substantial but there are no public benefits to be weighed against the harm caused.

7. The Appellant has referred to, and has submitted photographs of, other modern doors in buildings in the area. It is not known, however, whether any of these were installed in a listed building after it was listed. In any event, it is a fundamental planning principle that a development proposal, in this case the retention of a uPVC door, must be considered on its individual merits. No other matters mentioned by the Appellant, either individually or collectively, outweigh the conclusion to be reached in the ground (e) appeal.

8. The uPVC door harms the architectural and historic interest and significance of the listed building. The ground (e) appeal thus fails.

John Braithwaite

Inspector