

Appeal Decisions

Hearing held on 14 August 2024

Site visit made on 14 August 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27th September 2024

Appeal A Ref: APP/P2114/W/24/3344984

37 Melville Street, Ryde PO33 2AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs and Mr Caroline and Allan Bebbington against the decision of Isle of Wight Council.
 - The application Ref is 24/00152/HOU.
 - The development proposed is application 2 of 3 for: new staircase and associated works, retention of new timber porch/hood, new timber panelled and part glazed external door, new raised floor in former external alley now the stair hall (finish to be specified), removal of former lean-to roof for installation of new staircase, formation of new roof over stair hall, formation of new opening at first floor to provide access to first floor, details of door, reveals, architrave and frame to go in the new opening, enclosure/infill addition to side elevation.
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Appeal B Ref: APP/P2114/Y/24/3344979

37 Melville Street, Ryde PO33 2AN

- 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 and Mr Caroline and Allan Bebbington against the decision of Isle of Wight Council.
- The application Ref is 24/00126/LBC.
- The works proposed are Insertion of a new partition along the line of an historic wall and doorway which has been removed. The partition is to comprise a nib at one end and a down-stand which will contain folding panelled doors; the doors to fold back to one side to allow for meter cupboard at the other; Removal of 20th century stair formerly placed between the two reception rooms; Removal of 20th Century picture rail from the front reception room; Retention of a floating laminate floor, although reconfigured to provide an edge and threshold detail beneath the folding doors; Installation of new skirting boards of traditional scale but simple profile; Removal of later infill and mid-20th Century fireplace surrounds in

the two chimney breasts; to be replaced with reclaimed, Victorian style, cast iron fireplaces; The creation of two tiled hearth areas in front of the fireplaces at current floor level; Retention of a new plaster board and plastered ceiling; Making good the staircase opening above the new ceiling on the first floor with reclaimed pine floor boards; Installation of internal wooden shutters to the ground and first floor windows on the "front" rooms at ground and first floors, and creation of a cupboard enclosure for the meters formerly under the stairs.

Appeal C Ref: APP/P2114/Y/24/3344987
37 Melville Street, Ryde PO33 2AN

- 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 and Mr Caroline and Allan Bebbington against the decision of Isle of Wight Council.
 - The application Ref is 24/00153/LBC.
 - The works proposed are Application 2 of 3 for: new staircase and associated works, retention of new timber porch/hood, new timber panelled and part glazed external door, new raised floor in former external alley now the stair hall (finish to be specified), removal of former lean-to roof for installation of new staircase, formation of new roof over stair hall, formation of new opening at first floor to provide access to first floor, details of door, reveals, architrave and frame to go in the new opening, enclosure/infill addition to side elevation.
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Decisions – Appeals A, B & C

1. The appeals are allowed subject to the conditions in the attached schedules.

Preliminary Matters and Main Issue

2. All three appeals relate to development/works to a dwelling known as No 37 Melville Street (No 37) under different but complimentary legislation. No 37 is one of a pair of semi-detached dwellings which together comprise the grade II listed 36 and 37, Melville Street (Nos 36 & 37) which is in a residential area within the Ryde Conservation Area (CA).
3. The description of development/works has been taken from the application forms. Whilst some components of the development/works detailed in each scheme differ, in the interests of efficiency, I have dealt with all three appeals together except where I have indicated otherwise. At the time of my site visit, some of the development/works described for each scheme above were already under construction. However, the full extent of the development/works described in each case had not been fully completed. I have determined the appeals on this basis.
4. Against this background, the main issue in all three appeals is whether the development/works would preserve the grade II listed Nos 36 & 37 or its

setting and any of the features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character or appearance of the CA.

Reasons

Appeals A, B & C

Significance

5. Nos 36 & 37 is a two storey villa which was built around 1850. It was subdivided into two semi-detached dwellings relatively soon after its construction and has also been extended and altered over its lifetime. It is rendered painted white, has bay and sash windows and forms part of a group with Nos 35 to 39 Melville Street which are dwellings of a similar age and appearance. Insofar as is relevant to these appeals, in my view, the significance of Nos 36 & 37 derives from its traditional architectural detailing and its contribution as part of a group of similar high quality attractive traditional dwellings.
6. The CA is extensive and includes the town centre, sea front and surrounding residential areas. The Council's Conservation Area Appraisal¹ (CAA), identifies individual character areas. The appeal site is within 'Character Area 3: Regency and Victorian Housing' where the CAA summarises its special interest as deriving from the eclectic mix of mainly two or three storey dwellings constructed in stone or buff coloured brick or rendered in stucco. In my view, insofar as is relevant to these appeals the significance of the CA as a whole derives from the architectural detailing, finishing and layout of the traditional buildings within it.

Effects on Significance

Appeals A & C

7. At the time of my site visit, the staircase had already been replaced in a new location although finishing and making good works were not complete. The new porch was also already in place with a timber roof. A composite front door was in place which is proposed to be replaced with a new timber panelled and part glazed external door. The new raised floor in the former external alley now the stair hall was under construction. The roof over the new stair hall had already been replaced with a new pitched roof with the external wall partly clad in plastic boards. The first floor opening for the new stairs had been created but was not finished. I have assessed appeals A and C on this basis.
8. A flat/shallow lean to roof has been replaced with a traditional pitched roof. The replacement roof matches the proportions, pitch and finish of the main traditional roof whereas the previous roof did not. In my view the new roof improves the traditional architectural appearance of the appeal property and

¹ Ryde Conservation Area – Conservation Area Appraisal, April 2011

consequently enhances the significance of the listed building and the character, appearance and significance of the CA.

9. The front door appears noticeably modern in stark contrast with the traditional features of the listed building and the CA. However, it's replacement with the new timber panelled and part glazed external door as proposed would complement the traditional architectural features of the appeal property and the CA and would neutralise the harm associated with the existing composite front door.
10. The new raised floor currently under construction in the stair hall is of simple construction which could easily be reversed. In my view it would not involve the loss of or damage to any historic fabric associated with the listed building and has a neutral effect on the significance of the listed building and the CA.
11. The stairs that have been removed were not original but were of simple traditional timber form. Whilst of some age, they had limited architectural interest and were similar in simple timber form to the replacement stairs. The relocation of the stairs has altered the layout of the appeal property. However, that layout has evolved significantly over the life span of the listed building not least following its subdivision into two separate dwellings.
12. There is no substantive evidence before me which leads me to the conclusion that the layout of Nos 36 & 37 prior to the development/works proposed or already undertaken in all three appeals contributes to the special interest and significance of the listed building in any meaningful way. However, it has led to the removal of simple masonry and timber panelled walls attached to the stairs. Thus, in this regard, the removal of the stairs has involved loss of and damage to historic fabric, which I will return to below. However, in my view, the effect of the replacement and relocation of the stairs on the layout of the appeal building has not harmed the significance of the listed building or the CA.
13. The first floor plastic panelling and eaves details are prominent, highly modern and contrasting in finish to the high quality traditional details of the listed building and other traditional buildings in the CA. Furthermore, whilst the timber porch canopy is proportionate in scale and form, its weathered timber roof appears unfinished and incongruous when viewed alongside the other architectural features of the listed building and the prevailing traditional features of the CA. However, the harm to the listed building and the CA arising from the porch, plastic panelling and eaves could all be remedied by using materials and finishes which match the traditional materials of the listed building. Thus, in this case, I am satisfied the imposition of planning conditions which require the details of these matters to be agreed and implemented would neutralise the effects of these matters on the designated heritage assets.

14. However, whilst a sensitive traditional finish could also be agreed through a condition, the removal of the section of brickwork at first floor level to allow access to and from the new staircase has clearly involved the loss of a section of historic masonry. Furthermore, the removal of the walls attached to the staircase has also resulted in the loss of and damage to historic fabric. Both have harmed the special interest and significance of the listed building. That harm combined would be less than substantial and towards the lower end of any range. In which case the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use. I return to this in my balance below.

Appeal B

15. In addition to the development/works described above, when I visited the appeal property, the proposed new partition along the line of an historic wall and doorway was not yet in place. The lath and plaster ceiling in the two ground floor reception rooms had been replaced with a new plasterboard and plaster ceiling. The floating laminate floor had been installed in the two reception rooms although new skirting boards were not in place. The proposed shutters were also not in place nor was the proposed cupboard enclosure. I have assessed appeal B on this basis.
16. The replacement ceiling has a more modern flat finish than a traditional lath and plaster ceiling and appears noticeably different to other lath and plaster ceilings within the listed building. The removal of the historic large lath and plaster ceiling has therefore clearly involved the loss of and damage to the listed buildings historic fabric harming the significance of Nos 36 & 37.
17. The Council has not raised any objection to the development/works associated with skirting boards, the picture rail or meter cupboard as individual components of work. In my view, the development/works relating to these elements do not involve the loss or damage to historic fabric associated with the listed building and result in no harm to the significance of either the listed building or the CA.
18. Given my assessment of significance above the proposed new partition along the line of an historic wall and doorway with double door upstand and threshold to show the division between two rooms is not necessary to preserve the significance of the heritage asset. However, it would be of simple traditional construction which could be sensitively installed and would not result in the loss or damage to any historic fabric associated with the listed building, providing further details are submitted and agreed with regard to its method of construction. Subject to such a condition, I am satisfied its effect on the significance of the heritage asset would be neutral.
19. The laminate floor has been installed on top of the existing floor with the original skirting still in place. The new floor is clearly reversible has not resulted in the loss of damage to any historic fabric. It has not altered the

proportions of the room in any significant way and in my view, in this case, its effect on the significance of both designated heritage assets is also neutral.

20. The proposed shutters would be fixed to the woodwork surrounding the large ground and first floor windows. Other than fixings these works would also be reversible. The proposed shutters would be traditional in character and visible from within and outside the appeal dwelling in the same way as any other window treatment such as curtains or blinds. In my view, the proposed shutters would appear appropriate in their context and I am satisfied they could be sensitively installed without any loss of or damage to historic fabric. Thus, subject to a planning condition requiring details to be agreed, the effect of the proposed shutters on the significance of the listed building and the CA would be neutral.
21. Two Victorian style fireplaces and hearths would be installed in chimney breasts. These would be located where the evidence suggests similar fireplaces existed previously but had been replaced with modern fireplaces. Providing the proposed fireplaces, mantles and hearths are constructed using high quality traditional materials and the floor underneath the floated floor is appropriately preserved, I am, satisfied that this element of the proposal would not involve the loss of or damage to historic fabric. Furthermore, subject to details, based on the remains of the obviously modern fireplaces now removed, I am satisfied the proposed fireplaces, subject to details being agreed through conditions, would enhance the internal architectural features of the listed building and thus its significance.
22. However, the replacement ceiling has resulted in damage to historic fabric which has harmed the special interest and significance of the listed building. That harm would be less than substantial and towards the lower end of any range and is required to be weighed against the public benefits of the scheme, which I now deal with below.

Balances

Appeals A B & C

23. There is no substantive evidence to suggest the appeal property does not or would not function adequately as a dwelling with or without the schemes. Thus, I have attached limited weight to the comments with regard to harm to living conditions as a result of either scheme. Furthermore, any benefits in terms of improved living conditions there maybe would be private benefits which carry neutral weight in the balance for these appeals.

Appeals A & C

24. The traditional pitched roof is an enhancement to the listed building and the CA. In these specific cases, in my view, this is a public benefit of sufficient weight to outweigh the harm I have identified associated with the loss of the

section of brickwork at first floor level and the walls attached to the removed staircase.

Appeal B

25. The proposed replacement ground floor fireplaces would enhance the significance of the grade II listed building. This in my view is a public benefit, which in these cases is of sufficient weight to outweigh the harm associated with the replacement ground floor ceiling.

Appeals A, B & C

26. For the avoidance of any doubt when considering all components of the development/works in all three appeals, for the reasons set out above, in my view, the traditional pitched roof and fireplaces are public benefits which together are sufficient to outweigh the combined harm arising from the replacement ground floor ceiling and the loss of historic fabric associated with the walls attached to the removed staircase and to create the staircase opening at first floor level.

Conditions

Appeals A, B & C

27. The conditions imposed on all three decisions are those which have been suggested by the Council. I have imposed a standard timescale condition on all three appeals (Condition No 1) to ensure efficient construction. I have also imposed conditions on all three appeal decisions to ensure the development/works are carried out in accordance with the relevant plans in the interests of certainty (Condition No 2).

Appeals A & C

28. I have imposed conditions on both appeals A and B to ensure the materials and finish of the porch, side elevation and the eaves construction are submitted to and agreed in writing with the Council. These conditions are necessary to safeguard the character and appearance of the area and preserve the significance of the listed building and the CA (Condition Nos 3, 4 & 5).

Appeal B

29. I have imposed conditions on appeal B to ensure the full details, construction method and finish of the proposed internal window shutters, fireplaces, internal partition and the opening created next to the stairs at first floor level are submitted to and agreed in writing with the Council. I have adjusted conditions 4 and 5 to recognise that the partition proposed is not necessary to preserve the listed building and the fireplaces are necessary. These conditions are therefore necessary to preserve the historic fabric and significance of the listed building and in the interests of certainty (Condition Nos 3, 4, 5 & 6).

Conclusion

Appeals A, B & C

30. Overall, for the reasons set out above, subject to planning conditions, the development/works detailed in appeals A, B and C would preserve the grade II listed building and the CA in accordance with the respective sections of the Act and the Framework. For the same reasons all three appeal schemes would also accord with the development plan, particularly Policies SP5, DM12 and DM11 of the Island Plan Core Strategy (2012) which taken together seek to ensure good design generally and that the historic environment is protected, conserved or enhanced.

31. Thus, taking into account all other matters raised, I conclude that appeals A, B and C should all be allowed.

L Fleming

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mrs James	Planning Consultant
Mr Barker-Mills	Heritage Consultant
Mrs Bebbington	Appellant
Mr Bebbington	Appellant

FOR THE COUNCIL

Mr Byrne	Conservation Project Officer
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Schedule of Agreed Conditions

SCHEDULE OF CONDITIONS FOR APPEAL A

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) Apart from the details to be agreed in conditions 3, 4 and 5, the development hereby permitted shall only be carried out in accordance with the details shown on drawing 539/VW/24/4 entitled 'Plans Proposed Application 2'.
- 3) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used in the construction of the front door, porch and canopy, including their finish, shall be submitted to and approved in writing by the local planning authority. The specification shall include 1:10 scaled drawings for the porch and canopy and 1:5 scaled drawings for the front door and the time-frame for when the works will be completed. The development shall be carried out and retained in accordance with the approved details.
- 4) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used in the construction of the side elevation of the extension, including the finish, shall be submitted to and approved in writing by the local planning authority. The specification shall include the time-frame for when the works will be completed. The development shall be carried out and retained in accordance with the approved details.
- 5) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used in the construction of the eaves, including the finish, shall be submitted to and approved in writing by the local planning authority. The specification shall include 1:10 scaled drawings and the time-frame for when the works will be completed. The development shall be carried out and retained in accordance with the approved details.

END OF SCHEDULE A

SCHEDULE OF CONDITIONS FOR APPEAL B

- 1) The works hereby permitted shall be begun before the expiration of 3 years from the date of this consent.
- 2) Apart from the details to be agreed in conditions 3, 4, 5 and 6, the works hereby permitted shall only be carried out in accordance with the details shown on drawing 539/VW/24/1 entitled 'Plans Proposed Application 1'.
- 3) Notwithstanding the approved plans the timber window shutters shall not be installed until drawings at a scale of 1:10 showing where they will be located and how they will be fixed and a specification of materials and finishes, have been submitted to and approved in writing by the local planning authority. The works shall be carried out and retained in accordance with the approved details.
- 4) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used for the linings to the first floor opening at the top of the stairs shall be submitted to and approved in writing by the local planning authority. The specification shall include drawings at a scale of 1:10 and a specification of materials and finishes and the time-frame for when the works will be completed. The works shall be carried out and retained in accordance with the approved details.
- 5) Notwithstanding the approved plans the partition and doors to the ground floor shall not be installed until a specification has been submitted to and approved in writing by the local planning authority. The specification shall include drawings at a scale of 1:10 and a specification of materials, fixing methods and finishes and the time-frame for when the works will be completed. The works shall be carried out and retained in accordance with the approved details.
- 6) Notwithstanding the approved plans within 3 months of the date of this decision a specification of materials, construction method and finish to be used for the fireplaces, hearths and mantelpieces shall be submitted to and approved in writing by the local planning authority. The works shall be carried out and retained in accordance with the approved details.

END OF SCHEDULE B

SCHEDULE OF CONDITIONS FOR APPEAL C

- 1) The works hereby permitted shall be begun before the expiration of 3 years from the date of this consent.
- 2) Apart from the details to be agreed in conditions 3, 4 and 5, the works hereby permitted shall only be carried out in accordance with the details shown on drawing 539/VW/24/4 entitled 'Plans Proposed Application 2'.
- 3) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used in the construction of the front door, porch and canopy, including their finish, shall be submitted to and approved in writing by the local planning authority. The specification shall include 1:10 scaled drawings for the porch and canopy and 1:5 scaled drawings for the front door and the time-frame for when the works will be completed. The works shall be carried out and retained in accordance with the approved details.
- 4) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used in the construction of the side elevation of the extension, including the finish, shall be submitted to and approved in writing by the local planning authority. The specification shall include the time-frame for when the works will be completed. The works shall be carried out and retained in accordance with the approved details.
- 5) Notwithstanding the approved plans, within 3 months of the date of this decision a specification of materials to be used in the construction of the eaves, including the finish, shall be submitted to and approved in writing by the local planning authority. The specification shall include 1:10 scaled drawings and the time-frame for when the works will be completed. The works shall be carried out and retained in accordance with the approved details.

END OF SCHEDULE C