



Appeal Decision

Site visit made on 20 June 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/V3120/Y/22/3313343

44 East St Helen Street, Abingdon, Oxfordshire OX14 5EB

- 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 Rupert Gladstone against the decision of Vale of White Horse District Council.
 - The application Ref P22/V1432/LB, dated 7 June 2022, was refused by notice dated 26 August 2022.
 - The works are described as: The replacement of the second-floor timber joists. The replacement of the ground and first floor lath and plaster ceilings. The plastering of the interior of the external walls in gypsum plaster. The use of concrete lintels in replacement of timber.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the refusal of listed building consent for works to a listed building in a Conservation Area. I have therefore had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The application form sets out that the works commenced without listed building consent in July 2021. Whilst not included in the description above, the proposal was amended during consideration to include replacement of floor joists in the bathroom. For avoidance of doubt, I have determined the appeal on the basis that the works have already occurred. In doing so, I have had regard to the details submitted with the application, limited to those matters for which consent is sought, including the replacement of floor joists in the bathroom.
4. Since the submission of the appeal application, the Council has granted listed building consent¹ for other works, including the reinstatement of timber floorboards, replacement of the basement timbers, steel reinforcements and replacement of decorative timbers. Prior to this, the Council granted listed building consent² for: *'replacement of roof tiles in like-for-like manner, repair roof structure and install insulation'*.
5. Whilst the appeal application seeks listed building consent for the plastering of the interior of the external walls in gypsum plaster, I saw that all walls including internal walls had been replastered in gypsum plaster. In some cases, there was evidence that these had been lined prior to replastering. I also saw

¹ Ref: P22/V1394/LB.

² Ref: P21/V2787/LB.

that the internal joinery comprising the door linings, architraves (including around window openings), skirting board, and dado rails had all been recently installed following replastering and replacement of floors and ceilings. Whilst these works may or may not form part of the listed building consent application that has already been granted, they do not form part of the application before me and, therefore, are not part of my considerations.

6. In their statement, the appellant contends that the appeal property is a private home that is not open to the public and was given a Grade II listing with all the other houses on the street in 1951, for its external appearance. However, when a building is listed, it is listed in its entirety. This means that, unless parts, features or structures are specifically excluded in the list description, both the exterior and the interior are protected, along with any object or structure fixed to the building³. Whether or not a building is open to the public does not diminish its special interest or listed status. I have therefore determined the appeal on the basis that the whole of the appeal property forms part of the Grade II listed building.

Main Issue

7. The main issue is whether the works preserve the Grade II listed building of 44, East St Helen Street, or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

8. The appeal property, 44 East St Helen Street⁴ is a prominent end of terrace property located close to the junction with St Helens Wharf and within the Abingdon Town Centre Conservation Area (the CA). Dating from circa 1777 the appeal property is a two storey Georgian chequered brick townhouse with an attic storey and basement.
9. I acknowledge that, internally, the building has been refurbished in the past, including a number of nineteenth century changes, however such changes are important indicators in the understanding of its development over time. There is no evidence before me that these changes have undermined the authenticity or integrity of the asset.
10. From the evidence before me, the special interest and significance of the listed building, insofar as it relates to this appeal, are principally derived from its historic and architectural interest as a good example of a Georgian townhouse, located within a group of similar buildings along East St Helen Street. Key contributors in these regards are its age, and illustration of eighteenth century domestic architecture, the legibility of its development over time and the presence of historic fabric, in terms of the traditional materials, construction techniques and craftsmanship embodied within it.

Appeal Proposal and Effects

11. The works that have been already undertaken are the removal of the second floor floor-joists and the first floor bathroom floor-joists and their replacement with 200mm x 75mm modern timbers; removal of the ground and first floor

³ Section 1(5) of the Act.

⁴ List Entry No: 1048909.

lath and lime plaster ceilings and their replacement with plasterboard with gypsum plaster skim; the removal of historic plaster including lime plaster and replastering of the interior of the external walls in gypsum plaster; and the removal of all existing timber lintels and their replacement with concrete lintels.

12. These works have collectively resulted in a major loss of historic fabric within the interior of the building. Moreover, from the evidence before me, historic fabric comprising traditional materials and embodied craftsmanship has been replaced with standard mass-produced modern materials in the form of the standard modern timbers, plasterboard, concrete lintels and gypsum plaster. This has eroded the integrity of the building and goes beyond what could be considered sensitive repairs or like-for-like interventions or alterations.
13. The appellant sets out, without evidence, that some of the fabric removed is from the twentieth century. Nonetheless, if some elements that were removed were not 'original' this does not mean that they are not important, as set out above.
14. On the balance of probabilities, the lime plaster that was removed had a historic patina formed over time. Such patinas are integral to the character and interest of historic buildings. Modern gypsum plaster and plasterboard with their straight angled joints cannot recreate the appearance of lime plaster. Whilst the appellant sets out that the new plasterboard ceilings have been installed with some undulations, this is not reflective of the patina of age that would have likely been present. As such the works have adversely affected the aesthetic and evidential value of the building.
15. Modern materials such as gypsum, cement and concrete are mostly incompatible with traditional buildings. These materials are hard and impervious to moisture and can cause moisture retention within the softer, more breathable bricks and mortar, accelerating their decay and resulting in further harm to historic fabric. Indeed, the appellant has identified that an area of prior existing gypsum plaster had 'blown' and was coming away from the wall, which itself was showing evidence of decay, which could have been a result of such a process.
16. Whilst the appellant disagrees with these principles, the need for buildings to 'breathe' is a long-established principle based on scientific understanding of traditional buildings that is supported by organisations such as the Society for the Protection of Ancient Buildings and Historic England.
17. The appellant sets out that the proposals constitute '*periodic renewal*' as set out in the Historic England guidance: Conservation Principles, Policies and Guidance⁵. However, the guidance is clear that periodic renewal does not constitute instances where harm caused to heritage values would not be recovered over time. It has not been put to me how the use of standard modern materials that adversely affect the integrity of the building would be recovered over time.
18. Moreover, the guidance states that: '*The justification required for periodic renewal will normally be that the fabric concerned is becoming incapable of fulfilling its intended functions through more limited intervention.*' In this

⁵ English Heritage (2008).

regard, there is no evidence that more limited intervention has first been considered. I am therefore not convinced that the appeal works constitute periodic renewal.

19. It is common ground between the parties that reversing the works carried out would cause additional harm to the building. However, the statutory duty of the Act under section 16(2) is unambiguous and, given the identified effects of the works, I have no other option to conclude that they fail to preserve the Grade II listed building, 44, East St Helen Street or any features of special architectural or historic interest which it possesses. This is contrary to the requirements of section 16(2) of the Act. For the above reasons, the proposal causes harm to the significance of this designated heritage asset.

Public Benefits and Balance

20. With reference to Paragraphs 201 and 202 of the National Planning Policy Framework (the Framework), in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. The works have not resulted in a total loss of the asset, and the building still remains. However, the works that have been carried out have resulted in extensive loss of historic fabric, and harm to special interest and significance. Nonetheless, I find that the harm in this instance is 'less than substantial' in terms of the Framework but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
21. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
22. The appellant has advanced a number of reasons to justify the timing and detail of the works undertaken, but there is a distinct lack of consistency in some of the information and a lack of corroborative evidence. The main public benefit advanced by the appellant relates to reducing or removing the risks to the asset and sustaining its significance as set out in the Planning Practice Guide⁶ (PPG). However, the information provided with the appeal is wholly deficient in information to corroborate any of the claims in relation to structural issues, which limits the weight that can be attached to this alleged public benefit.
23. The appellant argues that perceived structural issues with the floor-joists did not become apparent until the plaster had been removed from the walls. It is unclear why plaster was removed in the absence of listed building consent. However, the appellant sets out that the work needed to be carried out before approved roof works could be undertaken in order to avoid the front or side walls dropping outwards onto the street. However, there is very little evidence detailing the extent of the risk posed to the public or the building itself. Moreover, there is nothing before me to suggest that such a collapse would

⁶ Reference ID: 18a-020-20190723.

likely have occurred had the initial works to the building not been carried out. This limits the weight I can give to this as a public benefit.

24. It is reasonable to conclude that the removal of all of the joists would have required the removal of all of the first floor lath and plaster ceilings. The appellant sets out that inspections that needed to be carried out to the first floor, presumably leading to the removal of the floor-joists in the bathroom which were considered to be infested with wood worm and dry rot. These inspections led to the removal of all of the ground floor lath and plaster ceilings.
25. The appellant has not provided me with a detailed structural survey carried out by a suitably qualified person to support their argument, although the Council refers to a 'structural report' submitted during the course of the application, which is understood to be more of a summary than a detailed report. Equally no professionally supported evidence of the extent of woodworm or dry rot has been provided.
26. The appellant submits that the removal of plaster was necessary to inspect the state of timber decorations and carry out 'necessary' replacement of electrical wiring and plumbing. However, the replacement electrical wiring and plumbing without specific explanation is not in itself justification for the wholesale removal of historic fabric. Furthermore, I am not convinced, on what is before me, that such an action required the replacement of all lime plaster with gypsum plaster.
27. The appellant sets out that during investigations it became clear that the plaster had 'blown' as set out above. Again, this is without any evidence or details of the location it had occurred. Nonetheless, it is unclear why the apparent total removal of lime plaster and replacement with gypsum plaster was necessary.
28. The removal of the timber lintels was on the basis that all of the window reveals displayed significant cracking through the surrounding masonry. No evidence of any cracking has been provided, nor is there any evidence that this was active movement. If cracking in masonry was present, it has not been outlined why the appellant concluded that the timber lintels were the cause, given that these have been in place for a considerable number of years and potentially since construction. There is therefore insufficient evidence for me to conclude that the cracks in masonry justified the removal of all of the historic fabric in the form of the timber lintels.
29. Even if it was evidenced that some or all of the foregoing works required intervention in terms of sustaining the long-term future of the listed building, there is no compelling evidence before me that the only way of securing such benefits would be via the particular works which have been carried out. In this respect the clear and convincing justification for the harm required by the Framework has not been demonstrated.
30. Even accounting for modest economic benefits associated with the construction phase, cumulatively the sum of public benefits do not outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries. Moreover, the property will remain capable of functioning as a dwellinghouse, the use of which is unlikely to cease in the absence of consent for the works.

31. The works do not preserve the Grade II listed building of 44, East St Helen Street or any features of special architectural or historic interest which it possesses. This is contrary to the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact is also contrary to Policy CP39 of the Vale of White Horse Local Plan 2031 Part 1 (2016) and Policies DP36 and DP38 of the Vale of White Horse Local Plan 2031 Part 2 (2019) which together seek to provide a high standard of design that conserves and enhances heritage assets and safeguards the historic environment and local distinctiveness.

Other Matters

32. As set out above, the site is within the CA, which covers the historic core of the town centre. The appeal property is of a similar age and style to the other buildings along East St Helen Street and the CA as a whole. As a distinctive Georgian townhouse fronting the pavement in a prominent position, it makes an important contribution to the character and appearance and thus the special interest and significance of the CA. However, given that the works are limited to the interior, the character and appearance of the CA as a whole has been preserved, as required by the Act. Additionally, it would not conflict with Policy DP37 of the Vale of White Horse Local Plan 2031 Part 2 (2016). The Council concluded similarly. Nevertheless, this weighs neither for nor against the appeals and does not alter my conclusions on the main issue.

Conclusion

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

Paul Martinson

INSPECTOR