



Appeal Decision

Site visit made on 3 May 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/A3010/Y/22/3311737

Cumbria Cottage, Town Street, Nottinghamshire, Clayworth, DN22 9AD

- 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 Thomas Guest against the decision of Bassetlaw District Council.
 - The application Ref 22/01113/LBA, dated 13 August 2022, was refused by notice dated 4 November 2022.
 - The works proposed are described as 'internal alterations to modernise kitchen.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As the works relate to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the works would preserve the Grade II listed building, 65 and 67, Town Street (Ref: 1045703) and any of the features of special architectural or historic interest that it possesses.

Reasons

The listed building

4. The appeal property is part of the listed building which incorporates Nos 65 and 67 Town Street. The two cottages date to the late 18th century and have some 20th century alterations. Built of rendered brick to the front they have pitched pantile roofs. The appeal property has a two storey projecting rear element to which a modern single storey extension with a pitched roof is attached.
 5. Despite these alterations, for the most part the building maintains its historic character, scale and proportions as well as some remaining elements of its historic fabric and traditional internal architectural features. Internally these include historic oak beams as well as the long established sizes and compartmentalised nature of the rooms at the appeal property. As a result, the building maintains its modest attractive rural character and charm, with a traditional vernacular design, architectural features and domestic layout typical of its village location and commensurate with its historic use as a pair of cottages. Thus, its historic character is still legible.
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6. From the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its surviving historic fabric and layout, including its modest internal scale and proportions, along with its remaining distinctive architectural features and historic openings.

The proposed works

7. The works concern the removal of a section of wall from what would have been the rear gable end of the main house which has been internalised by the property's single storey rear extension. This would connect the kitchen and the dining room extension and create a more open plan area.
8. The former rear wall of the house has two existing openings which denote the positions of the historic doorway and window. Whilst part of the wall below the existing window, and another strip above the existing door and window adjoining the ceiling would be retained, a central section of wall would be removed. As a result the two historic openings would be merged to create one large L shaped opening. The appellant estimates that the net area of wall to be removed would be less than one square metre. Even so, a good deal of historic fabric would be lost and the historic pattern of openings on what was the rear elevation of the appeal property would be eradicated.
9. In removing this traditional pattern of openings the proposed works would diminish the appreciation of how the building's rear wall and its openings would have looked historically. Even accepting that the rear wall is already behind the existing dining room extension, in removing the characteristic traditional openings and introducing a new larger single opening, the historic understanding of the building would be eroded.
10. The existing historic oak ceiling beam within the kitchen would be retained and supported via the insertion of a new steel support. The submitted structural drawing¹ seeks to illustrate the detail of the oak beam to steel beam connection. It shows the insertion of a steel beam (and associated boxing) as well as the provision of eight plate web stiffeners. It also indicates that the oak beam would be notched to fit snugly into the beam section with full depth bearing. A drawing showing proposed interior 3D images has also been provided to which I have had regard.
11. However, based on the evidence provided, and in particular the reliance on a single structural drawing which shows only one perspective, I share the Council's concern that the information provided is inadequate. It is uncertain precisely where the new steel beam and the associated plate web stiffeners would be located or what they would look like. Nor is it clear what impact the insertion of these would have on the historic oak beam and the surrounding walls and ceiling, or what alterations to these would be necessary. Thus I am unable to properly understand these elements of the proposed works, or to adequately assess their impact on the listed building.
12. From the correspondence supplied by the appellant as part of the appeal, it is clear that the Council is also concerned about the impact of the proposed works on the layout of the building. Whilst the bottom section of the wall between the kitchen and the dining room would be retained, in removing part of what

¹ drawing No 575/GA/01 A

remains of the dividing partition between the currently largely separate rooms, the proposed works would serve to further merge the dining room and the extension. This would create a more open plan area and alter the size and arrangement of the rooms in this part of the building. In doing so it would undermine its historic arrangement which is characterised by the compartmentalised nature of the rooms and their generally more intimate scale.

13. Taking all these factors into account, I find that the proposed works would lead to a loss of characteristic historic openings as well as the removal of some historic fabric. Additionally the proportions and character of the internal arrangements of its rooms would be unacceptably altered. Furthermore, in supporting the historic beam, the proposed works also have the potential to impact further on the building's architectural features and historic fabric. This being so, I find overall that the proposed works would impair the building's historic legibility, reduce its authenticity and fail to preserve its special interest. That the other rooms within the cottage would not be affected does not alter my view.
14. I accept that there are some elements of the proposed works that would improve the heritage asset in this case and contribute to its significance. The historic oak beam in the kitchen would be exposed in its entirety by the removal of the kitchen cupboards at each of its ends. Additionally the existing plasterboard kitchen ceiling would be removed to expose the original ceiling joists. These works would improve the architectural and historic significance of the building. However, even when taken together these matters are insufficient to outweigh the harm to the listed building that I have identified.
15. The works would be internal and not visible from outside. However, this does not affect my conclusions. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained.
16. I therefore conclude on the main issue that the proposed works would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.
17. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 advises that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I consider that the harm to the listed building in this case would be less than substantial, but nevertheless of considerable importance and weight.
18. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The National Planning Practice Guidance (the Guidance) advises that where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of proposed development.

19. An open plan living space would provide a more modern, practical and efficient living space, and improve natural light and airflow. Whilst this would allow the cottage to more easily meet the needs and requirements of modern day living, the benefits that would arise are substantially private.
20. The improvements to the listed building itself are public benefits of the proposed works. These are set out above and concern the exposure of more of the oak beam in the kitchen and the historic ceiling joists there. That said, I am mindful that these elements of the scheme could be undertaken in the absence of the proposed works to remove a section of wall. This limits the weight I attribute to these public benefits.
21. I therefore find that the public benefits in this case are insufficient to outweigh the harm to the designated heritage asset that I have identified. For these reasons the works fail to satisfy the requirements of the Act and paragraph 197 of the Framework. Whilst the decision notice refers to Policy DM8 of the Bassetlaw Core Strategy, I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

Other Matters

22. The appellant has considered an alternative scheme suggested by the Council whereby a supporting pillar/wall section would be retained below the beam with walkways to either side (such that the supporting steel beam would not be required). Whilst I note that this compromise scheme has been ruled out by the appellant, it is not before me for consideration and I confirm that I have assessed the appeal scheme on its own merits.
23. The appeal building is within the Clayworth Conservation Area. The impact of the works on the Conservation Area is not a reason for refusal and I have seen no objections from the Council in this respect. Nevertheless, this does not alter my view as to the impact of the works on the listed building.
24. The appellant refers to the history of other applications at the appeal property and considers they have made sympathetic additions and changes to the property over the last few years, and worked with the Council in progressing proposals. Be that as it may, these are not reasons to allow works that I have found would be harmful.

Conclusion

25. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR