
Appeal Decision

Site visit made on 26 July 2022

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

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/J9497/Y/22/3292197

26 Fore Street, Buckfastleigh TQ11 0AA

- 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 Ms Farrington against the decision of Dartmoor National Park Authority.
 - The application Ref 0558/21, dated 29 September 2021, was refused by notice dated 3 December 2021.
 - The works proposed are described as regularisation and remedial works:
 1. Cementitious tanking to external walls.
 2. Strip internal doors of paint and apply wax finish
 3. Enclosing of private yard with 1.8m high tanalised timber vertical close boarded fence and gate.
 4. Installation of skirting boards to ground floor.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal has been lodged against a refusal of listed building consent. The works subject of the appeal however include a fence and gate which has been erected to the rear of the dwelling. Though parts of the fence abut the listed building, it is otherwise fixed into the ground. Its installation does not therefore appear to have entailed any alteration to the listed building. It is therefore unclear why listed building consent for the fence and gate has been sought. The Authority otherwise notes that no application for planning permission covering these items has been submitted. This would however be the appropriate course of action. As it is not the purpose of this decision to assess the potential merits of such an application were it to be made, I have given the matter no further consideration.
3. The decision notice cites Section 66 of the Act. The duty set out in Section 66 however relates to applications for planning permission. As is correctly identified in the Authority's appeal statement, the relevant duty in this case is set out in Section 16 of the Act. This does not require effects on the settings of other listed buildings to be assessed. I have considered the appeal accordingly.
4. The installation of skirting has not yet occurred, but tanking and the stripping of doors has. The Act requires that works to listed buildings are authorised. Works are authorised where written 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. That being so, were the appeal to be allowed, any consent granted would be for retention of these works only and would have no bearing on the legality of their execution.

Main Issue

5. The main issue is whether the works have preserved or would preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses, and whether the works have preserved or enhanced or would preserve or enhance the character or appearance of Buckfastleigh Conservation Area (the Conservation Area).

Reasons

6. 26 Fore Street, together with 25 Fore Street, is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraphs 199 and 200 of the National Planning Policy Framework (the Framework) make clear both that great weight should be given to the conservation of designated heritage assets, and that any harm or loss of significance should require clear and convincing justification
7. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in its C18th and perhaps earlier date, its formal frontage, and the otherwise vernacular character of its broader construction, layout and fabric.
8. The internal faces of the external stone walls have been tanked, which presumably required the removal of historic plaster. The plans also show the treatment in relation to the ground floor partition wall. Whether the treatment also involved the associated application of a membrane to the floor is unclear, and the Authority has additionally queried possible injection of the walls. The full specification of the works is therefore open to question. Ultimately however, as consent can only be granted in relation to works for it which it has been specifically sought, these matters fall outside the scope of the appeal.
9. The tanking was installed to address damp and related mould, and does so by forming an impermeable surface finish which provides a currently dry wall surface. In so doing its application clearly addressed a symptom of a problem rather than remedying its cause. Indeed, based on the evidence before me no diagnosis of the underlying causes of dampness was first undertaken. Consequently, it was not established whether simple remedial works in addition to improved heating and ventilation could resolve the issue.
10. As noted above, tanking provides an impermeable finish. This is the case whether or not lime plaster is applied on top of it. The provision of such barriers is generally incompatible with traditional construction, given that it disrupts the normal movement of moisture through the building fabric. Degradation and the deflection of moisture can result, and such treatments themselves eventually fail.
11. The works were undertaken in response to a Suspended Improvement Notice which identified damp and mould amongst the issues requiring attention. The notice did not however instruct that the walls should be tanked. Rather, it required investigation of the causes of damp and remedial work, flagging up the possible need for consent. In this regard approval under the Building Regulations is not the same as listed building consent. The Building Regulations themselves otherwise provide scope to accommodate the properties of traditional construction. Though the tanking and other works have enabled

- No 26 to be reoccupied, it has not been demonstrated that tanking was necessary to achieve this.
12. An appeal within which tanking of a listed building was allowed has been cited. However, I have been provided with too little information to ascertain whether or not the circumstances were the same as in the current case, and what specific justification was provided for any harm that would be caused. I can therefore attach little weight to this evidence.
 13. The presence of the tanking is not currently perceptible. In view of my findings above its installation has nonetheless both caused harm to the fabric of the building, and is likely to give rise to ongoing and future harm. Contrary to paragraph 200 of the Framework, clear and convincing justification for this harm has not been provided.
 14. The building has been subject of a long history of modifications. These may be reflected in the different types of door present. Whilst some evidence for reuse exists, it seems unlikely that the boarded door serving the staircase has been relocated from elsewhere.
 15. The doors have been chemically stripped. Chemical stripping of historic doors is generally inappropriate given the damage this causes to the timber, to the joints, and given that the resulting finish is frequently not historically correct. This is often indicated by the unsightly exposure of glues, fillers or imperfections as illustrated by the much-reused door set within the ground floor partition. In this particular instance any harm caused to the fabric of the doors by stripping appears to be limited. Even so, it again lacks clear or convincing justification.
 16. Except along the base of the timber panelling beneath the stairs skirting is currently absent from the ground floor. Whether or not the ground floor featured skirting originally or at any other point in the past is unclear. The proposed skirting would not otherwise match that present on the panelling, and the plans do not show exactly where the proposed skirting would be installed. Whilst I am mindful that the Authority nonetheless welcomes the proposed installation of skirting, the extent to which this would have any positive effect in better revealing the significance of the listed building is uncertain. The installation of skirting would not otherwise be capable of balancing the unrelated harm caused in relation to works already undertaken.
 17. When taken as a whole I therefore find that the scheme both has failed and would fail to preserve the special interest of the listed building. The harm caused to the significance of the listed building both is and would be less than substantial. Such harm attracts great weight.
 18. The listed building is located within the Conservation Area. Insofar as it is relevant to this appeal the special interest and significance of the Conservation Area resides in the historic layout of the settlement, the buildings and spaces it contains, and the interrelationship between. In this regard the listed building and its historic spatial relationship to other historic buildings makes a positive contribution to the special interest, character, appearance and significance of the Conservation Area.
 19. The only works which are and would be appreciable externally are the fence and gate. As established above however, these fall to be properly considered in

within the context of an application for planning permission. That being so, and notwithstanding the harm that the scheme has caused to the listed building, it has a neutral effect on the Conservation Area. Consequently, the character and appearance of the latter both has been and would be preserved.

20. In accordance with paragraph 202 of the Framework it is necessary to weigh harm to the significance of the listed building against the public benefits of the scheme.
21. Insofar as conservation benefits have been advanced in favour of the scheme, my assessment above indicates that its overall impact would be negative given the harm that it has already caused. Claimed conservation benefits do not therefore attract weight.
22. Insofar as implementation of the scheme both has generated and would generate building work, the benefits to the broader economy both have been and would be negligible. Accordingly, these benefits attract negligible weight. That being so, harm to the significance of the listed building has not and would not be outweighed by public benefits.
23. For the reasons outlined above I conclude that whilst the scheme both has preserved and would preserve the character and appearance of the Conservation Area, it both has failed and would fail to preserve the Grade II listed building, contrary to the expectations of the Act and heritage policy set out within the Framework. Insofar as it is relevant the scheme would additionally conflict with Policy 2.7 of the Dartmoor Local Plan 2018-2036 which generally supports the application of national policy in relation to heritage assets.

Conclusion

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

Benjamin Webb

INSPECTOR