



Appeal Decision

Site visit made on 23 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/R3515/Y/21/3269951

21 Lower Brook Street, Ipswich, IP4 1AQ

- 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 G Williamson against the decision of Ipswich Borough Council.
 - The application Ref IP/20/00666/LBC, dated 11 August 2020, was refused by notice dated 5 October 2020.
 - The works proposed are first floor balcony.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal only relates to the refusal of listed building consent, as described in the banner heading, it does not relate to the refusal of planning permission¹.
3. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004 and do not need to be determined in accordance with the development plan. This is further confirmed by the lack of a requirement in section 16(2) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) to have regard to the development plan when determining applications and appeals for listed building consent. Policy DM8 of Council's Local Plan², referred to on the Decision Notice, is therefore a material consideration only.
4. The Officer Report also identifies that the proposal would have a harmful effect on the Central Conservation Area. Given that the appellant has also addressed this matter, I have not liaised further with the main parties in respect of the statutory duty outlined in Section 72(1) of the Act.
5. The existing and proposed application drawings do not accurately reflect the windows in situ at the rear of the listed building, as these are mostly vertically sliding sash windows, not the side-opening casement windows shown. I have therefore determined the appeal on the basis of the windows in situ, which are also shown on images accompanying the appeal.
6. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

¹ Planning Reference: IP/20/00665/FUL.

² Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (Adopted 22 February 2017).

Main Issues

7. The main issues are whether the proposal would preserve a Grade II listed building, 19 and 21 Lower Brook Street, and any of the features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Central Conservation Area.

Reasons

Significance and special interest

8. The appeal property concerns the right-hand side of a pair of two-storey timber-framed and plastered houses, each of which includes cellars and attic rooms served by a gabled dormer window. The property is Grade II listed and is also situated within the Central Conservation Area (CA).
9. The listing description primarily focuses on the front of the properties within the listing, but it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest.
10. The appeal property probably dates from the 17th Century but has been restored and latterly subdivided into two flats. At the rear are later lower projecting ranges, with that serving No 21 partly offset south of the building. It has small square casement windows to the rear and a mix of casement and vertical sliding sash windows of varied proportions to the inward facing elevation, the latter are similar to those found in the rear façade of the principal range. The brickwork to the rear is painted white. While the rear ranges are not original to the building, they evidence how it has been altered over time to meet changing living requirements.
11. The listing description also suggests that the building has group value with Nos 19-39 (odd) Lower Brook Street. The other listed buildings within the group are very different in form, scale, and detailing, with those adjacent to the south being considerably taller townhouses, with most incorporating basement rooms served by lightwells.
12. Given the above, the significance of the listed building is derived from its architectural and historic interest as a well-preserved 17th Century pair of houses with later extensions. In particular, many of the detailed architectural elements of the building are retained and in a good state of repair, including the fenestration to the rear of No 21. The property also draws significance from its setting and I accept that the presence of a large commercial building to the north and areas of carparking have undoubtedly changed this. However, the rear of the building can still be appreciated in its context, albeit largely from private and semi-private land.
13. The CA includes several fingers which focus on streets south of the historic core of the city, of which Lower Brook Street is one. It incorporates an extensively diverse range of high-quality buildings from the various periods of its development, which create a rich tapestry of its history, significance, and character. This is perhaps best demonstrated by the great number of listed buildings situated in Lower Brook Street, including the appeal property, which contribute to its special character and appearance.

The proposal

14. The proposal is for a metal balcony and balustrade to be attached to the north façade of the rear return of No 21. It would be accessed from the building's courtyard by a metal spiral staircase and at first floor by a new doorway formed from the enlargement of an existing opening. A six over six pane vertically sliding sash window, and the fabric beneath it, would thereby be removed. Means to escape from the building is currently shared internally between the flats, so the proposal would provide a secondary escape route.

Effect of the proposal

15. Although the balcony and staircase would be a lightweight structure that would only extend part of the way along the north façade of the rear return of No 21, it would not be a visually discreet addition to it or the rear façade of the principal range of the building. Rather, it would have a functional appearance that would be prominent and disrupt the simple form and appearance of the rear of the listed building. While climbing plants, amongst others, would be added to the structure, these are likely to take some time to establish and, in any event, are likely to be ephemeral. The visual impact of the proposed balcony and staircase would therefore be significantly adverse and unacceptable. However, these aspects of the proposal would not, of themselves, have a harmful impact on the historic fabric of the building.
16. While the windows in the rear return are contemporary with it as a later addition to the building, I found them to be of traditional joinery construction, incorporating detailed framing and glazing bars. The significance of a heritage asset is the sum total of its heritage values and the windows make an important contribution to the significance of the listed building. The proposal would remove a vertically sliding sash window at first floor and replace it with a door. Historic masonry would also be lost below the windows due to enlargement to accommodate the door. While the resultant loss of historic fabric would not be significant it would, nevertheless, be harmful to the understanding and legibility of the listed building, and thereby its significance.
17. The proposal would only be visible in public views from distance in Foundation Street, with closer views taken from private or semi-private land, including parking areas for surrounding uses. Despite this, the building is listed for its intrinsic architectural and historic interest and the visibility of the proposed works is not a determining factor in considering whether they would preserve the special architectural or historic interest of the building.
18. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given the distance of the site from wholly publicly accessible land, the proposal would not be so prominent that it would be harmful to the character and appearance of the CA and views into it.
19. While there are some metal and other external staircases and balconies within the CA, they do not appear to be a prevalent feature. The rear of the buildings in Lower Brook Street is also more likely to be where extensions and other domestic paraphernalia are found. However, their existence would not provide justification for works that I consider would be harmful to the listed building.

20. The removal of historic fabric, in respect of the window and the masonry beneath, and its replacement with a door, and the introduction of the proposed balcony and staircase would fail to preserve the listed building or its features of special architectural or historic interest and, thereby, its understanding and significance as a heritage asset.

Public benefits and conclusions on the main issues

21. The statutory duty in Section 16(2) of the Act is a matter of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Furthermore, paragraph 200 suggests that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
22. The proposal would be harmful to the special historic interest of the listed building, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to this significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
23. I appreciate that listed buildings need to evolve. The appeal property has already been converted to flats and the appellant has also undertaken works for renovation of the building, which required deployment of funding and resources. The proposed balcony would provide external space for the occupants of the upstairs flat, which would improve their living environment, as the building's rear courtyard is only accessible from the downstairs flat. The building is served by front and rear external space but it is not uncommon for flats in older buildings to not to have access to external space. Similarly, it is unclear what problems could manifest from the current emergency egress through the building or whether alternative solutions have first been explored by the appellant to address these.
24. There is therefore no substantive evidence before me to suggest that the proposal is required to make the building habitable or sustain the heritage asset. The continued viable use of the appeal property as two residential flats would therefore not be dependent on it, as the building has an ongoing residential use that would be unlikely to cease in its absence. As such, the proposal would only amount to a public benefit of limited weight.
25. Taking the above together, the public benefits I have outlined above would not justify allowing works that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.

26. In light of all of the above, despite my findings in relation to the effect of the proposal on the character and appearance of the Central Conservation Area, I conclude that the proposal would fail to preserve the special historic interest of the listed building. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 200 of the Framework and would conflict with the heritage aims of Policy DM8 of the Council's Local Plan.

Other Matters

27. The appellant has referred to the conduct of the Council in the determination of the application, particularly the extent of engagement and dialogue in respect of the proposal. However, this is not a matter for me to consider as part of this appeal and I have considered the individual merits of the proposal in relation to the relevant policies and evidence before me.

Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR