

Appeal Decision

Site visit made on 5 April 2022

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2022

Appeal Ref: APP/U1430/Y/21/3280993

18 Landgate, Rye, East Sussex TN31 7LH

- 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 Michael Ruse against the decision of Rother District Council.
 - The application Ref RR/2019/2594/L, dated 14 November 2019, was refused by notice dated 19 February 2021.
 - The works proposed are roof renewal.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have determined the appeal on the basis that the appeal seeks to regularise works which have already taken place to renew the roof.

Main Issue

3. The main issue is the whether the works have preserved the Grade II listed building and any features of special architectural or historic interest it possesses.

Reasons

Significance

4. Landgate is a street of mixed uses with shops and other commercial activities on the ground floors and residential above. Nos 15-24 are listed as a group. The terrace occupies almost the full length of the eastern side of the street between its junction with Rye Road and the narrow entrance into the town marked by the Landgate. The Queens Head public house occupies a prominent position in the middle of the terrace. The 19th century shop fronts are facades to buildings that originate from the 18th century or earlier.
5. The listed terrace is predominantly characterised by two-storey buildings with pitched roofs, although No 16a is single storey and No 17 is three-storey with a parapet. Ridge heights along the terrace vary but, with the exception of works undertaken at the appeal property, all the roofs have clay peg tiles. No 18 forms an integral part of the terrace between No 17 and the Queens Head. However, it is not in a single ownership. The part of the building which is the subject of this appeal comprises two shop fronts and a flat on the first floor. The remainder of No 18, known as Larkin House, appears to be entirely residential.

6. The significance of No 18 derives partly from its age as an 18th century building which has been refaced during the 19th and 20th centuries to accommodate changing uses during that period. The material used on its roof therefore contributes towards its significance and is one of the most unifying features along the terrace as a whole. While other parts of the buildings' frontages have been changed over time, their simple pitched roofs have largely remained unaltered, providing a strong sense of cohesion to the street scene.
7. Landgate also lies within the Rye Conservation Area (RCA). It is the northern approach to the historic core of the town centre which derives its significance as one of the ancient citadel towns that were full members of the Confederation of Cinque Ports. Its unique geographic position, on top of a rocky sandstone outcrop but with good access to the sea led to its development as a compact and cohesive fortified settlement. Its distinctive form and position, which can be seen from the surrounding landscape, together with its wealth of historic buildings, make it both picturesque and unique. In this context Landgate, which is outside the citadel, is not one of Rye's most famous streets. Nevertheless, its collection of predominantly two-storey historic buildings positively contributes to the significance of the RCA.

Assessment of scheme

8. Prior to the replacement of the tiles on part of No 18, the roof appeared to be a single structure with a common ridge line and tiles which were identical to those across the full width of the property.
9. The replacement tiles are concrete. While they might appear to be similar in colour, when viewed alongside the other tiles on the roofs of both No 18 and others in the street, there are significant differences. The new tiles have a harsh appearance which will not soften over time. Weathering of clay tiles produces variations in their colour which significantly contributes to the aesthetic quality of a roof slope. This will not occur with concrete tiles. The loss of undulations in the roof, which may have resulted from the replacement of rotten timbers, and the use of inappropriate ridge tiles has compounded these harmful effects on the roof as a whole.
10. The section of roof on No 18 which is now covered with concrete tiles therefore stands out from the rest of the street. It appears incongruous and fails to integrate effectively with the adjoining roofs. The tiles do not match those on the remainder of the roof slope or those used on other roofs on this side of Landgate. The works have therefore diminished the consistent, harmonious and cohesive appearance of the roof slopes along the whole of the terrace to the detriment of the listed group as a whole.
11. I appreciate that there were problems associated with water penetration and there was evidence that the roof had suffered decay and neglect. The appellant therefore considered the works were required as a matter of urgency. However, works which may be needed to overcome years of neglect differ from urgent ones required to address health and safety issues. The latter should be the minimum necessary to make the building safe and should, in all probability, be temporary in nature. By contrast the extent of the works to No 18 go considerably beyond those necessary to make the building safe or watertight and appear to be permanent. However, the need to undertake repairs of an urgent nature does not justify the installation of inappropriate concrete tiles which adversely affects the appearance of the building.

12. I conclude that the replacement roof is significantly harmful to the special architectural interest of No 18 and to the Grade II listed building, Nos 15-24, as a group. This harm applies to the roof as a whole and not only the section which can be seen from Landgate. As No 18 contributes positively to the RCA, the changed appearance of the front roofslope has also led to a failure to preserve the character and appearance of that Area.

Public benefits

13. In terms of the National Planning Policy Framework (the Framework) I consider the harm identified may be quantified as less than substantial. However, this assessment of harm still amounts to a significant objection. It is therefore necessary for me to weigh this harm against the public benefits of the scheme as required by paragraph 202 of the Framework.
14. The responsibility for maintenance of listed buildings resides with their owners. Repairs which are required to keep a building watertight are not public benefits that can be weighed against the harm arising from undertaking works that cause demonstrable harm arising from the use of inappropriate materials.
15. Consequently, the works have failed to preserve the special architectural interest of Nos 15-24, a Grade II listed building and have also failed to preserve the character and appearance of the RCA. This is contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard and pay special attention to these designated heritage assets. The works conflict with the provision of paragraph 199 of the Framework which states that great weight should be given to conserving the significance of designated heritage assets.

Other Matters

16. The appellant refers to roof works carried out on listed buildings in Camden and Dover. However, in the absence of information to enable meaningful comparisons with the appeal scheme, these works have not had any bearing on my assessment.
17. The manner in which Council officers spoke to the appellant or dealt with his application is not a matter for my consideration in the context of this appeal, which is confined to considering the case for the roof renewal on its merits.

Conclusion

18. For the reasons set out above, the appeal is dismissed.

S M Holden

INSPECTOR