



Appeal Decision

Site visit made on 6 June 2023

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/U1430/Y/22/3299991

Larkin House, 18 Landgate, Rye, East Sussex TN31 7LH

- 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 Ms Tara Larkin against the decision of Rother District Council.
 - The application Ref RR/2021/3084L, dated 23 December 2021, was refused by notice dated 2 March 2022.
 - The works proposed are: alterations to roof space to form sensory area for children with severe disabilities to include formation of access through low collar in roof structure, insertion of 3no new roof lights in inner roof slopes, enlargement and guarding of loft hatch opening.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issue

2. The main issue is whether the works would preserve the special architectural and historic interest of the Nos 15-24 Landgate, a Grade II listed building.

Reasons

Significance

3. Larkin House is a dwelling within a row of terraced properties with a mix of uses which are listed as a consecutive group: Nos 15-24. Most date from the 18th or have early 19th century facades to earlier buildings. Although ridge heights vary along the terrace, there is a predominance of two-storey buildings with pitched roofs.
4. The roof of Larkin House is a butterfly design with a high level valley above a collar. This device was used in mid-18th century building to provide increased depth without excessive roof height. However, the existing roof has incorporated ridge boards, likely to date from the end of the 18th century, suggesting that at some point in its history the roof has been dismantled and reassembled. Second floor joists have been introduced forming a floor in the roof space. These may have been added in the mid-19th century or as part of the works in 1912 when the building was incorporated within works to form a cinema. This ceased to operate in the 1930s and the building was subsequently converted into the mix of commercial and residential uses that exist today.

5. The roof therefore retains evidential significance in terms of its previous form even though it has been adapted as the use of the building has changed through several centuries. It therefore makes a positive contribution to the significance of the group listed building.

Assessment

6. Within the roof space there is an intermediate timber collar which extends across the depth of the building. Immediately above it, a small wooden packing piece has been inserted to support the valley and prevent deflection. This timber collar beam currently restricts the usability of the roof space as it is well below head height. The proposal would remove two sections of the collar beam and replace them with vertical posts and smaller cross members which would be bolted together with L-shaped steel plates. This would provide part of the roof space with increased head height, increasing its usability. The submitted engineer's drawing illustrated the proposals but was not accompanied by a full structural survey. It is therefore not possible to be certain of the effects of these alterations on the stability of the roof.
7. The loft space is useful for storage but even with the proposed changes it would not become a safe living space. The roof is not insulated, there is no heating, and access to it would continue to be via a loft ladder. The proposal does not include details of how a loft ladder would be stored whilst also providing a balustrade to prevent accidental falls through the enlarged entrance. To use the loft as a habitable room would require approval under the Building Regulations to ensure that it meets various health and safety requirements. The proposed alterations to the roof would not provide a permanent or satisfactory means of making the roof space a usable or safe living area. Further works affecting this part of the building would be required which go beyond those set out in the current application.

Public benefits

8. In this context, the proposed works to the roof structure would harm the historic roof, which contributes to the building's significance. The harm I have identified would be less than substantial in terms of the National Planning Policy Framework (the Framework). However, this assessment of harm still amounts to a significant objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal, as required by paragraph 202 of the Framework.
9. The proposal would not enlarge the living space of the house to acceptable standards. Even if it had been demonstrated that this could be achieved, an 'extension' to a family home would only be a benefit to the occupants of the property. It is therefore not a public benefit that can be weighed against the harm to the listed building.
10. Consequently, the proposal would fail to preserve the special architectural and historic interest of Larkin House, part of a Grade II listed building. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The works would also fail to comply with paragraph 199 of the Framework which states that great weight should be given to conserving a designated heritage asset's significance.

Other Considerations

11. The appellant sought to make the alterations to the roof to provide a more permanent play/sensory space for her two disabled children. From the evidence presented it is apparent that they have significant needs, require constant attention and are unlikely to be able to lead fully independent lives. I am therefore mindful of the requirement under the Public Sector Equality Duty (PSED) to have regard to eliminate discrimination and promote equality for those who have physical or mental impairments.
12. I understand that the children already use the loft space as a 'den' and enjoy being there for many hours where they can play and study their surroundings. However, in doing so their environment is far from safe. The boys are at risk of banging their heads against the intermediate collar beam. Replacing it with a raised collar would represent a notable improvement in the usability of the space. Nevertheless, the space would continue to be restricted by the roof slopes and the introduction of vertical timbers. It would remain unheated and access via a ladder would be risky. Although the alterations would minimise the effects on the historic fabric, it would fall short of providing an appropriate and sensory space for the children to use safely.
13. I appreciate that caring for two boys with significant needs in this small house presents considerable and on-going daily challenges. Their use of the roof space as a 'den' has therefore provided the family with valuable additional play space to cope as the children have grown physically stronger and more demanding. However, the alterations within this proposal would not provide a permanent, safe and usable living space that would ensure that they could continue to live in this house on a long-term basis. It seems likely that their needs for care, support and the way that could be provided will change, particularly when they reach adulthood. The period that they could make use of the space in the loft, whether they do so now or if it was improved, be no more than a few years.
14. In considering the current proposal, I need to take a proportionate approach to my duty under the PSED alongside my statutory duty to preserve a designated heritage asset. This leads me to conclude that the combination of a sub-standard alteration to the roof space to meet the short-term needs of the two boys would be insufficient to justify permanent alterations to the roof of the listed building.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR