



Appeal Decision

Site visit made on 22 February 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/J1860/Y/22/3298423

New Court, Bromyard Road, Sutton, Tenbury Wells, Worcestershire WR15 8RH

- 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 Mrs Tina Worboys against the decision of Malvern Hills District Council.
 - The application Ref M/22/00063/LB, dated 18 February 2022, was refused by notice dated 3 May 2022.
 - The works proposed are described as *'We would like to remove the chimney breast at ground floor level only in the side extension to the original Georgian building. Three rooms have, at some stage in the past, been knocked into one but the large chimney breast has remained, creating a large central obstacle to move around. We would like to remove this and open the space fully. A structural engineer has investigated whether this would be possible and was very happy with the building's construction and with the insertion of steelwork this would pose no structural issue'*.
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Decision

1. The appeal is dismissed.

Main Issue

2. New Court is a Grade II listed Victorian dwellinghouse likely constructed around 1847. The main issue to be considered, therefore, is the effect of the proposal on the special architectural and historic interest of the listed building.

Reasons

3. New Court primarily comprises the original house with a later, probably late Victorian, two storey service wing to the rear. There is a clear contrast in formality and grandeur between these two elements; the original house offers generous rooms behind elegant façades, whereas the service wing is generally plainer and internally more modest and compartmentalised. For these reasons, the rear wing contributes to the special interest of New Court as it offers insight into the hierarchy and functionality of space within a Victorian house of this scale and type, and the respective status of its residents and household staff.
4. The east side of the ground floor of the service wing evidently historically contained three rooms around a stout, off-centre chimney breast, but has since been opened up into a single area by removing the internal walls. However, whilst the chimney breast has been altered and denuded of its finishes and fittings, its discrete fireplace openings and overall role and purpose remain obvious, and its faces correspond with its location within each previous room.
5. The internal walls have been replaced by boxed in beams which are also clearly visible on the ceiling. Despite the opening up of the space, these beams and the chimney breast together ensure that what was once a more intimate and

functional part of New Court remains legible. It follows that the chimney breast is important to our understanding of the special interest of the listed building, and its removal at ground floor level would harm that interest. The creation of a larger space in the service wing would also erode the distinction between it and the more opulently proportioned front areas of the house.

6. In the parlance of the National Planning Policy Framework (the Framework), the works would therefore result in less than substantial harm to the significance of the listed building. There is a strong presumption against works that would have such a harmful impact through S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the Framework further explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to such an asset against the public benefits of the scheme, including securing the asset's optimum viable use.
7. I can see why the existing space is considered awkward, and how removal of the chimney breast would allow for a coherent room and better circulation. In this sense, the works would promote health and well-being, with a higher standard of amenity for existing and future users. However, this would be a modest public benefit. It does not justify the harm that would be caused, which must be given considerable importance and weight in the balancing exercise.
8. The point is made that the section of chimney breast subject of the proposed works is not visible from the public realm. Nonetheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of any part of the listed building can be gained.
9. Consequently, the works would have an unacceptable effect on the special architectural and historic interest of the listed building. They would conflict with Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan (adopted 2016) insofar as they seek to protect the historic environment, and in particular listed buildings, inclusive of their interiors.

Conclusion

10. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR