



Appeal Decisions

Hearing held on 19 July 2023

Site visit made on 18 and 19 July 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal A: APP/T3725/W/23/3318317

8 Clarendon Crescent, Leamington Spa, Warwickshire CV32 5NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Saint against the decision of Warwick District Council.
 - The application Ref W/22/1308, dated 11 August 2022, was refused by notice dated 19 December 2022.
 - The development proposed is Improvement of building fabric to reduce heat-loss and building fabric degradation. Scope includes insulated dry-lining, secondary glazing, roof and floor insulation. Installation of air-source heat pumps and energy efficient heating systems. Re-instatement of historical details in building elevations and re-establishing the original square-form villa as the dominant architectural element. Removal of north and south ranges and replacement with new-build extensions to compliment the existing building plan. Re-establishing the link between the house and garden through modification of the existing veranda and reinstatement of North-West summer room. Structural refurbishment and replacement, including under-pinning, improvement of supporting structures and strengthening of failing timber floors. Complete refurbishment of the interior, including restoration of original timber and plaster-work, plan improvements and construction of new primary hallway and staircase.
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Appeal B: APP/T3725/Y/23/3318318

8 Clarendon Crescent, Leamington Spa, Warwickshire CV32 5NR

- 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 Richard Saint against the decision of Warwick District Council.
 - The application Ref W/22/1309/LB, dated 11 August 2022, was refused by notice dated 19 December 2022.
 - The works proposed are Improvement of building fabric to reduce heat-loss and building fabric degradation. Scope includes insulated dry-lining, secondary glazing, roof and floor insulation. Installation of air-source heat pumps and energy efficient heating systems. Re-instatement of historical details in building elevations and re-establishing the original square-form villa as the dominant architectural element. Removal of north and south ranges and replacement with new-build extensions to compliment the existing building plan. Re-establishing the link between the house and garden through modification of the existing veranda and reinstatement of North-West summer room. Structural refurbishment and replacement, including under-pinning, improvement of supporting structures and strengthening of failing timber floors. Complete refurbishment of the interior, including restoration of original timber and plaster-work, plan improvements and construction of new primary hallway and staircase.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. Despite the descriptions of development and works set out above, I consider the descriptions found in the Statement of Common Ground to better reflect the scheme that is before me and that which the Council considered. I have therefore dealt with the appeals based on the descriptions set out below but considered them together in my reasoning, as they broadly concern the same scheme under different, complementary legislation.
3. The development proposed is for: *Improvement of building fabric to reduce heat-loss and building fabric degradation. Scope includes insulated dry-lining, secondary glazing, roof and floor insulation. Solar panels, and photovoltaic slate tiles. Replacement fenestration. Installation of air-source heat pumps and energy efficient heating systems. Re-instatement of historical details in building elevations. Removal of north and south ranges and replacement with new-build extensions. Re-establishing the link between the house and garden through modification of the existing veranda and reinstatement of North-West summer room. Structural refurbishment and replacement, including under-pinning, improvement of supporting structures and strengthening of failing timber floors. Complete refurbishment of the interior, including restoration of original timber and plaster-work, plan improvements and construction of new primary hallway and staircase. Extension and lowering of basement. Rear external works including new terrace and steps.*
4. The works proposed are for: *Improvement of building fabric to reduce heat-loss and building fabric degradation. Scope includes insulated dry-lining, secondary glazing, roof and floor insulation. Solar panels, and photovoltaic tiles. Replacement fenestration. Installation of air-source heat pumps and energy efficient heating systems. Re-instatement of historical details in building elevations and re-establishing the original square-form villa. Removal of north and south ranges and replacement with new-build extensions. Re-establishing the link between the house and garden through modification of the existing veranda and reinstatement of North-West summer room. Structural refurbishment and replacement, including under-pinning, improvement of supporting structures and strengthening of failing timber floors. Complete extensive refurbishment of the interior, including restoration of original timber and plaster-work, plan improvements and construction of new primary hallway and staircase. Extension and lowering of basement. Rear external works including new terrace, balustrading and steps.*
5. Since the applications were determined, the Net Zero Carbon Development Plan Document (DPD) has been examined on behalf of the Secretary of State. A consolidated draft version, incorporating modifications, has been produced and was discussed at the Hearing. The DPD requires further consultation but it has progressed sufficiently for its policies and supporting text to be afforded moderate weight in my determination of the appeals.
6. At the Hearing, the main parties discussed the accuracy of the appellant's Heritage Impact Assessment (HIA) and the nature of annotations on drawings. The HIA was then amended to correct references to removal of the south wall between the villa's west room and the new south range, and to installation of a concrete floor only to the ground floor. The ground floor plan was updated to note this and further notes added to the first and second floor plans regarding strengthening and levelling of the floors. The amended drawings also include

retention of a window above the porch in the south range, further details of the fenestration pattern to existing and proposed basement doors and windows, clarification that windows in the east façade would not be replaced, and omission of references to a roof terrace. Having regard to the Wheatcroft principles¹, I am conscious the appeal process should not be used to progress alternatives to a scheme that has been refused, but the new drawings and documents do not alter the nature of the proposal and interested parties would not be prejudiced if I were to determine the appeals in relation to them.

Main Issues

7. The main issues are whether the proposal would preserve a Grade II listed building, known as 'Number 8 and attached railings', and any features of special historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the Leamington Spa Conservation Area.

Reasons

Special Interest and Significance

8. The appeals concern 'Number 8 and attached railings', a Grade II listed² two-storey villa, with a basement and attic rooms, situated in the Royal Leamington Spa Conservation Area (CA).
9. Leamington Spa expanded rapidly in the early 19th Century as a Spa town with significant development of stuccoed terraces and villas designed and built in the Regency style. Terraces of lesser architectural detailing were also built for, amongst others, those working in the service industry for wealthy residents and visitors. However, in the 1830s the pace of growth and significant borrowing associated with it led to Warwick & Leamington, a main local bank, falling into financial difficulty and subsequent collapse of most local builders, including William Buddle, senior and junior, builders of Clarendon Crescent. Many of the properties and plots therefore went unfinished, including No 8.
10. Together the list entry and the HIA, including sales particulars from 1838 for the unfinished villa, explain that the homes in situ would have been the eastern side of a grand circle of homes served by a carriage driveway around a shared central ornamental garden or pleasure ground. This would have enabled the grand architecture of the western façades, including bowed windows, ironwork, and verandas, to be seen in unison. However, this did not come to fruition and the villas are served from the service road, Clarendon Crescent.
11. The list entry states No 8 was likely constructed by the Buddles in 1825-1830 but incorporates a series of later extensions to the north and south, including a porch and garage up to the footway. The former is of greater architectural standing due to its pleasant proportions and detailing. Behind these are taller extensions, including the original servants closet tower to the north. The south range is arranged to the flow of rooms within the building, so is of some importance to its understanding, but the northwest range is like those on other homes and is a pleasant part of the west façade, so is of greater significance.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

² List Entry Number: 1381235

12. The east stucco façade of the principal building is gabled with a simple parapet and coping, and the windows at ground and first floor are sashes with margin lights. That to second floor is a casement. These all have moulded surrounds, plain sills and reveals. A band separates the first and attic floors. The external basement door, and smaller paned sash windows either side of it, are served by a lightwell adjacent the street, enclosed by the railings.
13. The west stucco façade of the villa, which faces its garden, includes two full height bow windows to the ground floor that open out onto a veranda with a leaded roof over. The shape of the veranda and its base follows the bows but in a canted form. A door to its northern side remains, that probably separated it from an earlier conservatory. At first floor the sashes are smaller, like those on the eastern façade, above which is an intricate frieze, cornice, blocking course and low parapet. This defines the top of the house and screens the hipped roof and dormer to the attic. There is evidently a hierarchy to the rooms in the villa with those west-facing being of higher status, including the first-floor bedrooms that overlook the private and communal gardens. Historic sales particulars and remnants of the bell system also indicate attic rooms were servant's quarters.
14. The list entry is for identification purposes only and is not an exhaustive list of the internal features of the listed building of special architectural or historic interest. It primarily focuses on the double panelled doors between the porch and hallway, that are noteworthy for their timber detailing and means of enclosure between. While there is less decadent embellishment in its internal decoration, compared to others in the Crescent, it still contributes to the special interest and, thereby, understanding and significance of the villa as a designated heritage asset. Moreover, it provides further evidence of the consequences of the original construction of No 8 which left it in an unfinished state. However, the ground and first floor windows are more opulent than the originals, demonstrating investment by subsequent owners.
15. Furthermore, the plan layout, including the size and configuration of rooms, and flooring materials all contribute to this understanding, as they help to evidence the changing social requirements of its occupation as a dwelling and inform its individual character. For example, while the basement floorplan has changed it remains legible and the varied use of stone flags, black and red quarry tiles, and brick pavements all contribute to understanding use of its rooms. Furthermore, the curious passageway at its western edge, below the veranda, is an interesting part of its configuration.
16. While structural repair works are required to parts of the building, most notably the first floor, it seems to be in reasonably good condition and, at the Hearing, the Council stated these did not need remedying by an urgent works notice.
17. Despite later phases in the development of the property resulting in internal and external works of varied quality, including changes to its plan form and the loss of original decoration, fixtures, and fittings, the special interest of the listed building is to be found in its architectural and historic interest as an early 19th Century villa. In particular, its plan form and remaining historic fabric are important to its understanding and, thereby, significance.
18. The history of the Crescent means the villas differ in appearance; most having been altered. They do not, therefore, maintain the rigid architectural form and standards of more comprehensive early 19th Century developments of 'Classical Set Pieces' found elsewhere in the same part of the CA. However, they are

directly related to one another, and all individually listed, which increases their overall significance as a group. Alongside the more modest terraced homes to the east of the Crescent, they also contribute to understanding of the historical development of Leamington Spa as an early 19th Century Spa town, and to the character and appearance of the CA and its significance.

Effect of the Proposal

Basement

19. The northwest window into the passageway would be returned to its earlier width but lowered in height to form a doorway. This would not, of itself be harmful, but the passageway and outer window would be removed, and a garden room formed beneath the proposed summer room and steps to the terrace. Some harm would therefore result from loss of understanding of the original intent of the passageway.
20. The basement floor would be lowered to accommodate insulation and greater headroom, as part of the proposed energy efficiency measures, refurbishment and return to domestic use. At the Hearing, the appellant stated the flooring could be lifted, repaired, and covered up. While this is common in historic building conversion works, it is not the appellant's preferred approach as he seeks to lower the floor. Ultimately, the loss of such fabric would be harmful to understanding the historic function of the basement rooms.
21. The opening from the existing staircase into the east room would be widened and glazed to borrow light across the building; and stairs from the ground floor would be added beyond the south wall of the east room, with a small opening formed to access it. These alterations would not interfere with the legibility of the floorplan, as the configuration of the rooms would remain intact; and the new staircase would not lessen the importance of the original central staircase.
22. There would be very little change to the external relationship of the basement with the floors above, as the extension would be modest and concealed beneath the steps to the terrace. The introduction of windows beyond those in the existing basement would also be a new phenomenon, but they would be modest in size and like those to the east. These changes would not compete with the floors above, the hierarchy of which would continue to be evident.
23. The use of ashlar render would also provide a clean finish to the façade of the veranda and the enclosing features of the terrace, alongside the lightweight glass balustrades. Moreover, the terrace would be reconfigured, with a wholly different appearance, but would be another acceptable approach to formalising the space within the garden adjacent to the villa.

Summer Room

24. The evidence of the form of the conservatory that would have stood at the northwest corner of the villa is limited to the extent of its footprint and the presence of a doorway that likely accessed it. Despite this, the front of the proposed summer room would repeat the wrap-around form of the veranda to the double bow. This would therefore respect the proportions and architectural ethos of the building and sit comfortably alongside it. The leadwork upstand that conceals a gutter would also differentiate it from the veranda roof, thereby enabling it to be read as a contemporary addition.

Ground Floor and Extensions South and North

25. The extensions south of the villa, including the southwest single-storey lean-to, would be replaced with a double-height range, with a flat roof lower than the existing range and a large rooflight and solar panels atop. The proposal would accommodate new stairs to the first floor and basement, but the existing staircase would remain. Providing this new circulation space would be another, albeit grand, phase in the development of how the villa's occupants choose to access it. It would not interfere with the original street access or the legibility of its circulation, as it would be clearly read as being separate from it, and the solar panels would be screened from view by a parapet.
26. Inside the south range, the double panelled doors between the porch and hallway would be brought forward, closer to the front door, but it would remain of sufficient size to retain its importance as an arrival space. The proportions of the original south entrance opening into the central hallway would also be reinstated with removal of a kink in the wall to the west lounge and a new opening would be inserted in the reconfigured central hallway to borrow light from the west room, like that from the opening from the southeast room. These changes would not be harmful to the listed building.
27. Notwithstanding the acceptability of these aspects of the south range, a large opening would be formed through the original south wall into the west room. This would remove what remains of the ground floor chimney breast that, despite the kink, still contributes to the room's character and layout being opposite that at the northern end. This loss of historic fabric and the resultant predominantly open-plan arrangement through into the hallway would erode an important subdivision and element of character within this part of the listed building, that would be harmful to its legibility and understanding.
28. In contrast, although the reintroduction of enclosure of the utility would not reinstate the original room proportions, it would positively reinforce the hierarchy of the current plan layout.
29. The north extensions, including the garage, would be removed, and replaced by a building of more diminutive scale, single storey in height and set back of the east façade to provide a driveway. The notion of reversing the scale of the ranges to either side of the villa would not be unnatural, as homes in the Crescent have evolved in many differing ways. The proposal would also present a simpler form in comparison to the cumbersome and unwieldy conglomeration of the small flat-roofed addition to the closet tower and the lean-to and garage below. The small opening between the west room and north range would also be reversible. Nevertheless, removal of the two-storey northwest and southeast ranges would result in the special interest of the listed building being directly and irrevocably affected through harmful impacts to its plan form and loss of considerable areas of historic fabric. Moreover, while they did not form part of the original plans for the villa, they contribute to its historic narrative.
30. The windows in the west lounge would be replaced with French windows onto the veranda, that would be detailed in the same style using hardwood timber. At the Hearing, the appellant suggested there are other properties in the Crescent with these, but I am not aware of the circumstances that led to these being installed. In any event, the windows are so tall that they were almost certainly intended to be opened upwards to fulfil this function. This loss of

historic fabric, noted in the listing, would therefore be harmful to the special interest of the listed building.

31. There are also other consequences for internal fabric of the building, as the floor coverings at ground floor would be lost, including flagstones and timber floorboards. Although some of the latter have been lifted in sections, they generally appear to be in good condition and, together, these show evidence of the original floor plan arrangement. The floor would be replaced with pre-cast concrete floor plates, as part of the thermal upgrading of the building to accommodate under-floor heating served by the air-source heat-pump (AHP) central heating system.
32. Insulated drylining would also be added to the internal side of all exterior walls. The historic fabric of the building would be able to breathe and hardwood skirting boards and plaster cornice mouldings could be lifted and re-used or retained in situ beneath new mouldings. I also appreciate that there are many instances where joinery details have been lost through earlier modifications to the property. However, potential loss of further historic fabric would add to the cumulative harm to the heritage value of the building.
33. The prominent projection of the timber mouldings around the shutter boxes within the ground floor east and west rooms and the shallower projection of the mouldings to other sash windows would also be significantly affected by the insulation. This would weaken variation in the plane of the internal walls in the affected rooms, to the detriment of the villa's character. Shallower first floor window mouldings would also be affected by the change in plane of the wall.
34. Conversely, subject to the agreement of such details, the proposed use of secondary glazing would be an acceptable approach to maximize the thermal efficiency of the building.

First Floor and Extensions South and North

35. The replacement of the north and south ranges would omit ensuite bathrooms serving the west bedrooms, the reprovision of which would further disrupt the historic plan form and hierarchy of west-facing rooms, that was significantly diluted with loss of subdivision at ground floor. Moreover, focus of the west bedrooms would change to a master bedroom in the south room and bath and dressing rooms in the north room. The latter would be separated by a curved stud wall and accessed from the south room by new openings between and the fireplace would be retained, but in an awkward position in the corner of the dressing room. These changes could be reversed, but they are likely to at least be generational, as the villa would again be occupied as a family home.
36. The bathroom to the southeast bedroom would be partly in the room and hallway, beside the new stair access from ground floor. The partitioning would cut across a chimney breast, but the room proportions would remain evident. The ensuite to the northeast bedroom would be in a similar position to existing portioned space next to the existing staircase. Both new rooms would therefore not result in harm to the building. Furthermore, the window in the east façade above the porch would be retained and maintain balance and visual interest.

Roof and Attic Space

37. The southern roof slope of the villa would be reclad with solar photovoltaic slates. While the roof covering may previously have changed, slates are a

strong characteristic of the listed building. The evidence before me indicates that the proposed slates would have a different appearance, potentially including a sheen that would be evident from within the surroundings of the listed building. This would therefore amount to a further harmful divergence from traditional fabric associated with a building of its age.

38. An external plant enclosure for AHPs would also be cut into the north roof slope of the villa, behind a parapet and rail. This would be visible from the Crescent and alter the form of part of the roof but, with a carefully considered palette of materials, it would not be intrusive and would be a sensible location to site the proposed plant having regard to noise mitigation for neighbouring occupiers.
39. In the attic space, modern partitions would be removed, and bedrooms sited to the east and west, with a bathroom and the landing between. These would be sympathetic changes to the attic floor plan. Introduction of roof insulation is also an appropriate means to improve the thermal efficiency of the building.

Conservation Area

40. Unlike listed buildings, the significance of a conservation area is more widely experienced. Proposals must be judged according to their effect on an area as a whole and must have a moderate degree of prominence. Visibility of the principal façades of the properties in the Crescent, including the basement storey, varies given presence of boundary enclosures, including landscaping. In addition, although the alterations to the roof of the building would be visible from within the Crescent, they would not be prominent. The proposal would therefore preserve the CA's character and appearance, as a whole, and would not be harmful to its significance.

Public Benefits and Conclusions on the Main Issue

41. The proposals to alter the historic floor plan of the building to accommodate contemporary living, including the free-flow of space, would not align with the best interests of the listed building, including safeguarding its character and appearance. Similarly, the heritage value of the building's fabric would be compromised, particularly through the loss of the large veranda windows and reduced prominence of mouldings and timber detailing around windows due to insulation. Moreover, at the Hearing, the appellant confirmed fabric that could not be saved or requires removal could be preserved by record, but so much of the building's fabric would be lost through the proposal it would significantly weaken its heritage value. Accordingly, this approach would not be palatable.
42. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the National Planning Policy Framework (the Framework).
43. I acknowledge that change is often associated with evolution of how a property is occupied due to aspirations of owners, and Historic England indicate that it does not necessarily equate to harm. This aligns with my findings regarding the CA. Nevertheless, the proposal would be harmful to the special interest of the listed building. This therefore harms its significance as a designated heritage asset and the harm identified equates to less than substantial harm to the asset. Framework paragraph 202 and Policy HE1 of the Warwick District Local

Plan 2011-2029 (LP) identify this harm should be weighed against public benefits of proposals, including securing its optimum viable use.

44. The Framework and Planning Practice Guidance³ (PPG) indicate that heritage benefits can include sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to an asset; and securing the optimum viable use of an asset in support of its long-term conservation. Whereas, the Bramshill Judgement⁴ indicates that there can also be planning benefits of a quite different kind.

Climate Change and Energy Efficiency

45. The Council declared a climate emergency in June 2019, which was followed by its Climate Emergency Action Programme (CEAP) to become carbon neutral by 2025 and facilitate decarbonisation of businesses, organisations and residents to meet a target for as much of the district to be as close to net zero as possible by 2030. CEAP recognised how planning and its policies could help to deliver this, but also the requirement for improved efficiency of all buildings in the district to reduce energy demands. The Climate Change Action Programme⁵ (CCAP) aims to support landlords and homeowners to do so, the Framework is clear that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and LP Policy CC1 is supportive of adaptation to combat climate change. The Council also produced new guidance on the Energy Efficiency for Historic Buildings (February 2023) and its four aims are to preserve historic fabric, extend the beneficial use of older buildings, reduce carbon emissions using the hierarchical approach, and to specify environmentally conscious materials.
46. Although the appellant's Energy Assessment is theoretical, it is a reasonable and proportionate response, that has used engineering speciality alongside other professionals to take a 'whole building approach' to improve the energy performance of the villa to bring it as close to net zero as possible. Moreover, the proposed package of measures would save energy and reduce carbon emissions to improve its Energy Performance Certification (EPC) significantly from F to B. I appreciate that exemptions can be given for EPC for historic buildings, but the use of solar panels and slates, and air source heat pumps, amongst other things, would substantially reduce the carbon emissions from the existing building by 17.2 tonnes each year. The appellant has explained that this would equate to the carbon offset by a forest of around 4090 conifer trees, over a 10-year period. This constitutes an important saving from the listed building, which would make a smaller, but meaningful contribution to meeting district and national net zero carbon targets. This attracts considerable weight as heritage and environmental benefits, that would contribute to reducing reliance on non-renewable energy, dependency on the national grid, and help to address climate change.
47. Embodied carbon would be released by demolition through the proposal and created through use of new materials, including concrete for the basement and ground floors, the principles outlined in the DPD Policy NZC3 only relate to

³ Paragraph: 020, Reference ID: 18a-020-20190723, Revision date: 23 07 2019.

⁴ Court of Appeal Judgment: City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors [2021] EWCA Civ 320 (March 2021).

⁵ November 2021.

major developments. There would therefore be no policy basis for me to take this into account in determining the efficacy of the proposed measures.

48. There are undoubtedly certain measures within the proposal, that combined, would be innovative, thought-provoking, and may be of interest to the development community. However, it would not sit well as an exemplar for the sustainable refurbishment of the listed building, or the deployment of energy saving technologies given the extent of harm that would be caused through loss of historic fabric and other associated alterations to the building that would harm its heritage significance. Moreover, this would not adhere to the sensitive approach advocated by Historic England⁶ regarding energy retrofitting of historic buildings. Accordingly, I afford this concept limited weight.

Other Benefits (including Optimum Viable Use)

49. The habitation of buildings has not changed that much, but it is more likely people will move to occupy different rooms at varying points of a given day. Rooms will generally need to be comfortable to accommodate this, including the basement and the proposal would reduce thermal energy loss from the building. However, there are costs to heritage associated with the proposal.
50. The property has not been occupied since purchase and its uninhabited status would do nothing to secure its future. The proposal is therefore one such way in which the property could be occupied in the future, including bringing the basement into habitable use. Despite there being various benefits associated with the different aspects of what is proposed, the villa is likely to be habitable in the future, so its optimum viable use as a dwelling would not be in doubt.
51. Structural strengthening work to the first and attic floors, alongside other repairs and refurbishment listed in the appellant's Design and Access Statement, would address decline, and ensure the longevity of the building for some time. However, these are likely to be required in the absence of the proposal to ensure its continued occupation, so are afforded only limited weight as heritage benefits.
52. Elements of the proposal, namely the summer room, alteration to the appearance of the veranda, and restoration of the primacy of the original south main entrance would better reveal the architectural and historic interest of the villa and would not be harmful to its appearance. However, these would be accomplished alongside the considerable harm from loss of some of the remaining elements of historic fabric, including windows, joinery detailing, and later additions that all contribute to its historic narrative, so I afford these heritage benefits limited weight.
53. There are different approaches to additions and extensions to the villas in the Crescent, including north of No 9. Furthermore, demolition and setback of the new garage would relate better to the listed building and the setting of others nearby. Accordingly, the proposal would not be harmful to the setting of the other listed buildings in the Crescent, but this would equate to an absence of harm that would neither weigh in favour nor against the proposal.

⁶ Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (October 2018); and There's No Place Like Old Homes: Reuse and Recycle to Reduce Carbon (February 2020).

54. In considering the weight to afford to the stated benefits, I have had regard to the Bramshill and McLennan⁷ Judgements. Nevertheless, taking these together, while there would be considerable public benefits from the climate measures associated with the proposal, and other limited benefits, the harm that would be caused to the special interest of the listed building by allowing the proposal would be of greater significance. In accordance with Framework paragraphs 199 and 202 and LP Policy HE1, considered together, I am not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great weight to the asset's conservation and considerable importance and weight to the less than substantial harm identified to its significance.
55. DPD Policy NZC4 states 'the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings...will be encouraged, *providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance* [my emphasis]'. Compliance with this policy is therefore consistent with one of the principal elements of the Palmer Judgement⁸, to which I have been referred, namely 'that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset'.
56. The proposal would fail to preserve the Grade II listed building. Hence, it would not satisfy the requirements of the Act, and would conflict with the design and heritage aims of Framework paragraphs 130, 197 and 199, LP Policies BE1 and HE1, Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan 2019-2029 (RLSNDP) and DPD Policy NZC4.
57. The appellant has also referred to several other policies of the LP, but the harms identified in this main issue would also bring it into conflict with the heritage aims of Policies CC2, DS3, DS4, and SC0. In particular, Policy CC2 requires proposals for new low carbon and renewable energy technologies are designed to ensure that heritage assets are conserved in a manner appropriate for their significance. I have not found against RLSNDP Policy RS2, as it refers to the design of new houses so is not relevant to the appeal proposal.

Other Matters

58. At the Hearing, the appellant confirmed that it would not be palatable to receive consent or permission for parts of the appeal scheme. In any event, despite my findings regarding to the appearance of elements of the scheme, there would neither be physical nor functional severance that would enable a split decision to be issued.

Planning Balance

59. The development plan for the area includes the LP and RLSNDP. While these both predate the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to their policies according to their consistency with the Framework.
60. LP Policy BE1 generally aligns with the overall principles of achieving well-designed places advocated by the Framework. In the context of the appeal scheme and main issues to which they are relevant, RLSNDP Policy RLS3 and

⁷ High Court Judgment: R (McLennan) v Medway Council [2019] EWHC 1738 (July 2019).

⁸ High Court Judgment: Palmer v Herefordshire Council & Another [2016] EWCA Civ 1061 (November 2016).

LP Policies CC2, DS3, DS4, HE1 and SC0 are also generally consistent with the heritage aims of the Framework. Despite these aspects of the development plan predating the Council's Climate Change Emergency and UK government goals mentioned above, the Council has taken action to reinforce the aims of LP Policy CC2 and to achieve these goals through the DPD, but in a sensitive manner that aligns with guidance to which I have been referred. This therefore does not undermine the status of the policies and I afford considerable weight to the conflict of the proposal with them. Furthermore, despite the progress made with the DPD, it is not yet part of the development plan, so conflict with Policy NZC4 would only be afforded moderate weight.

61. I have already identified the benefits of the appeal scheme through assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage asset. The proposal would also accord with the aims of LP Policy BE3 regarding living conditions, but this would neither weigh in favour or against the appeal scheme. In terms of harm, despite my positive findings in relation to aspects of the proposal, including the appearance of the extensions, the proposal would fail to preserve the special interest of this Grade II listed building and conflict with the development plan in the context of the relevant policies referred to above.
62. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and the adverse impacts of the proposal are matters of great weight against its approval that outweigh the stated benefits.

Conclusion

63. The proposal would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith	Barrister, No 5 Chambers
Richard Morriss	Heritage Consultant
Tom Hallett	Q&A Planning
Ian Page	Corstorphine & Wright Architects

FOR THE LOCAL PLANNING AUTHORITY:

Sandip Sahota	Business Manager – Development Management
Jane Catterall	Conservation Officer

Lucy Shorthouse

Planning Officer

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE HEARING

- Amended Plans and HIA (as referred to in Procedural Matters).
- Revised set of planning conditions, agreed by the main parties.