



Appeal Decision

Site visit made on 29 March 2022

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 April 2022

Appeal Ref: APP/Z2260/F/21/3274245

24 Charlotte Square, Margate, Kent CT9 1LR

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Joseph Gibson against a listed building enforcement notice issued by Thanet District Council.
 - The enforcement notice was issued on 21 March 2021.
 - The contravention of listed building control alleged in the notice is the installation of underfloor heating.
 - The requirements of the notice are: Remove the underfloor heating from within the property and make good any damage caused by the installation.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of the underfloor heating installed to the bathroom at 24 Charlotte Square, Margate, Kent CT9 1LR

Main Issue

2. I consider that there is one main issue in this case: the effect of the underfloor heating on the special architectural and historic character of the listed building and its setting within the Margate Conservation Area.

Appeal site

3. The appeal property is a 3 storey grade II listed terraced house with a basement. It dates, according to the listing description, from the mid-19th century and forms a group with its neighbours which include a similar property at no. 26, the public house at nos. 28 – 30 and Albert House at no. 32.
4. As part of renovations and repairs to the property the appellant has installed electric underfloor heating to the first floor bathroom. In the process of this work, the timber floor joists were strengthened and levelled and plywood laid across them with 'thermoboard' (an insulating board) above. 'Earthwool' insulation was also laid between the joists. The underfloor heating system consists of an electric heating mat laid on the thermoboard. A thin screed then covers the mat and terrazzo tiling on adhesive has been laid above.

Reasons

5. The Council's objection to the underfloor heating is based solely on the concern that the system would prevent the building from 'breathing' and would generate warm air that would get trapped in the sealed inter-floor space. It considers that this would cause condensation to form which would eventually damage the building fabric. There has been no objection raised to the repairs to the floor or the replacement of the plywood flooring that the appellant found in situ when repairing the room.
6. However, I am not persuaded that that condensation would be likely to form in the floor void. The low background heat from the underfloor mat is directed upwards into the room above through the presence of the thermoboard and the earthwool insulation prevents excessive warm air entering the void from the room below. In any event, the bathroom is situated between the ground and second floors of the house so there is unlikely to be any large variation of temperature on either side of the floor void which would be needed for condensation to form.
7. Even if there is no air flow through the void (which is, in any event, largely filled with insulation), condensation could only be created if the materials within it themselves contained excessive moisture, which seems to me unlikely. The appellant has sought the advice of professional damp proofing consultants who have taken moisture measurements within the floor void. Their reports found no evidence of excessive moisture that could damage the building. Rather than the very minor likelihood of condensation occurring because of the heating system, there would be a greater risk of water entering the space from a leak in one of the pipes serving the bathroom fittings. However, this risk is also very low and does not appear to be of concern to the Council.
8. There is nothing unusual about the construction method of the appeal property when compared to modern buildings where timber floor joists are in use. Underfloor heating mats are now an accepted form of heating and floor voids are not normally ventilated; this would not be the case if it was likely to lead to the problems the Council envisages. Also, Historic England does not advise against the use of such a method or identify any similar concerns to those raised by the Council.
9. The underfloor heating has been installed in accordance with the manufacturers' instructions and there has been no visual impact or loss of historic fabric. In my professional opinion as an architect, I do not consider that it is likely that any damage will occur through condensation. Neither do I consider that any loss of significance has been, or will be, caused to the historic interest of the listed building by the retention of the system. Consequently, I find no conflict with local or national policies aimed at preventing harm to designated heritage assets

Conclusions

10. For the reasons given above I conclude that the appeal should succeed and listed building consent for the works will be granted.

Katie Peerless

Inspector