



Appeal Decision

Site visit made on 8 November 2022

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/V0510/X/21/3281916

17 Tower Court, Tower Road, ELY, CB7 4XS

- The appeal is made under section 26K1(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a partial failure to give notice within the prescribed period of a decision on an application for a Certificate of Lawfulness of Proposed Works (CLPW).
 - The appeal is made by Mr Nicholas Sweeney against East Cambridgeshire District Council.
 - The application ref 21/00476/CLB is dated 20 April 2021.
 - The application was made under sections 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The works for which a CLPW is sought are to replace the internal doors with wood effect doors and to remove the existing floor coverings and install wood effect vinyl planks with underlay to floor surface of combined kitchen and lounge.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawfulness of proposed works describing the proposed works which are found to be lawful.

Applications for costs

2. An application for costs has been made by Mr Nicholas Sweeney against East Cambridgeshire District Council. This is subject of a separate decision.

Preliminary Matters

3. An application for a CLPW was submitted to the Council on 20 April 2021. The certificate was sought for the following works (1) to remove plasterboard lining and galvanised steel frame that forms internal non-load bearing partition wall that divides kitchen and lounge and make good ceiling finish with plaster skim where non-load bearing partition wall has been removed. (2) to re-use galvanised steel frame and plasterboard components from kitchen and lounge area to construct dry lined fitted wardrobe compartment in bedroom. (3) to replace the internal doors with wood effect doors and (4) to remove existing floor coverings and install wood effect vinyl planks with underlay to floor surface of combined kitchen and lounge.
4. A CLPW was issued on 30th April 2021. However, the works specified as being lawful solely related to the dismantling of an internal kitchen cubicle and the installation of a cupboard. This grants a certificate for numbers (1) and (2) above. There was no mention of the internal doors or floor coverings on the certificate. Therefore, I will treat this appeal as being against a partial non-determination. The certificate is sought for the undetermined items (3) and (4) above.

Reasons

5. Section 26H (2) of the Act states that works would be lawful if they would not affect the character of the listed building as a building of special architectural or historic interest. Therefore, this matter is the main issue.
6. Tower Court is a former early 19th century workhouse which later became a hospital. It is a Grade II listed building which dates from circa 1837. It is constructed of gault brick in Flemish bond with limestone dressings. It has a central tower structure with two and three storey wings. Its significance is its age, architectural design and community value.
7. It was converted to flats in 1997. A large proportion of the building's internal layout and fixtures date from that time. There are seven 6-panelled woodgrain effect doors to be replaced. I could see at my visit that the doors are modern and are likely to have been installed as a result of the conversion. They have no historic significance. Their replacement with other wood effect doors would not affect the significance of the building. The previous floor covering, which has since been removed but identified by photographs in the appellant's submission, was laid on chipboard. It was modern and had no historic significance. The fitting of vinyl planks on top of the chipboard would not affect the significance of the building. The Council does not dispute that the CLPW should be granted.

Conclusion

8. Taking into account all of the above, the proposed works would not affect the property's character as a building of special architectural or historic interest.

Ms S Watson

INSPECTOR

Lawful Development Certificate

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990:
SECTIONS 26H and 26I

THE PLANNING (LISTED BUILDINGS) (CERTIFICATES OF LAWFULNESS OF
PROPOSED WORKS) REGULATIONS 2014: REGULATION 3

IT IS HEREBY CERTIFIED that on 20 April 2021 the works described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for the following reason:

The works/proposed works do not affect the character of the listed building as a building of special architectural or historic interest.

Signed

Ms Watson

Inspector

Date: [02 December 2022]

Reference: APP/V0510/X/21/3281916

First Schedule

Replace internal doors with wood effect doors. Remove existing floor coverings and install wood effect vinyl planks with underlay to floor surface of combined kitchen and lounge.

Second Schedule

Land at 17 Tower Court, Tower Road, ELY, CB7 4XS

IMPORTANT NOTES – SEE OVER

Plan

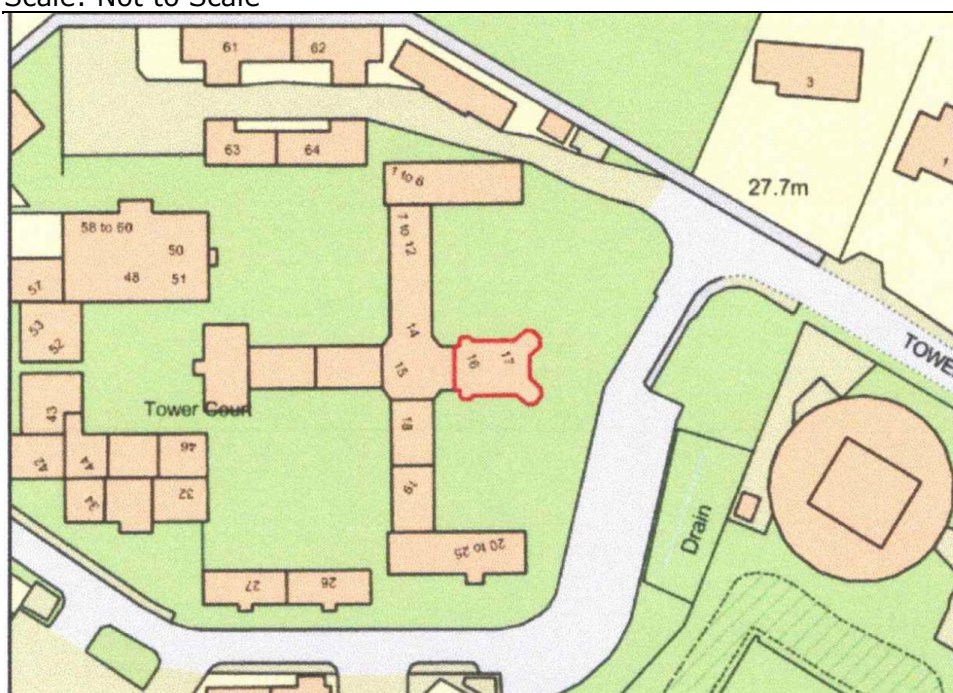
This is the plan referred to in the Lawful Development Certificate dated: [02 December 2022]

by Ms Watson BA(Hons), MCD, MRTPI

Land at: 17 Tower Court, Tower Road, ELY, CB7 4XS

Reference: APP/V0510/X/21/3281916

Scale: Not to Scale



NOTES

This certificate is issued solely for the purpose of Section 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. It certifies that the works described in the First Schedule taking place on the land specified in the Second Schedule are lawful, on the certified date and, thus, are not liable to enforcement action, under section 38 of the 1990 Act.

This certificate applies only to the extent of the works described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any works which are materially different from that described, or which relate to any other land, may result in a breach of listed building control which is liable to enforcement action by the local planning authority.