



Appeal Decision

Site visit made on 21 May 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/D1835/Y/23/3333596

1 Rainbow Hill Terrace, Worcester WR3 8NG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Sarah Whitelaw against the decision of Worcester City Council.
 - The application Ref is 23/00458/LB.
 - The works proposed are to replace roof on single storey rear extension and remove internal walls.
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Decision

1. The appeal is dismissed and listed building consent is refused insofar as it relates to the removal of internal walls.
2. The appeal is allowed and listed building consent is granted insofar as it relates to the replacement roof on the single storey rear extension at 1 Rainbow Hill Terrace, Worcester WR3 8NG, in accordance with the terms of the application, Ref 23/00458/LB, and subject to the following conditions:
 - 1) The works hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) No proposed works shall take place until samples of the external roof materials and rooflights have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 3) Details of rainwater goods for the replacement roof hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be carried out in accordance with the approved details.
 - 4) Upon completion of the replacement roof hereby approved, any damage caused to the building in the course of carrying out the works shall be made good within six months in accordance with a scheme submitted to, and approved by, the Local Planning Authority.

Preliminary Matters

3. I see from the submitted press notice that a planning application was also submitted, but no appeal to this has been lodged. For the avoidance of doubt, my considerations and conclusions relate solely to the application for listed building consent.

4. As the proposal before me relates solely to works to a listed building which is located within a conservation area, Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) require me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses; and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. The effect of the internal works to the listed building and effect of the proposal on the Conservation Area were not specifically or fully addressed in either parties' evidence. I am required to consider these matters as part of the statutory duties set out above. Therefore, in the interest of fairness, both parties have been given the opportunity to expressly comment, and I have taken any responses into account as part of my determination of the appeal.
6. During the course of the appeal in December 2023 the government revised the National Planning Policy Framework (the Framework), which replaces the previous version. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.

Main Issues

7. The main issues are whether the proposal would i) preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and ii) preserve or enhance the character or appearance of the Lansdowne Crescent and Rainbow Hill Terrace Conservation Area (the CA).

Reasons

Special interest and significance

8. No.1 Rainbow Hill Terrace (No.1) is a Grade II listed building. The official list entry¹ describes it as a terrace house dating from circa 1830-50 with later additions. It is two storeys with attic and basement and has a double-depth plan with hall to the right, with some internal original plaster cornices and joinery details. Externally it is painted stucco over brick. It has a curvilinear parapeted gable to [the] left in brick with brick coping that incorporates stack. The listing notes that Nos 1-10 (consecutive) Rainbow Hill Terrace form a good group of listed buildings. I saw that the dwellings were of varying designs and differing detailing, but nonetheless comprised an imposing and attractive terrace of dwellings. No.1 is the end property of the terrace closest to the road, Rainbow Hill.
9. From the evidence before me, the special interest and significance of the listed building, insofar as it relates to this appeal, are largely derived from a combination of its historic and architectural interests. The building's age, surviving historic fabric, extant historic internal floorplan and features, its striking design and use of traditional materials all make important contributions in these regards. Special interest and significance also stem from its group value with other properties on the terrace.

¹ National Heritage List for England: List Entry Number 1390044

10. The CA covers a relatively small area of period residential properties along Rainbow Hill Terrace, and Lansdowne Crescent on the other side of Rainbow Hill. Dwellings occupy elevated positions with long gardens, and there are allotments extending down to the Worcester and Birmingham Canal. From the limited evidence before me and what I saw on site, I consider the CA's character and appearance and thus special interest and significance are, in part, derived from the architectural richness and variety of its historic buildings and open spaces which reflect the growth of residential areas as part of the subsequent expansion of Worcester in the Georgian and Victorian periods.
11. No.1 is the end of the terrace and due to the sloping topography, Rainbow Hill Terrace and No.1 are elevated above the road and pavement. As a result, its side elevation and 'curvilinear parapeted gable' are prominently exposed and visible from the road. The heritage merit of No.1, its aesthetic charm, its inclusion as an integral component of the terrace and of the overall townscape within the CA, means the building positively contributes to the character and appearance of the CA as a whole, and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

12. The proposal comprises internal and external works to the listed building. Externally, there is an existing single storey flat-roof rear extension (currently the kitchen). The two sides of the flat roof have upstanding curvilinear parapet walls with blue brick coping, similar in design and form to the curvilinear parapet walls on the gable of the main house mentioned in the listing description.
13. The parapet walls, coping and flat roof would be removed and replaced by a mono-pitched slate roof with two rooflights. The apex of the new roof would come off the height of the existing parapet wall close to the dividing garden wall with the adjacent terraced dwelling, No.2. The eaves of the new roof would be lower than the top of the existing flat roof.
14. The appellant's Heritage Statement states that the existing single storey rear extension appears to have been built prior to 1949 (based on the 1940s map extract). However, this is at odds with the appellant's appeal statement that states the single storey extension and curved parapet walls were installed as part of an application in 1987. The plans of this previous proposal have been submitted and also show that 2 sash windows were installed in the new extension. The 1940s map shows there were some forms of rear extension but not of the shape currently in existence. The Council refers to the rear extension as being 'previously approved'. Therefore, having regard to the appellant's evidence and that the Council has presented no evidence to the contrary, it is reasonable to conclude that the existing single storey extension, its parapet walls and two sash windows date from after 1987 and, although reflective of the host property in design detail and materials, are not historic fabric.
15. The terrace is not uniform either at the front or the back. It comprises dwellings of a variety of designs including buildings of different heights, with a variety of building and roof forms on rear extensions, including mono-pitch, dual-pitch and hipped roofs. Views of the rear elevation of the property and rear yard from a lower level on Reservoir Lane were restricted due to a landslide from a nearby elevated garden blocking the road, but I was able to view all I needed to in order to determine the appeal. From the evidence and

what I was able to see, curved parapet walls are not representative of roof designs on single storey extensions in the terrace, but there were curved parapet walls on the main roofs of other properties. Furthermore, mono-pitched roofs in themselves are a fairly common roof style to outriggers against walls.

16. The loss of the modern replica curved parapet walls and installation of a mono-pitched roof over the existing extension (and installation of smaller replacement sash windows in the extension) would not involve the loss of historic fabric and would not be unduly out of keeping with other roof designs along the back of the terrace. Furthermore, the roof would slope away from the road and in this elevated position would have limited visibility. I am satisfied that the replacement [mono-pitched] roof would preserve the Grade II listed building and would not harm its significance as a designated heritage asset.
17. The listed building is an integral part of the CA. The proposal would have some effect on the appearance of the dwelling. However, the replacement of the existing roof with one of a form, design and materials which are in keeping with the general characteristics of development in the CA, would result in this element of the proposal having a neutral effect. Consequently, the character and appearance of the CA would be preserved and hence the heritage significance of the CA as a whole would not be harmed.
18. I now turn to the proposed internal works. These would comprise reconfiguring part of the ground floor by removing walls between the kitchen and utility room and removing a wall along part of the rear hallway. Steelwork would be inserted, but this would be confirmed at the Building Regulations stage - hence I have no details of this and so am unable to assess the full effects of this aspect of the works. The utility has already been altered by the creation of a small WC room from the entrance hall, and this extends into the floor plan of the room.
19. The proposed internal alterations would create a larger kitchen, allowing borrowed light from the outermost room and rooflights to brighten the opened up room and the corridor space. The works would also bring the inglenook in the utility room into greater prominence and allow greater appreciation of this historic feature.
20. However, the wall between the utility and kitchen is part of the main rear wall of the property and hence an integral part of the historic fabric of the building, which aids the understanding of the heritage asset. Removing it would involve a substantial loss of historic fabric that would detrimentally alter the extant historic floorplan of the building and thus reduce the ability to read and appreciate the building. I find these works would fail to preserve the Grade II listed building.
21. As the internal works would not be visible from the outside of the building, they would have a neutral effect on the CA and so would preserve its character and appearance as a whole.
22. Drawing all the above points together, I find the proposed replacement (mono-pitched) roof on the single storey rear extension would preserve the listed building. In addition, the proposed replacement roof and the proposed works to remove internal walls would also preserve the character and appearance of the CA as a whole. Therefore with regards the conservation area the proposal

would comply with Policies SWDP 6 and 24 of the South Worcestershire Development Plan, which together seek, amongst other things, to ensure proposals conserve and enhance heritage assets.

23. However, the proposed works to remove internal walls would fail to preserve the listed building, or any features of special architectural or historic interest which it possesses. Consequently, the proposed internal works would harm the significance of the designated heritage asset.

Public benefits and heritage balance

24. The Framework states at paragraph 195 that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 goes on to advise that when considering the impact of proposed development on the significance of a designated asset, great weight should be given to the asset's conservation.
25. Paragraphs 207 and 208 set out that in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent of the proposed internal works, I find the harm to the significance of the heritage asset would be 'less than substantial', but nonetheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework requires the harm to the significance of the designated heritage asset be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
26. I saw that the existing kitchen was a functioning and sizeable kitchen able to accommodate a table at which to dine. The proposal would provide the appellant and their family with an enlarged kitchen that would potentially be more usable and functional. However, the proposed kitchen improvements would be the preference of, and a private benefit for, the appellant - not a public benefit.
27. The proposed internal works would allow greater visibility and appreciation of some of the historic fabric of the building, namely the inglenook fireplace in the 'utility' room. This would be a public benefit, as would any economic benefits from the construction phase albeit modest.
28. Public benefits can also include works to a designated heritage asset to help secure their future. There is no substantive evidence before me which demonstrates that the proposed internal works are necessary to secure the continued use of the building as a residential dwelling, or that the use of the building would be at risk if the appeal were to fail. Hence the harm to the asset's significance has not been clearly and convincingly justified.
29. Overall, the weight I ascribe to the public benefits that would accrue from the proposed works to remove internal walls is not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the significance of the designated heritage asset, namely the listed building. The lack of harm to the listed building from the proposed replacement roof and to the CA, including from the internal works, weigh neither for nor against the appeal.
30. Accordingly the proposed works to remove internal walls would fail to preserve the Grade II listed building or any of the features of special architectural or

historic interest that it possesses. It would therefore fail the statutory presumption and would be contrary to the Framework.

31. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore development plan policies do not carry the same weight as when considering planning applications. Nevertheless, the Council refers to them and the proposed internal works would not comply with Policies SWDP 6 and 24 of the South Worcestershire Development Plan, which seek, amongst other things, to ensure proposals conserve and enhance heritage assets.
32. Section 22(1) of the Act provides the Secretary of State with the power to split a decision in respect of listed building consent appeals made under section 20 of that Act. I am satisfied that the proposed works to remove the internal walls would be severable, both physically and functionally, from the proposed replacement roof. Therefore, I am able to issue a split decision in this instance.

Other Matters

33. The Council's Conservation Officer mentions in later correspondence that a sloping mono-pitched roof could be installed the other way round with its apex beneath the rear elevation first floor window. However, there are no plans showing this arrangement, but moreover this alternative does not form part of the appeal proposal before me.
34. The Conservation Advisory Panel considered the proposal unacceptable and suggested a metal roof would enable the brick pediment features to be retained. As discussed above, these features are not historic fabric in themselves, and a metal roof proposal is not before me.

Conditions

35. The Council did not submit an appeal statement or any suggested conditions. However, in light of my powers to issue a split decision the Council has been given the opportunity to suggest conditions. The appellant has considered the Council's 4 conditions.
36. Having regard to the submitted evidence and advice set out in both the Framework and Planning Practice Guidance, I have attached conditions which I deem necessary for removing an existing flat roof and installing a new mono-pitched slate roof against the rear wall of the building and installing rooflights, including the Council's pre-commencement condition for the materials of the new roof. I have also included a condition requiring details of rainwater goods for the replacement roof and making good any damage to the building.
37. I have imposed the standard condition which limits the lifespan of the planning permission. However, a condition specifying the relevant plans is not necessary as progressing the works in accordance with the submitted plans is part of the formal decision above.
38. The Archaeology and Planning Advisor was concerned for the loss of 'historic' parapets and possible impact on the historic environment and the Council has suggested conditions relating to a conditional programme of archaeological works. However, as the proposal is for a replacement roof with no below-ground works and the parapets that would be removed are not historic, I do

not consider the Council's suggested conditions 3 and 4 to be necessary or reasonable.

Conclusion

39. For the reasons given above I conclude that the appeal is allowed insofar as it relates to the replacement roof on the single storey rear extension, and the appeal is dismissed insofar as it relates to the proposed works to remove internal walls.

K Stephens
INSPECTOR