
Appeal Decisions

Site visit made on 4 October 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal A Ref: APP/H1705/W/21/3284628

Priors Mill, North Street, Kingsclere RG20 5QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by A. Nicholson & M. Meerten against the decision of Basingstoke & Deane Borough Council.
- The application Ref 21/00722/ROC, dated 25 February 2021, was refused by notice dated 21 July 2021.
- The application sought planning permission for the erection of rear extension, and internal/external alterations to existing dwelling without complying with a condition attached to planning permission Ref 20/02856/HSE, dated 8 January 2021.
- The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan, dwg. no. 171114-01, received 15.10.2020; Site Plan, dwg. no. 171114-2000, received 15.10.2020; Design Scheme Ground Floor Plan, dwg. no. 171114-2050 rev. C, received 16.12.2020; Design Scheme First Floor Plan, dwg. no. 171114-2051 rev. E, received 05.01.2021; Design Scheme Section cc & attic, dwg. no. 171114-2052 rev. D, received 16.12.2020; Design Scheme Roof Plan, dwg. no. 171114-2053 rev. C, received 16.12.2020; Design Scheme NW & SW Elevations, dwg. no. 171114-2055 rev. B, received 16.12.2020; and Design Scheme SE & NE Elevations, dwg. no. 171114-2054 rev. A, received 16.12.2020.
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Appeal B Ref: APP/H1705/Y/21/3284635

Priors Mill, North Street, Kingsclere RG20 5QY

- 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 under section 22 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for works to a listed building without complying with a condition subject to which a previous listed building consent was granted.
- The appeal is made by A. Nicholson & M. Meerten against the decision of Basingstoke & Deane Borough Council.
- The application Ref 21/00869/LBC, dated 25 February 2021, was refused by notice dated 21 July 2021.
- The application sought listed building consent for the erection of rear extension, and internal/external alterations to existing dwelling without complying with a condition attached to planning permission Ref 20/02857/LBC, dated 8 January 2021.
- The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan, dwg. no. 171114-01, received 15.10.2020; Site Plan, dwg. no. 171114-2000, received 15.10.2020; Design Scheme Ground Floor Plan, dwg. no. 171114-2050 rev. C, received 16.12.2020; Design Scheme First Floor Plan, dwg. no.

171114-2051 rev. E, received 05.01.2021; Design Scheme Section cc & attic, dwg. no. 171114-2052 rev. D, received 16.12.2020; Design Scheme Roof Plan, dwg. no. 171114-2053 rev. C, received 16.12.2020; Design Scheme NW & SW Elevations, dwg. no. 171114-2055 rev. B, received 16.12.2020; and Design Scheme SE & NE Elevations, dwg. no. 171114-2054 rev. A, received 16.12.2020.

- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Procedural Matters

2. Both parties were asked to comment reporting of a site meeting between the Council and appellants in relation to the floors within the listed building. Comments, where submitted, have been taken into account in this decision.

Main Issues -in both appeals

3. The main issues are whether varying a disputed condition would:
 - would preserve a Grade II listed building known as Priors Mill or any features of special architectural or historic interest that it possesses, and
 - preserve or enhance the character or appearance of the Kingsclere Conservation Area.

Reasons

Heritage assets

4. Priors Mill is a Grade II listed two storey house which has been subject to various extensions and alterations over time. It is brick built with a plain clay tile half-hipped roof, and a central chimney stack. The range's facade is constructed with red brick in Flemish bond with blue headers, with the exception of the east extension that is constructed in a blue, vitrified brick laid in a Flemish bond. The statutory list entry (List Entry 1296910) identifies the building's original range as comprising three bays, with a former lobby-entry, dating to the early 18th century, which had later 19th century single bay extensions added on either side.
5. The appellants' Heritage Assessment¹ (HA) confirms the house to be that of a mill owner and was part a wider complex of mill buildings sited around the River Enborne that no longer exist. The HA dates the west extension to be later, being after 1911. The building's rear has a 20th century two storey extension and alterations, including flat-roofed roof dormers, within a rear lean-to outshot.
6. The original range comprises a brick infilled front door opening and a blind window above, and on either side, eight-over-eight timber sash windows, with stone cills, on the ground and first floors. The west extension has similarly designed and aligned windows, whereas the east elevation has differing aligned ground floor and first floor windows, the later smaller in size as well. The east extension's differing fenestration detail results in asymmetrical designed façade

¹ Prior's Mill House, North Street, North Street, Kingsclere, Hampshire Heritage Statement, March 2021

to the range. The infilled door reflects a previous entry-lobby whilst east elevation windows reflect a previous larger basement cellar. The cellar resulted in higher internal floor levels, and higher window cills and smaller size for the first floor in order to achieve adequate vertical room spaces. Within the extended range, these differences in façade design help identify historic changes and additions to internal living uses and are of importance and value to the understanding of the building's phased development as a house.

7. Based on the building's construction, the outshot would have been single storey behind the original range of the lobby-entry house, then enlarged behind the east and west extensions, and eventually raised to two storeys. The rear has been subject to several phases of alteration and rebuilding, including for the 20th century extension and alterations. The HA dates the insertion of the upper floor within the outshot to be probably 19th century, with historic beams and joists to the central older range being re-used.
8. Within the range, it is still possible to read the original layout of the building with the 'polite' formal rooms at the front, where the mill owner and his family would have lived and visitors were welcomed, and the service rooms to the rear. Within the building, the frontage ground and first floor rooms had higher levels in relation to those to the rear. Historic England indicate that the existing change in levels reflects the historical hierarchy of principal and service spaces, providing an illustration of the way the different parts of the house may have been originally used. However, the empirical evidence within the HS confirms the timber floors to be 20th century and the HS also indicates a house of this status, with the original lobby-entrance, would have had a stone or tile ground floor. Together with my own site inspection observations, this indicates that the differing floor levels have limited significance and special interest.
9. Notwithstanding this, Priors Mill has historic and architectural value and importance as a former mill owners house, that has evolved over time, with an asymmetrical Georgian façade and fenestration reflective of previous occupants' use of the building. Such features and qualities provide identifiable physical references assisting in explaining the phased development of the listed building and are of significance and special interest.
10. The Kingsclere Conservation Area (KCA) centres around either side of the river, with a high concentration of buildings dating to the late medieval period. The KCA Appraisal and Management Plan Supplementary Planning Document (SPD) 2017 further details 19th century terraced housing and looser patterns of housing within landscaped settings in outlying areas. Priors Mill is one of two former water mills, now a traditionally designed dwelling, built around the river contributing positively to KCA. The significance and special interest of the Conservation Area derives from the inherent architectural and historic qualities of its buildings and places. The village's historic development, along with its varied architecture and landscaped places, are of significance and special interest to the KCA. Forming an important part of the village's historic development, evolution and built-backcloth, the appeal site contributes positively to the KCA as a whole.

Proposals

11. In 2021, planning permission and listed building (LPA Refs: 20/02856/HSE and 20/02857/LBC) were granted consent for the erection of a replacement rear extension and internal/external alterations. Condition 1 of those consents

required that works and development be carried out in accordance with the approved plans, which show the retention of ground and first floor windows on the building's eastern side extension, and the retention of the existing floor level changes between the front and rear of the range, with the exception of those within the existing east extension. Within this extension, the ground and first floors within the front would be lowered to match those at the rear.

12. The appeals seeks to vary Condition 1 on both consents, substituting them with plans showing new ground and first floor windows on the building's eastern side extension to match those on the remainder of the range. For the listed building appeal (Appeal B), the ground floor level within the front of the range would be lowered to match that to the rear and the first floor level within rear half of the range would be raised to match that to the front.
13. On the east extension façade, the new fenestration would match the size, design and rough alignment of the other windows within the extended range. The ground floor window would be re-used in its new position whilst the smaller first floor window would be replaced. The small window to be replaced dates to the 20th Century and its replacement would result in no harmful loss of a historic window. To accommodate the re-positioning of the ground floor window, some more modern rebuild red brickwork, contrasting with the original blue brickwork, would be removed and replaced with matching brickwork.
14. Such alterations would result in greater harmonisation of fenestration and brickwork across the extended range. However, uniformity is not part of the façade's character and the alterations would remove part of the historical story of this building evident in its façade which relates to a former basement cellar of some height and its effect on fenestration.
15. Under the previous consent, the east extension's ground floor, along with the steps leading up to it, would be removed, and a new floor level would be constructed level with the rear, with a reduced cellar below. However, the alteration of this façade would remove the last evidence of how the extension was built relative to the original cellar. Furthermore, the consent does not diminish the importance and value of the existing extension façade as inevitably decisions on listed building works will involve balanced judgements, involving the need to facilitate continued use and to incentivise long term maintenance and upkeep.
16. There would also be changes in the ground and first floor levels but the existing level changes have limited significance and special interest. Furthermore, the approved scheme would create an open plan kitchen and dining room, and master bedroom within a rear extension which would significantly reduce service room character at the back of the listed building.
17. To facilitate the first floor changes, the existing floor between the ground and first floor would have to be raised. A structural report² plan indicates the removal of walls and a small part of the roof to facilitate the works, the re-use of historical timber floor and brickwork, but that these works are mainly necessary by the creation of the new extension and alterations rather than the floor raising. To facilitate the floor level changes, existing doors, surrounding architraves and shirting boards will have to be adjusted, but these, along with the floorboards, are recent lacking any significance or special interest. A

² Priors Mill, Kingsclere, Andrew Waring Associates, 22 April 2021.

planning condition could ensure acceptable alterations to these features. The ground floor level changes would reduce the ventilation gap between the existing floor but similarly, a condition could be imposed to prevent problems of dampness and decay to the building. For all these reasons, the removal of the floor level changes would not be detrimental to significance and special interest.

18. However, the new fenestration would result in harm to the ability to appreciate the phased development of the listed building to the detriment of its overall significance and special interest as a heritage asset. Therefore, whilst some elements of the amended scheme would not be harmful, overall varying the disputed condition would fail to preserve the special architectural interest of the listed building at Priors Mill leading to conflict with the requirements of s66(1) and s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Although the harm would be localised, the scheme would undermine its architectural and historic qualities and would not preserve the character and appearance of the KCA, as a whole, in conflict with the requirement of s72(1) of the Act.

Heritage and Planning Balance

19. The degree of harm to the significance of the Grade II listed building and Conservation Area, as designated heritage assets, would, in each case, be less than substantial, in terms of the National Planning Policy Framework (the Framework). In accordance with paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposed development, including securing the optimum viable use.
20. There would be some slight benefits in the replacement of the existing red brick and avoiding the negative adverse effect of constructing a first floor across a ground floor window, as part of the previous consent. However, such a change would be minor and would not outweigh the irreversible harm on understanding the development of this heritage asset. On the east extension, the benefits of the removal of the existing incongruous redbrick work would be limited because historic blue brickwork and internal fabric would still need to be removed due to window repositioning and resizing. Internally, the consented lowering of the first floor within the east elevation would result in a floor halfway across the top of the ground floor window. However, the phased development of the house is integral to its significance and special interest, and as a result, the adverse effect far outweighs remedying this defect of the consented scheme.
21. The floor level changes have not found to be harmful but improving the existing accommodation to meet modern day living requirements would be largely satisfying the private wants and needs of the appellants, which are not public benefits. In any case, there is a planning permission and listed building consent for improved accommodation at the listed property. Works have started on the listed building consent and there is a real prospect that the consent and permission would be implemented if the appeal was dismissed.
22. Consequently, the sum of wider public benefits associated with the proposal would not outweigh the considerable importance and weight that even less than substantial harm to each designated heritage asset carries. Therefore, for each asset, conflict arises with the historic environment protection policies of the Framework.

23. In varying the planning condition, the development would conflict with Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029 and Policies K4 and K17 of the Kingsclere Neighbourhood Plan 2021-2029, which collectively and amongst other matters, requires the conservation or enhancement of heritage assets in a manner appropriate to their significance, the respecting of historic form, setting and any other aspects of contributing to significance of the host building, having regard to the KCA SPD, good quality design, local distinctiveness and sense of place. It would also conflict with the guidance of the Basingstoke and Deane Heritage Supplementary Planning Document (2019), which amongst other matters, requires the retention and conservation of building fabric and/or internal and external features which contribute to the significance of a listed building under Principle LB01.
24. On balance, I do not consider the sum of public benefits sufficient to outweigh the harm that has been identified. Conflict would arise with the historic environment policies of the Framework. In respect of Appeal A, there would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.

Conclusions

25. For the reasons given above, in respect of Appeals A and B, I conclude that varying the conditions would not preserve the special interest of the Grade II listed building and character and appearance of KCA. I therefore conclude that both appeals should be dismissed.

Jonathon Parsons

INSPECTOR