



Appeal Decision

Site visit made on 2 January 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2024

Appeal Ref: APP/B1740/Y/23/3314339

52A High Street, Lymington SO41 9AG

- 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 James Peacock, Peacock Computers against the decision of New Forest District Council.
 - The application Ref 22/11180, dated 7 October 2022, was refused by notice dated 13 December 2022.
 - The works proposed are security shutters at front and rear.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').
3. The evidence before me indicates that the application for listed building consent now the subject of this appeal was accompanied by a parallel application for planning permission which was also refused by the Council. No appeal in respect of the refused planning application is before me. However, I note that the council's reason for refusal of that application alleged harm to the Lymington Conservation Area ('the CA') as well as the listed building. The Council suggests in its statement that arguments about the CA are not relevant to this appeal. Within conservation areas however, there is a statutory duty under Section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in the exercise of functions including under the planning Acts. I have considered the appeal having regard to this duty. Noting that the appellant's evidence does include consideration of the effect of the works on the CA and because it would not in any event be determinative in this case, I am satisfied that my doing so would not unfairly prejudice any party.
4. At my visit, I saw that security shutters have been installed to the front and rear of the building. However, the appellant proposes that the existing blue finish would be altered to grey or another colour to be agreed. I have considered the appeal on this basis.

Main Issue

5. The main issues are the effect of the proposal on the special interest of the Grade II listed building, 'Grosvenor House' (Ref: 1275464) and any of the features of special architectural or historic interest that it possesses and

whether or not the proposal would preserve or enhance the character or appearance of the Lymington Conservation Area.

Reasons

6. The appeal relates to a commercial unit to the ground-floor of a three-storey extension to one side of Grosvenor House, a large three-storey house dating to the early 19th century. The historic part of the building is of five bays and includes a cornice and stepped parapet to the roof. To the front, the three inner bays are recessed with ionic columns to either side of the central first and second floor level windows, while pilasters flank the outer bays. The building has been subject to modern interventions including rendering of the front and side elevations and the ground floor level has been cut away leaving sections of the façade as supporting piers, behind which are modern shopfronts. However, the supporting piers align with the pilasters above and the piers and the lintel overhead appear from historic photographs in the appellant's evidence to reflect features that were formerly present at ground floor level. As a result, some appreciation of the historic composition of the building is possible and its classical proportions and symmetry remain legible.
7. There are also modern brick extensions to either side of the listed building. These are of different scale, proportions and designs to one another and the historic core. However, they are set significantly back from the façade. They are also of lower height and of much simpler design with plainer detailing. As a result, the proportions and elegant features to the front of the historic building which are typical of the architectural fashions of the time are clearly distinct and remain the most prominent elements of the listed building.
8. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its architectural and historic interest as an example of a classically-inspired Regency house. The modern extensions, including the appeal property, have little inherent architectural or historic interest, but insofar as the composition and historic detailing of the front of the listed building remains prominent, they make some contribution to its special interest.
9. The CA includes buildings of a range of ages, scale and architectural styles. Many of the buildings on the High Street are historic, and feature attractive period detailing and historic materials as well as shopfronts adopting traditional design features, even if they are not original. The quality of these buildings together with the activity and interest generated by the mix of uses adds much to the character and appearance of the street scene and thus the significance of the CA. Despite the modern alterations and extensions, Grosvenor House is an imposing presence on the High Street. As part of the listed building, the appeal building is a clearly modern addition, but the brick exterior is of similar tone to traditional brick used elsewhere which helps to assimilate it within the street scene. Insofar as it relates to this appeal, I find the significance of the CA to be primarily associated with the architectural interest and quality of Grosvenor House as well as the ground floor commercial units which contribute to the mixed retail frontage on this part of the High Street.

Listed Building

10. The rear of the appeal building does not contribute meaningfully to the historic or architectural interest of Grosvenor House or to the appreciation of the listed

building and I agree with the Council that the shutter to the rear door does not harm the special interest of the listed building.

11. However, the solid external shutter to the front of the building would completely obscure views into the premises when closed resulting in an unsightly blank frontage. Its scale and solid form also have a much greater visual impact than railings to the first floor of 52a High Street and a gate that adjoins the side of the building which are fairly lightweight structures. Even when the shutter is open, the shutter box above is a bulky addition standing proud of the shopfront. The appellant indicates that the colour of the shutters could be altered from the current bright blue, and I acknowledge that a more sympathetic colour choice would be likely to be less striking against the listed building. Irrespective of colour though, the shutter and box are incongruously modern and utilitarian elements at odds with the elegant style, detailing and composition of the listed building. They distract from its architectural quality and draw focus from the historic core of the building.
12. The appeal property is set back from the adjacent frontages and views of the shutter and box are only possible from a fairly small extent of the High Street. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of any public views.
13. While the works are to a modern addition to Grosvenor House, I find for these reasons that they fail to preserve the special interest of the listed building and cause it harm.

Conservation Area

14. For the reasons given above, the front shutter diminishes the architectural quality and integrity of the listed building which contributes to the character and appearance of the CA. I note that external shutters are present to premises at 44-46 High Street and that these are larger and more extensively visible than the front of the appeal building but I have not been made aware of any other external shutters nearby. Although not entirely alien in the street scene, the works are certainly unusual and while views of them are localised, I find that they are visually jarring against the more characteristic traditional materials and detailing in the vicinity. When closed, the shutters would also detract from the vitality of the street scene from which the CA derives some significance.
15. In addition, the bright blue colour of the shutter to the rear of the building is striking against the muted colours and traditional materials that are typical within the CA and to surrounding buildings around Grosvenor Gardens which are characterised by timber doors. Painting the shutter a more suitable colour as the appellant suggests would reduce its visual impact, but the solid, metallic finish would still be an uncharacteristic and unsympathetic element in this part of the CA. I appreciate that the courtyard to the rear of the site is gated restricting public access. However, the works would be prominent in views from neighbouring properties, adversely affecting how the CA is experienced and exacerbating the harm to its wider character and appearance.
16. I therefore find that the proposal detracts from the character and the appearance of this part of the CA. The effect is localised and of limited magnitude, but causes detriment to the overall significance of the CA.

Heritage balance and conclusion on heritage assets

17. Irrespective of the colour of the shutters, I find for the above reasons that the proposal causes harm to the special interest of the listed building and to the significance of the CA. The appellant suggests that the works would be reversible and that a condition could require removal of the shutters when the appeal property reverts to another lease. However, I have little to indicate when that might be and I am unable to determine that the duration of their presence would be so short-term as to significantly lessen the harm caused to the listed building and CA.
18. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
19. In this case, the degree of harm to the listed building and to the CA as a whole would be less than substantial bearing in mind its extent and how it would affect their significance. Nevertheless, while the harm in each case would be less than substantial, it is of considerable importance and weight.
20. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
21. The works are intended to provide security for the appeal property which is currently occupied by a computer repair business. I recognise the reliance placed on computers in modern life and I do not doubt the value of the service provided at the appeal property in offering local repairs to nearby businesses and residents, particularly those who may be unable to access services in larger towns. In this respect, the appellant refers particularly to older and vulnerable members of the community and I have therefore had due regard to the Public Sector Equality Duty ('the PSED') set out under Section 149 of the Equality Act 2010 and the aims to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and persons who do not. In addition, I recognise the importance of protecting confidential and personal data that may be present on the site, including to comply with regulations, as well as the potential serious effects of its theft and release on both the business and the individuals affected. I further acknowledge that the business offers opportunities for employment, and contributes to the vitality and viability of the High Street as well as the local economy.
22. Nevertheless and whether or not the Council officer is a security expert, there is little firm information before me to demonstrate that adequate security could not be provided by alternative means including internal protection which would be likely to significantly reduce effects on both the listed building and CA. Indeed, while I saw that the frontage of the appeal property includes a recessed doorway, I observed other premises on the High Street which had internal shutter solutions that traced behind recessed shopfronts, or shutters set behind display areas in the windows. The appellant indicates that the Council accepted that internal security was unsuitable at 44-46 High Street. However, the full circumstances of that proposal and assessment are not clear

from the information before me, and I have no detailed assessment or other substantive evidence to demonstrate why internal solutions could not be effectively implemented in this specific case. Nor is it apparent that the rear door could not be provided with adequate security by any other means.

23. Accordingly, I find that there is insufficient evidence to establish that ensuring the security of the premises and personal data, and thus the continued provision of the local service offered by the business and the contribution that it makes to the town centre and economy, is dependent on security shutters of the nature proposed. I find in this context that the need for security does not provide a clear and convincing justification for the works and the public benefits of the proposal are insufficient to outweigh the considerable importance and weight that must be given to the harm that I have identified to the listed building. Nor do the benefits outweigh the harm to the CA.
24. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building Grosvenor House and the significance of the Lymington CA. The proposal would fail to satisfy the requirements of the Act and the Framework. Although not determinative, there would also be conflict with Policy DM1 of the Local Plan Part 2: Sites and Development Management 2014 which seeks the conservation and enhancement of heritage assets.
25. Furthermore, the chance that there could be adverse effects on those with protected characteristics if the appeal were dismissed are mitigated by the possibility of an alternative, less harmful, scheme. Having regard to the legitimate and well-established aims of protecting heritage assets, I therefore conclude that it is proportionate and necessary to dismiss the appeal and PSSED considerations would not outweigh the harm that I have identified.

Other Matters

26. I have already noted the security shutters to 44-46 High Street and that these are more widely visible than the appeal proposal. However, 44-46 High Street is not a listed building. Its circumstances are not therefore directly comparable to the proposal before me, and I do not find the shutters to 44-46 High Street a compelling justification for the harm that I have identified would be caused to the Grade II listed Grosvenor House, nor a reason to permit a proposal that would cause further harm to the CA. Similarly, alterations that have been approved to the shopfront of 52D High Street which sits to the other side of Grosvenor House do not include external security shutters, and so do not offer a direct comparison with the appeal scheme. These examples do not therefore provide significant support for the proposal which I have considered on its own merits.
27. I acknowledge a comment by an interested party in support of the appeal and that no comments were made by Councillors objecting to the proposal. However, this does not alter my assessment of the merits of the proposal.

Conclusion

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

J Bowyer

INSPECTOR