
Appeal Decisions

Site visit made on 19 October 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal A Ref: APP/Y1110/Y/19/3240984

8, Clifton Hill, Exeter, Devon, EX1 2DL.

- 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 Iain Hampsher-Monk against the decision of Exeter City Council.
 - The application Ref. 19/0635/LBC, dated 9/5/19, was refused by notice dated 19/7/19.
 - The works proposed are the removal of a pier between internal doors and adaptation to double door opening.
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Appeal B Ref: APP/Y1110/Y/19/3240985

8, Clifton Hill, Exeter, Devon, EX1 2DL.

- 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 Iain Hampsher-Monk against the decision of Exeter City Council.
 - The application Ref. 19/0634/LBC, dated 9/5/19, was refused by notice dated 19/7/19.
 - The works proposed are the removal of one window and portion of wall.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. 5-10 Clifton Hill is a grade II listed building, comprising a mix of flats and dwellings, within the Belmont Conservation Area (BCA).
3. Planning permission and listed building consent have been granted for a single storey rear extension and some internal alterations to the appeal building (refs. 17/1094/FUL and 17/1095/LBC).

Main Issue

4. The main issue in both appeals is whether the proposed works would preserve the grade II listed building at 8 Clifton Hill or any features of special architectural or historic interest which it possesses and preserve or enhance the character or appearance of the BCA.

Reasons

5. The heritage interest (significance) of the three storey 19th century villa at 8 Clifton Hill is derived primarily from its architectural and historic qualities. These include its pedimented slate roof, rendered walls, chimney stacks, window arrangement, the remaining original internal plan form and layout, as well as much of the fabric of the building.

6. The special architectural and historic qualities of the BCA include the contribution made by the numerous listed buildings. Nos. 5-10 Clifton Hill are part of the record of the mid-19th century development and growth of Exeter. This historic interest and the pleasing architectural qualities of this group add to the heritage interest of the BCA.

Appeal A

7. The pier that it is proposed to remove lies between the rear of the entrance hall and the existing utility room. The works would include building up the nibs on either side of the opening and replacing with double doors, one of which would be the existing glazed door into the utility¹. This would afford the appellant and his family more convenient access to and from the rear extension that has yet to be built and allow more light into this existing part of the house.
8. Buildings evolve over time, including taking account of changing living arrangements. In this regard, I note that much of the internal partition between the hall and utility was removed by previous owners. However, in determining this appeal special regard must be given to preserving the heritage interest of this important building and the BCA.
9. I concur with the assessment by the appellant's agent that the proposed works would allow for a better visual connection between the existing space in this part of the house and the proposed extension. When closed, the proposed double door arrangement would maintain the overall floor plan. On balance, there would be no harm to the special architectural interest of the building.
10. However, as I saw during my visit, the hallway and utility are not gloomy or unattractive spaces and the arrangements of these rooms are not so awkward as to make living conditions uncomfortable for residents or render these spaces unusable. The proposal would entail the loss of some of the original wall fabric to the hallway. This would erode the historic interest of the building and, in so doing, would fail to preserve some of its other features of special interest.
11. The proposed works would not have any significant impact on the special qualities of the BCA when considered as a whole. Nevertheless, it would diminish the special interest of this important building and would be at odds with the objective of policy C2 of the Exeter Local Plan First Review 1995-2011 (LP). This harm to the listed building weighs against granting consent.
12. If the proposal was assessed in the context of the National Planning Policy Framework² (the Framework) it would amount to less than substantial harm to the significance of this listed building. Furthermore, if there is a sliding scale of harm within this category, the proposal would be towards the lower end. However, this does not amount to a less than substantial objection.
13. There is nothing before me to demonstrate that the proposed works would be necessary to secure the continued use of the building as a dwelling or that there are any other public benefits to outweigh the harm that I have identified.
14. I conclude on the main issue that the proposed works would fail to preserve the special historic interest of the appeal building.

¹ It is also proposed to re-use the original architrave and skirting.

² The Framework refers to planning policies and applications for planning permission. The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged when determining applications and appeals for listed building consent.

Appeal B

15. The window that it is proposed to remove comprises a narrow, sliding sash to the utility room. As noted within the appellant's Statement, this is an original window and is generally in good condition. The small portion of wall underneath also appears to be part of the original fabric of the building.
16. I note the appellant's argument that some wall nibs, which define the original line of the wall, would be retained and this would maintain the overall floor plan of the building. The proposal would also provide the appellant and his family with an enhanced connection to the approved rear extension and the garden space beyond. However, with the window and wall retained, access to the extension and garden could not reasonably be described as inconvenient.
17. The proposed works would entail the loss of some important historic building fabric and in particular, an original sash window that also makes a small, but pleasing contribution to the pattern and style of fenestration on the rear elevation of this listed building. I concur with the Council that the proposal would entail an unnecessary loss of important fabric that would detract from the special architectural and historic interest of the building.
18. The proposal would not have any significant impact on the special qualities of the BCA when considered as a whole. Nevertheless, it would diminish the special interest of this listed building and would be at odds with the objective of LP policy C2. This harm to the listed building weighs against granting consent.
19. If the proposal was assessed in the context of the Framework it would amount to less than substantial harm to the significance of this listed building. If there is a sliding scale of harm within this category the works would be towards the lower end. However, this does not amount to a less than substantial objection.
20. There is nothing before me to demonstrate that the proposed works would be necessary to secure the continued use of the building as a dwelling or that there are any other public benefits to outweigh the harm that I have identified.
21. I conclude on the main issue that the proposed works would fail to preserve the special architectural and historic interest of the appeal building.

Overall Conclusions

22. I appreciate that my finds will be disappointing to the appellant. However, given the duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have been unable to find in his favour. Having regard to all other matters, I conclude that neither appeal should succeed.

Neil Pope

Inspector