



Appeal Decision

Hearing Held on 14 October 2020

Site visit made on 15 October 2020

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/N2739/Y/20/3248238

Newland Hall, Newland, Selby, North Yorkshire YO8 8PS

- 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 Stephen Greenwood against the decision of Selby District Council.
 - The application Ref 2019/0872/LBC, dated 27 August 2019, was refused by notice dated 6 February 2020.
 - The works proposed are remedial work to eliminate damp internally. Remedial work to replace sand and cement pointing with lime mortar.
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Decision

1. The appeal is allowed and listed building consent is granted for remedial work to eliminate damp internally. Remedial work to replace sand and cement pointing with lime mortar at Newland Hall, Newland, Selby, North Yorkshire YO8 8PS in accordance with the terms of the application Ref 2019/0872/LBC, dated 27 August 2019 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) Notwithstanding the submitted details, no internal remedial works shall be carried out until a schedule of works has been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - Specification of the membrane system.
 - Specification of the plaster finish.
 - Specification of any other internal remedial methods.
 - Details of the junction at the top edge of the new installation where it meets existing wall surfaces.
 - Details of the junction between the new installation and features such as door frames, beams and window reveals and specification of alterations required in respect of these junctions.

The works shall be carried out to in accordance with the approved schedule of works and thereafter retained.
- 3) Notwithstanding the submitted details, no works to repoint the brickwork shall be undertaken until:
 - a) A schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include

details of the extent of re-pointing, the results of an assessment of the potential for the removal of the cement mortar to result in damage to the brickwork and how this would be addressed, method of removal of existing mortar, method of application of new mortar, and a mortar specification.

- b) A sample panel not less than 1 metre square (to show the proposed specification of re-pointing) has been prepared on site, inspected and approved in writing by the Local Planning Authority.

The works shall thereafter be carried out to match the approved sample and in accordance with the approved schedule of works.

Application for costs

2. At the Hearing an application for costs was made by Mr Stephen Greenwood against Selby District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed works upon the grade II listed building and any features of special architectural or historic interest which it possesses.

Reasons

4. Newland Hall is a grade II listed dwelling which is a 5-bay brick-built property, with sash windows. It is 2 storeys in height with a slate roof and a single storey front range with a modern flat roof dormer above where it connects to the main 2-storey part of the house. The listing description suggests that it probably dates from the late 18th century, however at the hearing it was said that the single storey element could date from the 17th Century.
5. The dwelling has evolved over time in terms of its use and it has been altered accordingly. Originally the property was believed to be a blacksmiths, which occupied the single storey part of the building, and later was extended and became a farmhouse. Evidence of this use is clear from a blocked-in pitching door to the right gable at attic level. During the early 20th century, the property was converted into 2 dwellings, extended and returned to a single dwelling in the second half of that century.
6. Internally, I observed that there were limited historic features on the ground floor. Although much of the historic floor plan form of the house appears to remain intact, architraves, skirting, floors and some of the fireplaces, all appeared to date from the 20th Century. There is, however, an 18th Century dogleg staircase with decorative 'rod-on-vase' balusters, a traditional fireplace and exposed and boxed beams were also visible.
7. Accordingly, the special interest of the building relates to its historic interest as a building which has changed and evolved significantly over time, and potentially has earlier roots than originally thought. It also has architectural interest as expressed through the different uses and associated phases of development.
8. The western end of the dwelling suffers from damp. This is visible as a 'tide-mark' in the lower walls to the snug, living room, and inner hallways around

- the main stair. The damp is present on both external and internal walls, with the worst affected area being internally to the rear hallway. Here wallpaper has peeled away and there is visible decay of the render. The property has previously had a modern damp proof course installed by the appellant in the 1990's, and the walls comprise a cement-based render. Floors are all solid, believed to be concrete. The appellant stated at the Hearing that the solid floors were in situ when they purchased the property in the 1990's and that the walls were also finished in modern materials, prior to the works they then undertook.
9. A key characteristic of older buildings is the use of 'breathable' (or 'permeable') materials, such as lime mortars and plasters which are able to absorb moisture and release it again. Modern building materials such as cement and gypsum plasters are strong and impervious and their use in historic buildings can damage the integrity of such structures. Indeed, a consequence of their use can be to further exacerbate issues such as damp through trapping excess moisture within walls.
 10. General good practice, as advocated by the likes of Historic England and the Society for the Protection of Ancient Buildings is to address the cause of damp in order to cure it, including the removal of modern impervious materials and replace them by traditional materials. The first port of call is for an independent survey to be carried out by an appropriate expert.
 11. The original solution sought by the appellant was for a damp proof course along with the use sealants and cement/sand render as recommended by 'Britannia Preservation' who are damp specialists. However, following concern raised by the Council, the same firm were commissioned to undertake a more detailed survey of the affected area and a report was produced. This changed the original recommendation, and instead proposed the use of a dry lining solution. The Council, however, maintained their objections, citing a lack of appropriate expertise and understanding of the structure and concerns about the amended 'modern' intervention.
 12. The survey is limited in a number of factors in that it does not take a detailed and holistic look at the dwelling as a whole. Instead, it focusses on the affected areas of wall only. Additionally, the presence of salts were not tested in all sample locations. A control was also not sought, so no comparisons can be drawn against areas not affected by damp.
 13. However, in spite of the above, I consider that the survey is robust. While the report was from a damp proofing company, it was an appropriately qualified chartered building surveyor who produced the report and demonstrated an understanding of listed buildings both in the report and when questioned at the Hearing. He also accepted that the original solution put forward would be wholly inappropriate.
 14. Crucially, while basic moisture meter readings were taken, the report acknowledges that these have shortcomings, and indeed they are not relied upon. Results from detailed sample analysis demonstrate that the capillary moisture content (CMC) is low; in short the damp is not caused by excess moisture entering into the walls via capillary action and being trapped there. This effectively discounts common causes of damp entering the walls from leaking pipework, guttering or from poor drainage. Some of the Council's

suggestions, such as the installation of a French drain, for example, would not therefore tackle the issue in this case.

15. Salts were tested for in 4 of the samples and found in all of these as either nitrate or chloride salts. The presence of salts in masonry is often attributed to historic rising damp entering the building via ground water, but they can also be present due to the historic use of buildings and from regularly used fireplaces.
16. Salts are particularly absorbent, taking moisture from the air. The hygroscopic moisture content (HMC) results in all the samples was found to be high. This suggests that salts were likely to be present in all of the 12 samples taken and that the damp at the property is a result of excessive hygroscopic moisture which is causing the deterioration of the wallpaper and the cement render underneath.
17. The modern existing wall coatings have failed in the part of the building affected by damp and this can be for a variety of reasons including issues with the mix of the cement-based render, its thickness or site conditions such as excess airborne moisture. It was confirmed by the surveyor at the Hearing that such variations are common across a building and it is not unusual for one area to be affected but another to be ok.
18. In terms of remedial works, a number of scenarios were explored, including a 'do-nothing' option. It is my view that while many of the rooms have lost their historic features, the presence of damp can adversely affect special interest by decay and in terms of visual qualities. It is unsightly and, given its extent, the damp is causing harm in this regard. It could also eventually have an adverse effect on timbers and given the proximity of the damp to the original staircase, and there is also a risk of further harm from it.
19. Turning to remedial options, the Council suggested that a 'hot-lime' solution might be appropriate. The use of a lime render was discussed in the survey report and this was explored in more detail at the Hearing. Rightly or wrongly, the underlying structure of the building has long since changed through the application of cement-based render and modern DPC and the effect of this is to have changed the basic 'chemistry' of the building and its functionality. Given the history of rising damp at the property, and the resultant presence of salts in the walls as a contaminant, should a porous lime render be applied, I accept that it is likely that this would fail fairly quickly and would become stained with damp and salts would be visible.
20. In this regard I do not consider the application of lime (including hot-lime with its enhanced breathability) would be appropriate, even as a sacrificial element, as the dwelling would simply continue to be affected by the same issues in terms of the harms to special interest I have already identified.
21. Technical specifications have been provided for Newton 805 Newlath dry lining system. This essentially would comprise a composite membrane mesh which would be attached to the wall, providing a small gap between it and the affected masonry. This could be finished using plaster board, or through the direct application of plaster, including lime plaster. The direct application method, would, however, require a greater number of fixings in the wall to secure the membrane.

22. This would isolate the finishes from the damp walls and would protect the plaster and decorated finishes from hygroscopic damp. The product would allow for vapour diffusion and would also be reversible.
23. Due to its thickness, the interface with the upper levels of the existing plasterwork and with features such as door architraves, would require careful consideration. In my view, the direct application of plaster is preferable, as it would be easier to match into the room and work around its features than the application of a rigid boarding. The necessary additional fixings would not cause harm given that the walls have been cement rendered which would have affected the masonry underneath.
24. In terms of whether a modern plaster or lime is used, I consider such matters of detail could satisfactorily be dealt with by condition, based on further detailed analysis. However, based on what I heard, my preference would be the use of lime as part of reinstatement of a traditional material, albeit on a dry-lined wall. Lime plaster also has aesthetic qualities which are not replicated in modern, and less flexible plaster finishes.
25. The external works to replace cement pointing with lime are also acceptable and I note that the Council did not raise concern to this element of the works, subject to condition.
26. Overall, I am satisfied that the detail contained within the survey report is sufficient to justify the proposals and to understand the impacts of the proposal upon significance. Furthermore, given the specific circumstances of the listed building, I consider that the works would not cause harm to the special interest and significance of the Grade II listed building. The works would sustain the significance of the heritage asset and would be consistent with its conservation in accordance with the National Planning Policy Framework. Although development plan policies do not strictly apply to applications for listed building consent, I also find no conflict against those policies listed in the Decision Notice.¹

Conditions

27. In addition to the standard time condition, I have imposed conditions relating to further details for both the internal and external works. I note that the appellant raised concern about the level of detail required for such external works over and above the submitted detail and scope of works. However a more detailed schedule is necessary in order to preserve special interest. I consider that a contractor would be able to readily provide such information and as such it would not be an unreasonable task to undertake. The appellant and Council can work together in terms of the specific matters in the conditions.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

¹ Policies ENV1 and ENV24 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

APPEARANCES

FOR THE APPELLANT:

Stephen J Greenwood	Owner
Dr. Les Sellers BSc (Hons), Dip	Chartered Building Surveyor
HI, MRICS, C. Build E, FCABE,	
Cenv, CSSW, CSRT	

FOR THE LOCAL PLANNING AUTHORITY:

Irma Sinkeviciene - MA	Planning Officer
Emma Gibbens BSc, MSc Hist	Conservation Officer
Cons, IHBC	