
Appeal Decision

Site visit made on 22 November 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2023

Appeal Ref: APP/J0405/Y/21/3286626

32 Nelson Street, Buckingham, MK18 1DA

- 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 & Mrs A. Franklin against the decision of Buckinghamshire Council.
 - The application Ref. 21/01491/ALB, dated 8 April 2021, was refused by notice dated 19 October 2021.
 - The works proposed are described as "internal works and external render and paintwork".
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Decision

1. The appeal is allowed and listed building consent is granted for internal works and external render and paintwork at 32 Nelson Street, Buckingham, MK18 1DA in accordance with the terms of the application Ref. 21/01491/ALB dated 8 April 2021 and the plans submitted with it, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appellant's description of the proposed works is brief but more detail is included in the plans and other documents. The works include:
 - (a) At first floor level, removal of wall between bathroom and separate WC, blocking up a modern doorway to the WC and insertion of a new structural beam.
 - (b) At second floor level, a new en-suite is proposed within bedroom 5.
 - (c) Introduction of 3 new extractor fans ducted to exterior at rear.
 - (d) Diversion and extension of soil pipes including internal ground excavations (contained within existing rear utility space) to service new bathrooms.
 - (e) Extension of other services to new shower room.
 - (f) Regularisation of an unauthorised satellite dish to the rear.
 - (g) Regularisation of front door flood defence barrier.
 - (h) Exterior render and painted brick work is to be cleaned down and finished in white masonry paint to match existing.

4. The appellant refers to ambiguity around the status of replacement windows installed in the rear elevation of the building and invites consideration as part of this appeal as to whether they should be deemed lawful. However, that is not my role in this appeal and the windows do not form part of the works for which listed building consent has been sought. As such, I have not considered them.

Main Issue

5. The main issues are whether the proposal would preserve a Grade II listed building, 32 Nelson Street (Royal Oak House), and any of the features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Buckingham Conservation Area.

Reasons

Listed building

6. The appeal property is a late 18th Century Georgian building, albeit with older origins, formerly an inn but now used as a dwelling. It is predominantly brick built with render over and has a slate roof. A significant number of extensions and alterations have taken place to the rear, altering both the internal plan and the order of the rear elevation. The special interest of the building, so far as relevant to this appeal, derives from its architecture, historic fabric and its age, including its evolution from an inn to a dwelling and the various phases of extension, reflected in its plan form.
7. The existing bathroom at first floor level is currently separate from the WC, which is located in a small room served by a flat roofed dormer window that has apparently been added to the rear of the building. Given its alignment, it is likely that the dividing wall was once an external one before further extensions were added to the building, although the current wall coverings prevented inspection of the masonry at first floor level during my visit.
8. It was possible, however, to see the lower section of the wall at ground floor level which is much altered, having been partially removed to facilitate a downstairs toilet and utility area. From here, modern brickwork is apparent, supported on a structural steel beam. It is possible that this modern brickwork extends upwards to first floor level but that has not been demonstrated by the appellant.
9. Nevertheless, even if some historic fabric remains at first floor level, removal of a small section and the blocking up of a modern doorway would result in only limited harm in my view. The plan form of the building is much altered at the back of the property, and I see no reason why removal of a short section of wall would materially diminish the ability to appreciate the original plan, such as it remains. The works would retain a section of the wall return and introduce a beam above the opening so that it would be readily apparent that a wall once stood there.
10. At second floor level, it is proposed to introduce an ensuite bathroom by partitioning a section of the existing bedroom. There are currently no bathroom facilities on this floor. The ensuite would be located above the first-floor bathroom and ground floor WC, such that services could be sensitively routed together, leading to soil pipes to be installed below ground level within

the much-altered utility area. Mechanical extraction would be routed directly to the rear elevation with a small vent cover on the external elevation, which would be discreet and seen in the context of other utilities and pipework to the rear. There would inevitably be some change to the proportions of the existing bedroom, but the volume created by the roof pitch would remain an obvious feature.

11. The Council does not raise any objection to these works, assuming that servicing can be facilitated by the works below, and I have no reason to take a different view, subject to the detail of the works being secured by way of condition. It is noted that exposed timber work is visible within the existing partition wall and specific detail as to how this would be treated/preserved would be needed. Overall, the addition of ensuite facilities would improve the quality of accommodation, contributing to the local housing stock.
12. Similarly, the Council raises no objection to the satellite dish installed on the rear elevation. Whilst clearly a modern addition, it is located sensitively and again, seen in the context of other services at the rear of the property. Importantly, it could readily be removed, and the building made good.
13. Little detail has been provided in relation to the flood barrier sought as part of the works and the barrier in situ at the time of my visit did not accord with the description given by the Council in its objections. Rather than being constructed from white UPVC, the barriers are modest in size and entirely black in colour. The Council does not dispute the need for barriers and the evidence suggests that the building has been flooded relatively recently.
14. Nevertheless, flood barriers of the type proposed are a modern and uncharacteristic feature for a building of this age such that they would appear discordant and harm the special interest of the building. That being said, protection against further flooding events is clearly in the interests of the listed building to prevent future damage. Given the undisputed need for flood defences, those installed and as shown on the submitted drawings are relatively unintrusive and result in only limited harm.
15. Finally, it is proposed to repair and repaint the existing render, which is currently in a poor condition with loose areas and numerous cracks. Repairing the render and repainting it the same colour (white) would benefit the building.
16. I have identified some harm that would arise from the proposed works. This would include the loss of fabric through the removal of a section of wall at first floor level with a consequent alteration to plan form, along with the installation of a flood barrier, satellite dish and services.
17. Such harm would not accord with the requirements of the Act or the National Planning Policy Framework (the Framework) to preserve or enhance and this is a matter of great importance and weight. The harm would be less than substantial in the terms of the Framework but that does not necessarily equate to a less than substantial planning objection.
18. On the other hand, a number of benefits would also arise and these should be weighed against the harms. The proposed works would increase the number of bathroom facilities and/or their useability, which would, to some extent, improve the quality of accommodation and local housing stock. In addition, the installation of flood barriers in an area known to be at risk of flooding is a

significant public benefit that will ensure protection of the listed building in the long term, as will repairing defective external render. Taken together, the works would ensure that the building continues to remain appropriate for modern living and is occupied and maintained in the long term.

19. Overall, the works would fail to preserve the listed building, contrary to the expectations of the Act and the Framework and I accord this considerable importance and weight in the heritage balance. However, the degree of harm is at the lesser end of the scale and I find that the public benefits, principally the flood mitigation, the improvement in the quality of accommodation that would result and the repairs and refinishing of the render, are all public benefits that, in the particular circumstances of this case, outweigh the harms identified.

Conservation area

20. The Buckingham Conservation Area covers much of the historic core of the town, incorporating many of its historic buildings. A close-knit historic street pattern, densely built with terraced properties is a key characteristic contributing to its significance. The appeal property stands within such an area, in a prominent street fronting position abutting the pavement edge, amongst other historic buildings.
21. Much of the work proposed in this case would be internal, such that it would not affect the character or appearance of the conservation area. Those works that are external are relatively modest, including the repair and repainting of render, installation of flood barriers at the front door, and the attachment of a satellite and services to the rear elevation.
22. These works, whilst affecting the building itself, would have very little impact on the important characteristics of the conservation area. Those elements contained within the rear garden would not be visible from the public realm and would not harmfully impact how the conservation area is experienced. Works to the front of the property would improve its appearance in some respects, particularly, the repairs and repainting of the failing render.
23. As set out above, the flood barriers would not be a characteristic feature for a historic area, notwithstanding that many properties now have modern barriers installed in light of the flood issues faced locally. These would harm the character and appearance of the conservation area. Such harm would not accord with the requirements of the Act or the National Planning Policy Framework (the Framework) and this is a matter of great importance and weight. Again, the harm would be less than substantial in the terms of the Framework but that does not necessarily equate to a less than substantial planning objection.
24. Overall, there would be some less than substantial harm to the conservation area, contrary to the expectations of the Act and the Framework. I accord this considerable importance and weight in the overall heritage balance. However, the degree of harm is at the lesser end of the scale and I find that the public benefits, in particular the flood mitigation provided by the proposal and the repairs and refinishing of the render, are all public benefits that, in the particular circumstances of this case, outweigh the harms identified.

Conditions

25. Notwithstanding the appellant's objection to the conditions suggested by the Council, a number are necessary to ensure that the special architectural and historic interest of the building are preserved.
26. I have attached the standard statutory time period for the commencement of the works.
27. The Council suggests conditions preventing removal or alteration of the building's timber frame. The appellant objects on the grounds that the building is not of a timber framed construction. Whilst that is true, there are a number of exposed timbers in the attic area which have historic and architectural interest. As such, I have attached a condition that requires the Council's approval for any works to them.
28. In the absence of sufficient information on the submitted plans, further details of the proposed materials and finishes for the external render and painting works are needed to ensure their consistency with that existing.
29. I have secured a detailed specification for the proposed works to install extractor fans to ensure that impacts of the fabric and special interest of the building are minimised. For the same reason, and to avoid unnecessary damage, a condition also prevents any sand blasting from taking place without the Council's permission.
30. I have not included a condition specifying the approved plans as this is not necessary, listed building consent necessarily having been granted in accordance with the submitted plans. I have also omitted the Council's suggested condition seeking details of joinery, as no works involving joinery are proposed.

Conclusion

31. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

Schedule of Conditions

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No part of the existing timbers at attic level shall be removed or renewed and no works to them shall take place other than in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority.
- 3) No work permitted by this consent shall commence until a detailed specification including the colour, texture and finish of the paintwork and render repairs have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out solely in accordance with the approved specification.
- 4) No work permitted by this consent shall commence until a detailed specification of the works required to install the new extractor fans to serve the ground floor WC, first floor bathroom and second floor en-suite has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out solely in accordance with the approved specification.
- 5) No sandblasting or other abrasive cleaning techniques shall be used anywhere on the building, internal or external, without details first having been submitted to and approved in writing by the Local Planning Authority.