



Appeal Decision

Site visit made on 14 May 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/P1940/Y/23/3332287

Wheatcroft, Bedmond Road, Pimlico, Hertfordshire HP3 8SF

- 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 Mr and Mrs Richard and Jane Hutchinson against the decision of Three Rivers District Council.
 - The application reference is 23/1041/LBC.
 - The works proposed are installation of void lift.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal relates to a listed building consent I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect a person with a protected characteristic for the purposes of the PSED.
4. Similarly, my decision may affect the family life of occupiers of the dwelling. I have, therefore had regard to human rights of individuals provided under Article 8(1) of the Human Rights Act 1998 (HRA98) and/or Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD).
5. Given the above, whilst such matters were not included within the Council's decision notice as a reason for refusal, I have a statutory duty to have regard to them within my decision. The parties have commented on these matters within their evidence and so no injustice would result to either party by my consideration of the effect of the proposal on the occupiers' personal circumstances.
6. The appeal building forms part of a group of listed buildings¹. The changes to the LB would be internal to it and thus there would be no effect on the nearby listed buildings that form part of the group.

¹ Bourzuei and "Barn with Clock Tower about 15 metres East of Bourzuei".

Main Issues

7. The main issues in this appeal are: -

- Whether the proposal would preserve a Grade II listed building, "Barn and Outbuildings about 15 metres South of Bourzuei" (Ref: 1100910) (the LB), and any of the features of special architectural or historic interest that it possesses; and: -
- The occupiers' personal circumstances and need for the proposed works.

Reasons

Heritage

8. The LB dates from the 17th or 18th centuries. It is a timber framed barn on a brick plinth with a 19th century range running out to the north-east alongside Bedmond Road. The barn is weatherboarded, and tiled, whilst the range is of flint with red brick dressings facing the road with red brick facing a yard. The range has a tiled roof on its central section, with lower, slated sections to either end. The barn and range face onto the yard, enclosing two sides. The other two sides are enclosed by the Grade II listed Bourzuei (Ref: 1100909) and the Grade II listed "Barn with Clock Tower about 15 metres East of Bourzuei" (Ref: 1348215), forming a group around the courtyard. Permissions² were granted to convert the barns associated with Bourzuei into dwellings. The range attached to the barn is now used as a garage and its earlier weather boarding replaced with garage doors of modern appearance.
9. The barn, within which the proposed works would be located, has been extended towards the yard with a slate-roofed lean-to addition. Internally, a significant part of the special interest of the building is derived from the timber framing, including the queen strut to collar clasping purlin trusses with braces in the walls, which are currently exposed within the generous open space in the main part of the dwelling. These, and the wider fabric of the building provide an important record of traditional construction methods and a record of the evolution of the building and phased development over time from when it was first constructed. The large space enclosed by the barn, reflecting its functional use, assists the understanding of its historic function.
10. Given the above, I find the special interest of the building, insofar as it relates to this appeal, to be primarily associated with its evidential and aesthetic value as indicated by the historic fabric and associated craftsmanship. I find that these elements directly contribute to the special interest of the building.
11. The proposal would install a lift to access the upper floor of the barn, giving onto a landing. In so doing a section of balustrade on the landing would be removed to form a gate. The balustrade is a modern addition introduced at the time of the conversion of the barn to residential use.
12. Since the application was determined, the appellants have provided additional information regarding the fixing of the lift shaft to the tie beam, the purlins and rafters. The lift would be supported on stanchions, running from the ground floor to roughly the level of the tie beam. These would also form the vertical rails of the lift shaft. The stanchions would be connected to the tie beams and

² Council Refs: 8/175/84 and 8/946/85LB

- to the rafters and purlins in the roof by means of ties. As such, these connections would be minimal, attaching into the surface. Nonetheless it would be necessary to insert screws, or similar, into the historic fabric.
13. This notwithstanding, the appellants, in their evidence, identify that “the position of the lift is ideally sited next to the staircase to minimise the amount of timber (rafters and purlins) to be removed”.
 14. Whilst cutting the balustrade to install the gate accessing the lift, the section removed is a modern addition and no historic fabric would be lost. During my visit it appeared that some timber sections of the purlins, rafters and main trusses appear to have been repaired or replaced, nonetheless much of the fabric appears to be historic, with a consistent patina, texture and workmanship. Any removal of parts of these would thus result in a loss of historic fabric. However, the drawings do not indicate the removal of any sections of rafters or purlins, nor would there appear to be any reason for so doing.
 15. I note the view of the Historic Environment Team of the Council that the fixing of the lift shaft to the roof beam, purlin and rafter would not raise any principal objections, subject to the detailing, and if the lift was attached to the frame with minimal fixings, the impact upon the historic frame would be limited. Under these circumstances it would be appropriate to control the precise manner of securing the works onto the existing fabric of the building through a planning condition.
 16. The shaft of the lift would be a sizeable intrusion within the void of the barn. I have noted above that the current feeling of spaciousness, reflecting its functional use, assists the understanding of its historic function. Thus, its reduction and the introduction of a visually intrusive, alien structure would erode the prominence of the traditional form and craftsmanship of the roof structure which would consequently harm the special interest.
 17. I note the suggestion by the Council that a stair lift would be a less intrusive installation than the vertical lift proposed. There is disagreement between the parties regarding the practicality of installing a stair lift. During my site visit I observed that the stair reached the upper storey in stages and saw nothing to suggest that one could not be installed.
 18. Any stair lift would be incorporated within the stair well. The stairs are a modern addition, added at the same time as the balustrade and so any modification would be no more harmful than the cutting of the balustrade to incorporate the lift. However, by containing the stair lift within the stairwell there would be no intrusion into the void of the barn and it would not be as visually distracting. The introduction of a stair lift would not, therefore, be as harmful.
 19. Whilst there is dispute between the parties regarding the practicality of installing a stair lift, centring on the staged nature of the flight, there is no substantiated evidence before me to demonstrate the impracticality of such a proposal.
 20. I accept that the changes to the barn would be temporary and that the removal of the lift could be controlled through a condition. However, there is a less harmful alternative for which I have insufficient evidence to rule out on

grounds of impracticality. The harm that I have identified would fail to preserve the special interest of the LB and I give this harm considerable importance and weight.

21. Paragraph 205 of 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 their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification. In this instance I do not have any such justification before me given the lack of any substantiated evidence concerning the impracticality of a stair lift or why it is essential for the appellants to remain in this particular dwelling.
22. Turning to the level of harm that would be caused and bearing in mind the limited effect on internal fabric, I find this to be less than substantial in this instance
23. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
24. The continued use of the building as a dwelling is not dependent on this proposal as its residential use would not cease in its absence, albeit that it may not be suitable for the use of the current occupier.
25. The proposal would improve accessibility within the building. Paragraph 135 of the framework supports development that would be inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The modification of existing housing stock to provide for whole-life needs of occupiers provides some public benefit. Taken overall the public benefits accruing from the proposal would be, at best, moderate and I find that they would not outweigh the harm that I have found to the LB which must be given great weight.
26. Policy CP12 of the Three Rivers District Council Core Strategy (2011) (the CS) and Policy DM3 of the Three Rivers District Council Development Management Policies Local Development Document (2013) (the DMP) together expect development to conserve and enhance heritage assets, ensuring that changes preserve the special architectural or historic interest of listed buildings.
27. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the LB. This would fail to satisfy the requirements of the Act and be inconsistent with development plan policies insofar as relevant.

Personal circumstances

28. The appellants have identified that the installation of a lift is required to satisfy their current functional needs as one of them has, as a result of a debilitating and progressive disease, a physical impairment. This has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, requiring the use of a wheelchair to move within the building. Disability is a protected characteristic. The disabled person would benefit from the improvement of access, bypassing stairs which restrict circulation. The modification to the dwelling would enable the occupiers to remain together in

their home, enjoying their family life and allowing one partner to provide support to the other.

29. The proposal would contribute towards the disabled occupier living in their existing home and, by so doing, foster good relations between persons who share a relevant protected characteristic and persons who do not share it. However, the appellants could together seek other accommodation that would not require alteration of a LB, such as a dwelling that has level access, or a building that is not listed and which can be progressively modified without the associated restrictions. More critically, an alternative means of access to the upper floor, in the form of a stair lift, could be provided which would not result in harm to the LB in the absence of substantiated evidence to the contrary.
30. I have had due regard to the PSED and found that the development could provide the opportunity to advance its aims by meeting the needs of a disabled person. Dismissing the appeal would interfere with the appellants' rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However, those are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: the protection of a designated heritage asset.
31. Paragraph 206 of the Framework requires that any harm to the significance of a designated heritage asset where a heritage asset is harmed through the alteration of that asset, this should have a clear and convincing justification. For the reasons given above the personal circumstances of the occupier do not provide such justification as alternatives exist that would avoid harm to the LB. The proposal would therefore fail to satisfy the requirements of this paragraph of the Framework.
32. As will be seen above, I have found less than substantial harm to the significance of the LB and that there is no substantial public benefit that would outweigh this. Under the circumstances of this proposal I find, on balance, that dismissal of this appeal is a reasonable, proportionate response.

Conclusion

33. Given the above and considering all other matters raised, the appeal should be dismissed.

I A Dyer

INSPECTOR