
Appeal Decision

Site visit made on 14 December 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/D1265/Y/20/3259205

Tivoli Theatre, 19-27 West Borough, Wimborne Minster BH21 1LT

- 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 Friends of the Tivoli Theatre against the decision of Dorset Council.
 - The application Ref 3/19/1507/LB, dated 15 July 2019, was refused by notice dated 16 March 2020.
 - The works proposed are replacement front doors.
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Decision

1. The appeal is allowed and listed building consent is granted for replacement front doors, at Tivoli Theatre, 19-27 West Borough, Wimborne Minster BH21 1LT, in accordance with the terms of the application, Ref 3/19/1507/LB, dated 15 July 2019, and the plans submitted with it.

Procedural Matters

2. The application was submitted retrospectively, therefore the works outlined within it had already been undertaken. Given the requirement set out within the Act for the authorisation of works to listed buildings, were this appeal to be allowed, any consent granted would be for retention of the works only, and would have no bearing on the legality of their initial execution.
3. The case in question is unusual insofar as the doors have already been subject of an approved alteration, entailing the installation of decorative grilles. The doors as they currently exist therefore include a combination of unauthorised and authorised works, with the latter only possible on account of the former.
4. Whilst I have thus taken the grilles into account, and my assessment below has been informed by the doors as installed, I have based my decision above on the plans as submitted.

Main Issue

5. The main issue is the effect of the works on designated heritage assets, including: whether they have preserved a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses; and, whether they have preserved or enhanced the character or appearance of Wimborne Conservation Area (the Conservation Area).

Reasons

6. The appeal is made in relation to the Tivoli Theatre, which was once the Tivoli Cinema. This occupies 19-27 West Borough, consisting of buildings on the frontage and a large auditorium attached to the rear. The listed building specifically affected in this case is recorded in the list as 19, 21, 23 West Borough. It and 27 West Borough are indeed two separate buildings.
7. Insofar as it is relevant to this appeal, and insofar as the list description provides a guide, the special interest and significance of the listed building principally resides in the formal design and fabric of the original eighteenth century structure. This was once a high-status dwelling known as Borough House. This remains clearly identifiable as a whole, and above ground floor level on the street frontage. Key features of the original design in this location include its brick construction with quoin details, 3 double hung sash windows, with that in the middle featuring a classical surround, parapet, dormers and chimneys.
8. The rear of the plot was used to build the cinema auditorium during the 1930s, with the entrance to it provided through the central section of the ground floor of the listed building. The list description however limits any reference to the former cinema, including the auditorium, which is omitted entirely. In this regard it notes that the ground floor was 'pulled out' to provide an entrance, and that closure of the cinema provides an opportunity to restore the façade. Whilst old list descriptions often provide limited and incomplete details, in this case it is apparent that the writer sought to attach little importance to the cinema and fabric related to it.
9. The situation has clearly changed insofar as the venue subsequently reopened as a theatre, and works have been recently undertaken to provide the ground floor street frontage with a strong and cohesive Art Deco identity. The doors in dispute are a component of these works. This aspect of the building's use and history therefore clearly makes an important contribution to the social significance of the building locally. It ultimately also provides the visual context within which the original parts of the frontage are currently perceived.
10. In this regard the Council's concern, as confirmed in the officer report, resides solely in the colour of the fixings and the door furniture attached to the replacement doors.
11. The fact that the fixings and door furniture are silver as opposed to brass or bronze in colour, in itself makes no difference at all to the way in which the original parts of the façade are perceived. It does not otherwise undermine the Art Deco styling of the ground floor component of the façade in any obvious way. This is particularly, but not solely, on account of the fact that the colour matches that of the installed grilles.
12. The outer doors subject of this appeal have been modelled on a set of inner doors which subdivide the lobby and foyer spaces. These have brass handles and fittings, though evidence for past change exists in the form of old screw holes. A mix of metalwork of different types and colours otherwise exists in and around the lobby and foyer spaces, amongst which the mesh on the box office window is silver in colour, as are some push and kick plates on side doors. Whether or not this is a result of plated finishes having worn off is unclear. However, considered in this context, the silver colour of the metalwork on the

front doors is not incongruous, despite the difference in colour between it and the fixings and door furniture on the inner doors. Again, it makes no difference at all to appreciation of the original building, whose historic identity is barely perceptible within the lobby and foyer spaces.

13. The listed building is also located within the Conservation Area. Insofar as it relates to this appeal, the special interest and significance of the Conservation Area resides in the historic layout of the town, and the collection and interrelationship of historic buildings and spaces it contains. Within this context, whilst the listed building is a notable historic component of the eighteenth century townscape, its later modification in relation to cinema and theatre use also adds broader historic social and visual interest.
14. In view of my reasons above, the use of silver rather than brass/bronze coloured fixings and door furniture makes no difference to the way in which the building is perceived within the streetscene, or the contribution that it makes to the special interest or significance of the Conservation Area.
15. For the reasons outlined above I conclude that scheme has had an acceptable effect on designated heritage assets, preserving both the listed building and Conservation Area. The scheme therefore complies with the expectations of the Act, and, insofar as it is relevant, Policy HE1 of the Core Strategy, which seeks to protect and enhance heritage assets, as supported by the Wimborne Minster SPG 15.

Conditions

16. As the works have already been carried out, a condition relating to commencement is unnecessary. I have also not imposed a separate plans condition, but instead made reference to the plans within my decision.

Conclusion

17. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR