
Appeal Decision

Site visit made on 7 November 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/B1930/Y/22/3310000

The Tin Pot PH, Gustard Wood, Wheathampstead AL4 8RR

- 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 Jonathan Barns against the decision of St Albans City & District Council.
 - The application Ref 5/22/1507, dated 10 June 2022, was refused by notice dated 5 August 2022.
 - The works proposed are for a new entrance into an en-suite bathroom with associated roof alterations and extensions, and two new windows to the rear elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is in relation to an application for listed building consent. The proposal includes external works that require planning permission and an associated planning application Ref 5/2022/1486 was refused by the Council on 5 August 2022. However, no valid appeal has been lodged in relation to this refusal. I therefore do not have a s78 planning application appeal before me.
3. I have changed the description of development to better reflect the proposed works to the roof.
4. The appeal building lies within the Gustard Conservation Area (the CA). Although this was recognised by the Council in its Officer's Report, the affect of the proposal on the CA was not considered further. Nor was this dealt with by the appellant. However, it is my statutory duty to consider the effect of the proposed works on the character or appearance of the CA¹. I have not gone back to either main party to seek their views on this issue because it is the listed building considerations that are determinative to this appeal.

Main Issues

5. The main issues are:
 - the effect of the proposed works on the special architectural and historic interest of the grade II Listed building 'The Tin Pot Public House'²; and,
 - whether or not the proposed works would preserve or enhance the character or appearance of the CA.

¹ See s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

² List entry number 1102853.

Reasons

Significance

6. The building is a former public house that has since been extensively modified and converted into a dwelling. It was constructed in either the 15th or 16th centuries. Within the rear wing, which includes the bedroom and en-suite the subject of the proposed works, original timber framing and associated either original, or at least historic, wall and ceiling tiles have been extensively retained, aside from the removal of two sections of wall tiles within the dividing wall to afford access to the en-suite. In addition, there are exposed curved timber ties in the sloped roofs and lower cross beams at about ankle height where the curved roof meets the vertical wall. This significant historic fabric also maintains some legibility of the underlying design and architecture of the building. These are key parts of the significance of the building.
7. Externally, the building has a pitched roof above the bedroom and en-suite. The evidence suggests the roof tiles may have been replaced. Within the roof, the timber support structure is a mixture of historic timber rafters and much more modern additions. The smaller, adjacent pitched roof is likely similar in construction although there is no conclusive proof in the evidence that it contains historic rafters. The gable end of the rear wing has a relatively modern timber cladding with no fenestration. It is unclear precisely what existing historic timbers exist behind the cladding although along this elevation a historic cross beam and studs are exposed from inside the bathroom. The small gable end to the adjacent pitched roof is in brick. The roofs, therefore, contribute to the significance of the building, to varying degrees, through the retention of some historic fabric and the original design and roof profiles.
8. I have limited evidence of the original plan form of the building but it is self-evident that the conversion of the pub into a house has significantly disrupted the original plan form. That said, the original walls are clear to see because of the retained historic fabric, and, particularly with reference to the appeal proposal, the original wall that divides the bedroom and the en-suite. This contributes to the significance of the building.
9. As set out in the Gustard Wood Conservation Area Character Statement, dated January 2020, the appeal site lies within Identity Character Area 2: Gustard Wood Common of the CA. The appeal building is mentioned but only in the context of the annual fair on the common and that it is timber framed with mid-late 18th Century red brick casing to the front. The significance of the character area is set out in the Statement as being its undeveloped nature, the gaps between buildings, and the varied but high quality external appearance of many of the buildings. I agree with this assessment.

The works

10. It is proposed to infill the current gaps in the internal dividing wall between the bedroom and the en-suite and to create an alternative access route to the en-suite by creating an extension around the end of the wall. Externally, this would involve changes to the slope of the main rear wing roof and to the adjacent smaller sloped roof, and an extension to an existing flat valley roof between the two, creating a new lead-lined flat roof.

11. Internally, the works would involve cutting through original cross beams, at least one, and probably two, historic, if not original, rafters along with much more modern timber rafters in the sloped roofs, and the removal of historic, if not original, wall and ceiling tiles where the new access route would be created. Two new windows are proposed to the en-suite on the gable wall at the end of the rear wing. There would be a small area of lowered ceiling in the kitchen to the ground floor below to accommodate the works. Lastly, an existing false floor and steps would be removed from the en-suite.

The effects

Roof

12. The proposed flat roof would be largely hidden because it would be set back from the main rear elevation and would be a relatively minor addition joining the two existing pitched roofs. The forward extension of the smaller pitched roof would retain the same profile as existing and would also finish back from the main rear elevation, therefore retaining this articulation and the sense of subservience to the main rear wing roof. The proposed external roof changes would therefore be acceptable with respect to external appearance and relationship to the building's existing roof form.

Windows

13. The two proposed windows would be a similar size, design and materials to existing windows at first floor level. However, they would be introduced onto a currently blank gable end. There are no existing windows on any gable ends at 1st floor level on the building and the proposed windows would unbalance the appearance of this façade and would not be in-keeping with the architectural style and form of the building. This would result in less than substantial harm to the special architectural and historic interest of the building. It would likewise cause less than substantial harm to the character and appearance of the conservation area, the significance of which partially relates to the high quality architecture of the buildings it contains.
14. The submitted information does not make clear whether or not the windows, in the locations as depicted on the proposed elevation, could be inserted without cutting the exposed timber cross beam or studs. Nor is any detailed information known about the loss of any further, non-exposed historic fabric. A condition could minimise any potential loss but without further information it is not clear if the total avoidance of the loss of historic fabric would be possible and/or if it would involve materially changing the size and/or location of the proposed windows. It has therefore not been demonstrated that the windows could be accommodated without causing further harm to the special architectural and historic interest of the listed building by virtue of direct harm to its fabric.

Internal

15. Most of the exposed historic timber framing would remain, apart from relatively small parts of the cross beams. More historic, if not original, fabric would be lost within at least one, if not both, roofs through the removal of rafters. Important elements of the sloped roof tiles and wall tiles would be lost. It would only be a relatively small amount but it would still be a loss of historic, if not original, fabric and in a sensitive location in and around the curved timber

ties. I acknowledge that the timber framing to be lost could be kept on site but this is a poor substitute for remaining *in situ* and it is unclear how this could ever successfully be re-used. This would cause less than substantial harm to the special architectural and historic interest of the building.

16. The proposed re-insertion of the wall plates to the dividing wall, which, whilst I acknowledge is lacking in detail within the appeal submission, could be secured by condition, would help to re-instate the original plan form, although not historic fabric, in this area. This weighs in favour of the proposal but only to a limited degree because the dividing wall is substantially in place as existing, including all timber framing.
17. The entrance hallway itself would result in an awkward and odd layout, wrapping around the remaining diving wall and into partly existing and partly new loft areas within both the roof above the bedroom and en-suite and the adjacent roof. It would read as a clearly modern addition, largely due to its awkwardness and incongruity, aiding legibility. However, that does not overcome the intrinsic harm caused by the awkward layout. Overall, there would be less than substantial harm to the special architectural and historic interest of the building in relation to plan form.
18. The lowered ceiling at ground floor level is in an area that has already undergone significant changes including the built-in cupboards and other changes associated with the installation of a kitchen. The lowered area would also only be over a small footprint of the room and is not in an area with exposed timber framing. In addition, the removal of the modern raised floor within the en-suite would not result in the loss of any historic fabric. Any associated changes to pipework and services would be in the context of the existing services related to the en-suite. Both these elements of the works could therefore likely be controlled by condition so as to ensure they would not have any meaningful effect on the special architectural and historic interest of the building.

Planning Balance

19. Paragraph 202 of the National Planning Policy Framework (the Framework) states that, where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
20. The occupants currently have to either crouch under or vault over the tie beam at approximately waist height in order to access the en-suite to their bedroom. The proposed new access route would create a more convenient access. However, the existing access is a characterful feature which in many ways relates positively to the need to retain as much of the historic fabric and plan form as possible. I acknowledge that negotiating the existing access is more difficult for persons with mobility issues, including the current occupants. However, this needs to be balanced against the harm to the significance of the building, and the existing access is not so cumbersome so as to need to be rectified in order to secure the optimum viable use of the property.
21. The proposed windows would allow natural light into the en-suite but it is not completely dark at present due to secondary light from the bedroom. It is also fairly common for bathrooms to not have windows. The proposed re-insertion of wall tiles to fully re-instate the dividing wall between the bedroom and the

en-suite would be of some public benefit because of the enhancement to the significance of the listed building. But this would only be to a very minor degree both due to the simultaneous creation of the awkward corridor to the side and around the wall and because the wall is largely intact as existing.

22. The proposal would therefore be of limited private benefit and there would be very minor public benefits. The works are not required to secure the continued viable use of the property. In accordance with Paragraph 199 of the Framework, I place great weight on the harm I have identified to the architectural and historic interest of the building, relatively limited though it is, and to the character and appearance of the CA, even though it is even more limited. The proposal is therefore unacceptable and fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 199 of the Framework.

Conclusion

23. For the reasons above, the appeal is dismissed.

O S Woodward
INSPECTOR