
Appeal Decision

Site visit made on 26 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/V3310/Y/21/3266943

The Dower House, 6 Church Walk, North Petherton, Bridgwater, Somerset TA6 6SE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Richard Foster against Sedgemoor District Council.
 - The application Ref 37/20/00085 is dated 27 October 2020.
 - The works proposed are described as internal alterations and repairs to the veranda.
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Decision

1. The appeal is dismissed, and listed building consent is refused.

Procedural Matters

2. The appeal is made against non-determination of the above application. The Council has however identified a number of objections within its submissions which I have taken into account in assessing the scheme.
3. I have used the Council's description of the proposed works in the banner heading above, as it is more precise than the description provided on the application form.
4. The application was not accompanied by any plans, drawings, or, insofar as it was relevant, detailed descriptions of the works proposed. This is notwithstanding the Council's indication that such supporting information was required. In this regard, as set out within The Planning (Listed Buildings and Conservation Areas) Regulations 1990, an application should be accompanied by such plans, drawings and information as are necessary to describe the works which are the subject of the application. Indeed, in its absence it is not possible to assess the extent to which a proposal would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses. The lack of full supporting information affects the application subject of this appeal in its entirety. I have however set out in further detail below how this is specifically problematic in relation to the works proposed.
5. The scope of the works proposed were furthermore subject of variation both during the Council's assessment of the scheme, and at appeal. Given the general lack of clarity, further comments were sought from the parties.
6. Within this context the Council has indicated that many of the minor works proposed do not in fact require listed building consent. This also appears to be the appellant's understanding. Whilst the appellant wishes to seek formal

confirmation of this within the context of the appeal, it is not the purpose of the appeal to provide it. It is however open to the appellant to apply to the Council for a Certificate of Lawfulness of Proposed Works to a Listed Building.

7. Insofar as the scheme relates to modifications to the kitchen floor, the works have already been undertaken. As set out in the Act, it is an offence to execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. In this regard, 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 execution.
8. A revised version of the National Planning Policy Framework (the Framework) was published during the course of the appeal. The parties were given the opportunity to comment on the relevance of any changes, and I have taken any comments into account in determining the appeals.

Main Issue

9. The main issue is whether the works have preserved or would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses.

Reasons

10. The Dower House is a Grade II listed building, and therefore a designated heritage asset. Whilst the Act sets out the desirability of preserving the special interest of listed buildings, the Framework makes clear that great weight should be given to the conservation of designated heritage assets.
11. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in the early C19th date of the dwelling, its Gothick design, and its historic fabric and details, which include an attractive veranda.
12. The veranda features a timber lattice work design supporting a slated and glazed roof above. It has clearly been repaired in the past and some further repair and renewal of finishes is necessary. Though this appears to have been what was originally, and is now proposed, the submissions also make reference to dismantling and rebuilding. This indicates that more extensive work was in fact additionally envisaged. Herein lies the importance of supporting information which precisely specifies and illustrates the works to be undertaken. Whilst I appreciate that the appellant's joiner was not interested in providing such information, this has no relevance to the requirement for it to be provided. The otherwise generically used terms 'repair' and 'like for like' are of limited value, given that in each regard judging impact is a matter of fact and degree, and necessarily requires evidence. I therefore share the Council's view that the information provided is insufficient to enable me to conclude that the fabric of the building would be preserved by the proposed works.
13. A raised floor and underfloor heating pipes have been installed in the kitchen and utility room, with units fitted above the floor. The floor appears incongruous viewed from within the hallway given the considerable difference in levels, and the protrusion of pipes. Installing the floor evidently also required some cutting into pre-existing joinery. The full effect of installing the floor is however unknown, given that no specific details of the floor below or other

works that were required to accommodate it have been provided. Supporting information is therefore again deficient. Whilst it is apparent that the incongruous change in levels is harmful, I cannot otherwise conclude that installation of the floor has preserved the listed building.

14. The proposed strategy as regards the floors of the hall, dining room and drawing room has been subject of change. As originally proposed, this would have entailed raising the floor levels in the drawing room and dining room as a means of accommodating heating pipes, presumably following the example of the kitchen. I assume that a similar treatment would have been required in the hall, which links these rooms to the kitchen. This appears to have also been the Council's understanding, though this was not clearly specified by the appellant.
15. A different strategy was in any case proposed in an email of 24 December 2020. This would have involved the excavation of channels within the existing floors of the rooms, either without a change in their levels, or with a raise of 18mm through use of boarding in the dining room and hall. At appeal the details have again changed, with a floor raise of 42mm again described in relation to the drawing room. Though a raise of 18mm has nonetheless been confirmed in relation to the hall and ancillary spaces, the proposed treatment of the dining room is unclear. This lack of consistency in relation to what is proposed, which is clearly exacerbated by the lack of any detailed supporting information, including sections, gives rise to considerable uncertainty.
16. The floor finishes within the rooms in question are not original. The nature of the floor construction beneath is however either unknown, or not evidenced, and so too therefore is the effect and suitability of excavating channels to accommodate pipes. Furthermore, as in the kitchen, any raise in floor level will have some likely adverse effect on joinery such as skirting boards and doors. The required trimming of at least one door is indeed described. The effect may otherwise be manifest in terms of the altered visible proportions of such joinery, which could appear incongruous whether the features affected are original or not. This is also likely to be the case in relation to the proposed raising of the drawing room hearth relative to the surround. The adverse effects in all the above regards would be accentuated by the lack of consistency in floor heights that would exist between rooms were the scheme to be implemented on the basis now apparently proposed. Again, I cannot conclude that these works would preserve the listed building.
17. The surface of a carpet, if fitted, would lie above that of the floor below. How much would depend on the carpet and the way it was fitted. Regardless of this however, the perceived physical and visual effects of installing a boarded floor would differ. This is because, unlike a carpet, the installation of boards would entail an edge-to-edge increase in the height of the solid surface of the floor. This is simply illustrated by flooring installed in the kitchen. I therefore attach no weight to the appellant's argument that the effects would be the same.
18. General reference is made within the appellant's submissions to changes to the central heating system. It can be reasonably assumed that these changes would have some relationship with the proposed underfloor pipes. Again however, the details provided are insufficient to enable the impact to be fully understood in the context of the scheme as a whole.
19. Amongst some more minor items of work, replacement of mouldings is proposed. Here it is apparent that some existing mouldings are modern, and

that scope exists for their improvement. However, whilst generally described, no clear design details have been provided. The appropriateness of the profile proposed again cannot therefore be assessed, and the absence of any plan clearly detailing locations generates uncertainty. The latter is also true in relation to works proposed to the external door recess in the drawing room, specific details of which are lacking.

20. In view of my findings above, it is apparent that works to the kitchen have resulted in harm, and that works to the floors of other rooms would also be likely to give rise to harm. However, it is not possible to fully assess either these works, or the others proposed given the lack necessary clarity, consistency and supporting evidence. In this regard the imposition of conditions cannot satisfactorily address the matter, as the Act does not provide scope to grant listed building consent in outline. The appellant in any case appears to object to the provision of the information such conditions would seek to secure. I cannot therefore conclude that the scheme has preserved or would be likely to preserve the special interest of the listed building, or that it has conserved or would be likely to conserve its significance. Conflict therefore arises in relation to the expectations of the Act, and in relation to paragraph 199 of the Framework, as set out above.
21. With reference to paragraph 202 of the Framework, and insofar as it is possible for me to determine, the scheme both has caused and would be likely to cause less than substantial harm to the significance of the listed building. I attach great weight to this harm. In accordance with paragraph 202 it is necessary to balance this harm against any public benefits of the scheme.
22. I have identified the need for work to the veranda and the potential to improve mouldings. It follows that these works could generate heritage benefits. These benefits would however have no direct relationship to other aspects of the scheme, and are in any case incapable of quantification in the absence of the evidence necessary to properly assess their effects. As such, these potential benefits attract no weight.
23. The scheme otherwise consists of what could generically be termed home improvements. These would be of benefit to the appellant but not to the broader public. Again therefore, no weight can be attached.
24. The scheme would generate work for contractors. The broader economic benefits of this would however be so small in scale they attract no more than negligible weight. The public benefits of the scheme are therefore insufficient to outweigh the harm that it has caused or would be likely to cause. This provides a clear indication that the appeal should be dismissed.
25. For the reasons outlined above I conclude that the scheme has not preserved and would not be likely to preserve the special architectural or historic interest of the listed building, and that through a lack of necessary evidence the appellant has failed to demonstrate otherwise. The scheme would therefore fail to satisfy the requirements of the Act, and heritage policy set out within the Framework. Insofar as it is relevant, the scheme would also conflict with Policy D26 of the Local Plan 2011-2032, which though primarily drafted in relation to development proposals, generally reflects the provisions of the Framework with which the scheme would conflict.

Other matters

26. The appellant stated that he would like to be considered for compensation within his final comments, however subsequently indicated that was not in fact a request to be considered for costs related to the appeal. The latter is however the only form of 'compensation' which can be awarded in the context of this appeal. It is otherwise understood that the appellant is separately pursuing a complaint against Council officers and is dissatisfied by the way the Council handled the application. Though this partly relates to the Council's failure to determine the application, these matters fall outside the scope of this appeal.

Conclusion

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

Benjamin Webb

INSPECTOR