



Appeal Decision

Site visit made on 20 April 2022

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

an Inspector appointed by the Secretary of State

Decision date: 03 May 2022

Appeal Ref: APP/C1760/Y/21/3285279

29 Middlebridge Street, Romsey SO51 8HJ

- 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 Mrs Halliwell against the decision of Test Valley Borough Council.
 - The application Ref 21/00320/LBWS, dated 1 February 2021, was refused by notice dated 2 June 2021.
 - The works proposed are described as raise mantel of chimney breast in the kitchen at ground floor level, removal of fitted wardrobes, insertion of a doorway, and re-instatement partition wall at first floor level, re-opening of the blocked window on rear elevation and formation of a shower enclosure at second floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit the property appeared to be nearing the end of its renovation. Some works similar to those proposed within the application subject of this appeal had already been carried out. This included installation of a second floor shower room and fitted wardrobes. The details do not match those shown on the submitted plans.
3. The Act sets out that consent is required for 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. Works are authorised where consent for them has been granted, and they have been executed in accordance with the consent and any conditions attached to it. It is an offence to do otherwise. Though consent can be granted to retain works, this is clearly on the basis that they match the works for which consent has been sought. That being so, were I to allow this appeal it would not authorise the retention of works already undertaken where these do not match those shown on the plans. In this regard, and for the avoidance of doubt, I have determined this appeal with reference to the plans submitted with the application.
4. The appellant has questioned whether the building should be listed. As the power to de-list a building is not transferred to Inspectors, resolution of this matter lies outside the scope of the appeal. I have however reviewed the case presented and note that insofar as this draws particular attention to the mid-C19th date of the building, this is identified in the list description. It was therefore clearly taken into account at the time of listing. In this context it was not unusual in the past for listing to take place on the basis of external

inspection only. Whilst there appears to me to be no sound justification for de-listing, it remains open for the appellant to pursue this matter with Historic England outside the appeal process.

5. The appellant has raised a number of points relating to way in which the Council dealt with this and other applications, and with the broader system of listed building control. These are however matters which again fall outside the scope of this appeal.
6. The Council determined the application with reference to the duty set out within Section 66 of the Act. This however applies to applications for planning permission rather than for listed building consent. As the relevant duty in this case is set out within Section 16 of the Act, I have determined the appeal accordingly.

Main Issue

7. The main issue is whether the scheme would preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses.

Reasons

8. 29 Middlebridge Street is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
9. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its mid-C19th design and construction as a purpose-built shop with accommodation, its attractive frontage, historic features and fabric. The building has been converted to wholly residential use and some insensitive alterations have been carried out, including change to the staircase from the ground floor to the first floor. The historic identity and plan form of the building however otherwise remains reasonably intact.
10. The building appears to have undergone a rear hip-to-gable extension during the late C19th. This features 2 small attic window openings located roughly above those on the floor below. One is glazed and one is blank. The 2 openings do not match, either in terms of their size or location. This would have been obviously apparent to whoever built the gable, suggesting that balance was not important. As a blank window serves only as an architectural device, failure in this regard would seem unusual.
11. I have however been presented with no evidence of blocking, despite plaster having been stripped internally. I have also been provided with no evidence that a window in this location was previously required to light the interior. In this regard the rear attic room is at present well-lit by the window on the opposite side of the gable. The available evidence would thus indicate that the window is indeed an unusually clumsy blank. On this basis it derives some interest as a point of curiosity. Inserting glazing would clearly change its nature, without bringing any particular aesthetic benefit. This would lead to modest loss of interest and significance.

12. I have been provided with no detailed drawings of the window proposed for the opening. However, insofar as the proposed window is generally described as 'double glazed', it would clearly be a modern product inconsistent with the historic character of the building. The latter is currently informed by the historic single glazed windows it contains. Installation of such a window would accentuate the harm identified above.
13. The appellant argues that a glazed window is required for fire escape purposes. However, the rationale is not fully unexplained. Here the larger existing window within the same room presumably provides a more logical point of egress should this be necessary. That being so, and in the absence of any evidence to the contrary, I cannot attach weight to the appellant's argument.
14. It is further argued that the Council's refusal was inconsistent with consents granted to unblock windows elsewhere. However, as these do not appear to have related to buildings identical to No 29, they are of little relevance in assessing the specific impact of the proposed works on the listed building in question. Thus, whatever the rationale might have been in those cases, my identification of harm above is unaltered.
15. The works would include reinstatement of a partition, the previous removal of which has left the access to the attic improperly defined and segregated from a bedroom. The proposal would at once help to clarify the plan form of the first floor. However, as the partition would not contain a door, and access would instead be through a new opening from the adjoining bedroom, a wholly new pattern of circulation would be introduced. This would itself undermine appreciation of the historic plan form and use of the building. The adverse effect would be accentuated by removal of the historic door currently serving the room and its relocation to the new opening. The net effect would be harmful.
16. The associated formation of built-in wardrobes fully across the chimney breast wall within the same room would further obscure its character and dimensions. This is partly illustrated by the wardrobes which have been installed already, which, as noted above, differ from those shown on the plan. Though it is argued that removal of built-in wardrobes from another, more important room, justifies the installation, causing less harm does not amount to no harm. The net effect would again be harmful.
17. The proposed opening up of the chimney breast in the kitchen would facilitate installation of a cooker. However, the proposal is not supported by detailed drawings. To the extent that some exposure of brickwork has previously occurred, and concrete lintels have been installed, the historic identity of any previous opening has been lost. This indicates that whilst modification to enlarge the current opening would result in loss of fabric, it would not necessarily result in the loss of any features of interest. Moreover, use to accommodate a cooker would appear generally relevant both in relation to the chimney breast and its context. Whilst the proposal thus appears uncontentious in principle, the absence of detail in this instance prevents a full and proper assessment.
18. The formation of a shower room at second floor level would cause some modest change to the layout. The latter was itself presumably modified in the past to form the wc to which the shower room would be attached. The identity of the rear attic room would otherwise remain clearly discernible. This is

illustrated by the works already undertaken, albeit as noted above, these do not match those proposed.

19. My findings above indicate that the scheme would, taken as a whole, fail to preserve the special interest of the listed building, contrary to the expectations of the Act. It would likewise fail to conserve its significance. The harm caused to the significance of the listed building would be less than substantial. Such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
20. To the extent that certain works have been promoted as heritage benefits, I have considered this above in relation to the window and partition above. As I have found that both would give rise to harm, either due to their nature or as specified, they attract no weight.
21. It is further argued that the works are required to make the building fit for modern living. However, I have no reason to believe that the future use and maintenance of the building would be at risk in the absence of the works specified. As the works would otherwise provide internal arrangements more suited to the appellant, any benefits would be of a private nature. Such benefits do not attract weight.
22. Implementing the scheme would generate minor work/trade for businesses. However, the benefits of this to the broader economy would be negligible, and so attract negligible weight. That being so, the public benefits of the scheme would not outweigh the harm that it would cause.
23. For the reasons outlined above I conclude that the works would not preserve the listed building. The works would therefore fail to satisfy the requirements of the Act, heritage policy set out within the Framework, and, insofar as it is relevant, conflict with Policy E9 of the Test Valley Borough Council Revised Local Plan (LP), which generally reflects the latter.

Other Matters

24. The site is located within Romsey Conservation Area (the Conservation Area). This did not form part of the Council's assessment of the scheme, but is covered within the appellant's submissions. In view of the statutory duty set out in Section 72(1) of the Act, it is however necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
25. Insofar as it is relevant to these appeals the significance of the Conservation Area resides in the layout of the historic settlement, the historic buildings and spaces that it contains, and the interrelationship between. In this context the listed building forms an attractive component of the historic street frontage, and of the historic townscape at large. As such it makes a positive contribution to the significance of the Conservation Area.
26. With the exception of the proposed modification of the blank window on the rear elevation, all the works would be internal. The rear elevation is not generally exposed within the streetscene, and there would be limited visibility beyond the plot and those adjacent. The Conservation Area is however a sum of both its public and private parts. In causing harm to the significance of the listed building which would be capable of perception from spaces within it, the

scheme would also harm the contribution that the listed building makes to the significance of the Conservation Area as a whole. The modest harm caused would again be less than substantial. In this instance however, it would attract considerable importance and weight.

27. I am mindful of the fact that the effect of the scheme on the Conservation Area was not a reason for refusal. However, and notwithstanding the additional weight that the identified harm lends in favour of dismissing the appeal, this does not alter the outcome of my findings in relation to paragraph 202 of the Framework as set out above. Similarly, the additional conflict that a failure to preserve or enhance the character or appearance of the Conservation Area would cause in relation to the Act, the Framework, and Policy E9 of the LP, does not alter the outcome of my conclusion in relation to the main issue. As such, this matter is not determinative of the outcome of the appeal. I am therefore satisfied that the interests of neither party are prejudiced by my findings.

Conclusion

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

Benjamin Webb

INSPECTOR