



Appeal Decision

Site visit made on 23 May 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/P4605/Y/22/3302932

St Matthews Church, 63 Duddeston Manor Road, Birmingham B7 4JH

- 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 Zm Creative Studios against the decision of Birmingham City Council.
 - The application Ref 2021/06154/PA, dated 7 July 2021, was refused by notice dated 18 March 2022.
 - The works proposed are the change of use from Church (Use Class F1(f)) to offices (Use Class E(g)(i)).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the works on the special architectural and historic interest of this Grade II listed building, and whether they would harm its significance.

Reasons

3. St Matthews Church is Grade II listed¹, and dates from the mid-19th Century with subsequent alterations and amendments. Its significance lies, partly, in the manner in which its external detailing and form reflect its ecclesiastical origins and the high quality of architecture that was associated with such buildings. Furthermore, the preservation of such details adds to its special architectural and historic interest.
4. Internally, I understand that the building used to have a large nave with a balcony around. However, in the 1990s the western end of this space was converted to offices (the 1990s works) by the addition of 2 floors, one at the balcony level and one above. The eastern part continued to be used as a church, with a wall dividing it from the office area and the existing sections of balcony that remained on either side being linked by a connecting portion. As a result, the internal scale of the building was notably compromised as the nave was reduced in length. However, the eastern part still alludes to the proportions that were found in the church before the 1990s works, while the windows (especially at the east end) and the chancel can still be appreciated. Furthermore, the potential continuation of the use of the space for worship, albeit in a reduced extent, allows the building's original purpose to be maintained and so contributes positively to the overall significance. The

¹ The statutory address given on the Official List Entry is The Parish Church of St Matthew, Great Lister Street B7

sections of the balcony that remain on the north and south sides are a remnant of the workmanship that was no doubt found throughout the interior at one time. Beyond these points though, there is little internally that reflects the significance of the building or adds to its special architectural or historic interest.

5. The proposal would introduce 2 floors into the eastern half of the building, at the same level as those found in the 1990s works. One would be at balcony level, while the other would be higher, near to the tops of the windows.
6. This flooring would result in the balcony losing its context, while the introduction of 2 staircases would diminish this feature further as each would require openings on the balcony walling. The works would also prevent any experience of the original scale and nature of the nave being appreciated, and mean that, internally its purpose would be harder to discern. I accept that the character within the building has already been compromised to some degree by the 1990s works, but given the extent of the remainder, I see no reason why the further erosion of this space would not be harmful, especially as the appeal concerns the eastern end with the large east windows and chancel. As a result, I consider it would cause harm, albeit less than substantial, to the building's significance.
7. The appellant said in the appeal submissions that the new flooring at first floor level would involve the removal of the whole balcony. However, that does not appear to be what was proposed at application-stage. Rather, the plans make reference to 2 intended openings in the gallery wall, with a free-standing timber floor within the void of the nave. From such references I consider it clear the application sought to retain the balcony and its walling and so I have assessed the scheme on that basis. If I had assumed the balcony was to go though, its removal would further harm the building's significance.
8. Concern was also raised about the effects that the new flooring would have as it crossed the windows when the building was viewed from outside. However, having looked at the windows already affected by the flooring inserted as part of the 1990s works, I am not satisfied this would in fact be harmful.
9. Externally, the proposal intends to extend the row of rooflights installed over the 1990s works. These are substantially concealed behind the parapet, and such features would not harm the significance of the building.
10. The *National Planning Policy Framework* (the Framework) states that great weight should be given to the conservation of heritage assets, as they are an irreplaceable resource. It adds that any harm to the significance of designated heritage assets should require clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any such asset, that harm should be weighed against the public benefits.
11. The proposed works would be a notable level of intervention in the building. The principal public benefit offered is that by securing a new use what is before me would allow the conservation of this designated heritage asset. I recognise that, to ensure on-going maintenance, a viable use is needed, and to secure such a use could be a public benefit. Little has been offered though to support this claim, or to demonstrate its unattractiveness to viable uses in its current arrangement. It was also said it would generate local employment, and this is a further public benefit. However, even if taken together I consider that these

public benefits have not been shown to justify the notable level of intervention now proposed. Consequently, they do not outweigh the harm identified.

Conclusion

12. Accordingly, I conclude the works would fail to preserve the special architectural and historic interest of this Grade II listed building, so causing harm, albeit less than substantial, to its significance. In the absence of any clear and convincing justification for this harm or the demonstration of public benefits to outweigh it, I conclude the works would be contrary to guidance in the Framework and, insofar as they are a material consideration, Policies PG3 and TP12 in the *Birmingham Plan 2031*, which require works to respond to and safeguard designated heritage assets, Therefore the appeal is dismissed.

JP Sargent

INSPECTOR