
Appeal Decision

Site visit made on 11 November 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/N1730/Y/20/3253873

Minley Manor, Minley Manor Park and Garden, Minley Road, Blackwater, Camberley GU17 9JT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Shi of Strong Property (UK) Ltd against the decision of Hart District Council.
 - The application Ref 19/02704/LBC, dated 4 December 2019, was refused by notice dated 2 April 2020.
 - The works proposed are described as repair or reinstate features of the historic water tower at Minley Manor (described below) which were destroyed or damaged in a fire: reinstatement of the roof construction; reinstatement of the original staircase; repair and refurbishment of all structural walls – both internally and externally; removal of the redundant water tank to allow for the repairs of the structural walls; repair and refurbishment of all windows and doors; repair and refurbishment of first floor.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of proposed works in the banner heading above is taken from the decision notice, as it is more precise and concise than that provided on the application form.
3. An application for costs was made by Mr and Mrs Shi of Strong Property (UK) Ltd against Hart District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the works would preserve a grade II listed building, the 'Water Tower at Minley Manor', its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

5. The listed building has been partially destroyed by fire. Taking this into account, and insofar as it relates to this appeal, the special interest and significance of the water tower, as listed, resided in its architectural treatment and prominent positioning within the broader landscape of the estate, within which it provided a focal point, and across which it provided views, including a panoramic view from its lantern. It also resided in its group value with other built components of the estate of similar date and design.

6. The fire has caused loss of the roof, and of the timber components from which the internal building fabric was constructed. The special interest and significance of the building has thus been diminished through loss of historic fabric, and related changes to its internal and external character and appearance. This necessarily includes loss of the ability to fully access the tower, and loss of its function as a viewing platform. As it stands, the building has indeed been largely reduced to the key historic functional components of cast iron water tank and supporting brickwork.
7. The water tank, which appears to be fabricated from panels of cast iron, is a purely functional object. Though it was previously accessible from above, it was otherwise largely concealed from view. It is not specifically noted in the list description. Indeed, had the tower as a whole been a purely functional structure, it might perhaps not have been listed. Be that as it may, the tower is, or at least was, not a purely functional structure. Indeed, it was the combination of functionality with architectural ornament and siting, that formed the basis of the building's special interest and significance as outlined above.
8. In this regard, the tower was built to house the water tank. This directly informs its construction, and, in the absence of the tank and the function that it was historically required to fulfil in supplying water, there would presumably have been no tower. The tank and associated pipework are therefore clearly integral features of the building, and important components of its surviving historic fabric; and the more so now, given the destruction of so much else.
9. The scheme proposes to remedy the damage caused by the fire. In this context the removal of the tank is proposed in order to allow examination and possible repair of the internal brickwork, and also to relieve the load it imposes.
10. The gap between the tank and wall is reported to fall to around 20cm. Whilst it is not therefore fully accessible, it is unclear why this space would not be sufficient to allow examination by commonly available remote means, such as by fibre optic camera. That being so, it has not been demonstrated that permanent removal of the tank is in fact necessary in order to examine the brickwork, or therefore to undertake repairs, the need for which has not yet been established.
11. Vertical cracks in the brickwork exist externally, and have increased since the fire. These cracks are held by the appellants to relate to the load imposed by the tank, which is borne on steel beams. Given that the tank is no longer in use, its empty load should however be significantly less than the tower was built to withstand. It is also not clear whether the cracks existed in some form previously, or whether they have arisen as a consequence of the fire. The cracks themselves are not clearly visible within exposed internal faces of the building itself, suggesting that they might not extend through the thickness of the walls. In view of the above, the nature of the structural issue has not been fully diagnosed, therefore it is by no means clear that the weight of the water tank alone is actively causing the observed harm. Even if it is, it has not been demonstrated that its permanent removal would be the only way in which the issue could be addressed.
12. It has furthermore not been explained how removal of the tank would actually be achieved, or what the likely structural effect would be of releasing the established load that it imposes. Both identification of this, and other unresolved issues above, reflects a lack of detailed supporting structural

rationale or analysis. Though a condition survey was provided, this does not address the above points in any detail.

13. My attention has been drawn to a previous application for listed building consent which covered a range of works to buildings at Minley Manor. This included the water tower, which was at that time intact, within which removal of the tank was proposed in order to enable hotel use. The relevant part of the proposal was however withdrawn, and the application was refused. That being so, and given that the proposals and circumstances clearly differ in the current case, I have considered the current proposals on their own merits.
14. The appellants indicate that removal of the water tank could facilitate a new use in the future. However, I have been provided with no indication of how likely such a use is, or what it might entail, particularly in view of the strength of objection to the previous scheme by the MOD. As such, I can give this consideration little weight.
15. Recording of the tank has been suggested as mitigation. However, this cannot be held in itself to justify its removal, as is made clear within paragraph 199 of the National Planning Policy Framework (the Framework).
16. I cannot therefore deduce from the evidence before me that removal of the water tank is essential, or that it would be consistent with the preservation of the listed building. Conflict thus arises in relation to the expectations of the Act, and paragraphs 193 and 194 of the Framework, which both set out the great weight to be attached to the conservation of designated heritage assets, and the need for clear and convincing justification for any harm.
17. The Council has highlighted the lack of detailed evidence presented to inform the proposed reinstatement, and to this end, has identified a number of discrepancies between the plans and details of the building as it existed prior to the fire. It appears likely that these discrepancies reflect limitations in the evidence upon which the plans were based. This does not however alter the fact that evidence is both available, and has been set before me, which clearly demonstrates the existence of such discrepancies.
18. In this regard, the roofing previously present on the tower displayed a visually striking Continental style fishscale pattern, formed from slates combining diagonally cut and curved edges. This was indeed an important component of the architectural design, generally reflecting the architectural style employed in Minley Manor itself. The proposed roofing would display a different, much simpler, and far less distinctive pattern formed of slates with fully curved edges. Differences are also apparent comparing and contrasting the photographic evidence for the hanging slates used on the lantern, and those proposed. The effects of change would be both visually significant and harmful, given that the appearance of the reinstated roof would be clearly at odds with the original design.
19. Whether or not the quarry from which the slate was originally sourced is still operational, the reason for the change in the shape and pattern of the slate has not been explained. The source and type of slate both originally used and that proposed as a replacement has in fact also not been clearly identified. Thus, the extent to which a match would otherwise be achieved is unclear.

20. Discrepancies have also been identified internally, in terms of differences in the fitting out of the room above the tank, and the omission of stairs/steps providing access into the lantern. As proposed, the lantern would indeed be inaccessible. Given that the lantern was designed to provide a view, the omission of any means of access to it would prevent this important aspect of the significance of the building from being experienced. In this, and the above regards, no clear justification has been provided for why the building should be reinstated in a way which omits and alters important components of its historic design. This is again contrary to the requirements of paragraph 194 of the Framework, as set out above.
21. In view of the foregoing, and with reference to paragraph 196 of the Framework, I find that the proposal would cause less than substantial harm to the significance of the listed building. I attach great weight to the harm that would be caused to the significance of the listed building. In accordance with the Framework, it is necessary to balance this harm against the public benefits advanced in favour of the scheme.
22. The principal benefit is clearly that which would derive from repair of the walls, and reinstatement of lost historic details and access. This would help to preserve the building fabric, and reenable appreciation of the architectural significance of the tower. However, in each regard, as outlined above, any benefits would be greatly diminished by the loss of integrity caused by inaccuracy, loss of the water tank, and inability to access the lantern. In the absence of detailed justification, little public benefit would derive from reinstatement of this type. I therefore attach little weight to the benefit.
23. The appellants note that the works would help to protect the building from attack by local gangs. Such attacks could however occur whether the proposed works took place or not, as is illustrated by the fact that the tower was subject of arson when previously intact. Undertaking the proposed scheme would not therefore address the reported problem, or be sufficient in itself to secure the site. It does not therefore attract any weight.
24. As such the public benefits of the scheme would not outweigh the harm that it would cause to the significance of the building.
25. For the reasons outlined above I conclude that the scheme would not preserve the special architectural or historic interest of the listed building. It would thus fail to satisfy the requirements of the Act; heritage policy set out within the Framework; and, insofar as it is relevant, saved Policy CON17 of the Hart Local Plan (Replacement) which states that proposals for the alteration of listed buildings will not be permitted unless the design is appropriate; and Policy NBE9 of the Hart Local Plan (Strategy and Sites), which seeks to restrict proposals causing harm to or loss of significance to designated heritage assets in line with the Framework.

Conclusion

26. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR