



Appeal Decision

Site visit made on 24 June 2024

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2024

Appeal Reference: APP/Y9507/Y/23/3325608

141 High Street, Lewes, East Sussex BN7 1XS

- 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 Lewes Old Grammar School against the decision of South Downs National Park Authority.
 - The application reference is SDNP/23/00522/LIS.
 - The works proposed are creation of first floor to accommodate two additional classrooms within existing workshop, additional window to ground floor, replace roof finish with slate roof with single feature rooflight.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns a detached two-storey brick structure (the former squash court) located in the grounds to the rear of the Grade II listed building "No 141 and railings to south" (List Entry Number: 1043813) (No. 141). Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) requires special regard be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is not in dispute that the former squash court is a curtilage listed building. From the available evidence it comprised part of the land associated with No 141 before 1 July 1948. I have therefore dealt with the appeal on the basis that the former squash court is covered by the same statutory protection as No 141.
3. The appeal site is situated within the Lewes Conservation Area (CA). Although not referred to in the reason for refusal, I have borne in mind the statutory duty under s72(1) of the Act, which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. The reason for refusal does not refer to any development plan policies, however relevant policies from the South Downs Local Plan 2019 (LP) and Lewes Town Council Neighbourhood Plan (NP) have been provided and I have taken them into account.

Main Issues

5. The main issues in this appeal are whether the proposed works would preserve the listed building No 141, its setting and any features of special architectural

or historic interest which it possesses; and, whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Listed Building

6. No 141 a two-storey building fronting High Street behind low metal railings. It is an imposing five-bay mid Georgian townhouse with squared and coursed knapped flint and stone quoins on its front elevation. It is symmetrical with a centrally located porch and flanking Doric columns supporting an entablature hood. It is typical of the period and indicative of the boom in development as Lewes became affluent and a desirable place to live and visit.
7. Historic mapping indicates that No 141 had a large rear garden and in 1930 it was in use as a 'Country Club'. It was subsequently used by Lewes Grammar School, which was already accommodated in nearby buildings, and has remained in use by the school until the present day. A flat, rectangular plot extends to the rear of No 141, which is dominated by two outbuildings. Abutting the rear boundary of the site is the former squash court, the subject of this appeal.
8. The former squash court is a two-storey brick building with shallow buttresses on the east and west elevations. According to the appellant, the building has been used for education purposes since the 1950s as part of the school. Although the squash court has been altered to facilitate its use, it still has a simple and functional appearance with only one window and door on its flank elevations. The roof structure has a 'Fink' metal truss with a decorative ridge crest, covered with likely later translucent roofing panels. The ridge crest is not indicated on the existing drawings, but I have no reason to doubt that it, along with the Fink truss, forms part of the historic fabric of the building. The ridge crest is an aesthetically pleasing decorative element on a predominantly functional building.
9. Despite previous interventions, the appeal building is still discernible as a purpose-built squash court, with the lack of windows in the flank and north elevations indicative of the internal wall space necessary for the game to be played. The internal viewing gallery at the southern end of the building has been extended and enclosed to create a usable space for the school, but the majority of the internal space is still open to the roof and the smooth plastered sections of the internal walls indicate the former use. The only windows serve the former gallery and the ground floor lobby, with a single fire door within the squash playing area. While it is unlikely that the roof panels themselves are original, currently the roof is entirely translucent, which provides a high level of daylight to the internal space and contributes to the legibility of the former squash court use.
10. Insofar as is relevant to this appeal, the special interest of No 141 lies in its architectural interest as an aesthetically pleasing town house using vernacular materials and Classical proportions. Special interest also lies in surviving historic fabric, plan form and the evidential value of its evolving uses. The former squash court forms part of the context within the immediate setting of the principal building, being an identifiable surviving element from the earlier use as a country club. The former squash court therefore forms part of the narrative of the evolution of the site and expresses evidential and aesthetic

value and thus significance and special interest, in terms of its structure, design and legibility of its former use.

11. Internally, the works include removal of the existing first floor gallery, as extended and enclosed, along with the likely original staircase. A new first floor would be installed with a staircase in a similar location, providing two classrooms over the entire plan area of the building. The ground floor internal partition walls would be built up to meet the new first floor level. The new first floor structure would be supported on structural posts with new timber lining and insulation to the walls. The first-floor classrooms would be open to the underside of the roof.
12. The removal of the existing first floor gallery would open a view of the entire roof at first floor level. However, the existing enclosed gallery covers only a relatively small part of the space and leaves the majority of the ground floor open to the roof. As a result of the works, the distinctive open internal space would be lost through the insertion of the first floor across the whole footprint of the building, at a higher level than the historic viewing gallery. The distinctive raked plaster line would also be lost through the insertion of the timber lining at first floor level.
13. The metal 'Fink' roof truss structure would be retained but the translucent panels would be replaced partly with slate with insulation on battens and a central feature roof lantern window. As it is unlikely that the plastic panels are original to the former squash court, their replacement would not be harmful per se. However, it is unclear whether the distinctive external ridge crest would be lost. Moreover, the introduction of slate across much of the roof would substantially change the sense of light and spaciousness that is integral to the character of the building at present. The slate material would also introduce a darker, heavy material to the outside of the former squash court. The insertion of a window at ground floor level in the east flank elevation would be partially screened by a boundary wall but the window would be apparent within the building and its immediate surrounds. Although the aspects that would affect the outer walls of the former squash court would be low key and unobtrusive, together with the proposed roof-level changes, they would contribute to an incremental erosion of the legibility of the former squash court use.
14. I am aware that the local authority found the external aspects of the proposal to be acceptable. However, the works would still reduce the openness of the space and erode the historic legibility of the interior as a former squash court. They would also undermine the external appearance and character of the building as a squash court and would therefore detract from its evidential and aesthetic value, and result in some loss of original fabric. It follows that the works would fail to preserve the Grade II listed building, its setting, and any features of special architectural or historic interest which it possesses. This runs counter to the statutory presumption under s16(1) of the Act and is a matter of considerable importance and weight.

Conservation Area

15. The CA designation covers a large area of the medieval town of Lewes. The character and appearance of the CA is informed by its evolution over many centuries, legible in the rich backcloth of historic buildings, many of which are listed. Lewes Castle is a flint built medieval fortification and Scheduled Monument that occupies a visually prominent position on a mound, or 'motte',

overlooking the historic core of Lewes with distant views of the South Downs and the River Ouse valley. Important components of the CA's special interest lie in the visual and physical relationship between Lewes Castle and the town.

16. The appeal building is part of the views to the west over the historic western end of the High Street, where the roofscape of this part of the town is dominated by slate and clay roofs in vernacular and historic forms. The former squash court is also visible in views from the Castle and its associated 'Keep', a Grade I listed Building. Where perceptible, the translucent roof and functional form of the former squash court roof contrasts with the vernacular roof forms and materials in the surrounding area. That said, the appeal building features as part of the narrative of the development of the town. Although it is visible from Lewes Castle and the Keep, the appeal building has some degree of prominence, and the form and material of the existing squash court roof is not wholly reflective of the prevailing pattern, it makes a neutral contribution to the character and appearance of the CA as a whole.
17. The proposed works to the former squash court would adhere to its overall form and scale and the replacement covering would reduce the amount of translucent material and introduce some slate, a more prevalent material in the wider roofscape. However, even in the context of Lewes Castle and the Keep, the proposed changes would be in keeping with its surroundings and not appear harmfully out of place. I am therefore satisfied that the character and appearance of the CA as a whole would be preserved. Accordingly, there would be no conflict with the statutory presumption under s72(1) of the Act.

Public benefits

18. Paragraph 205 of the National Planning Policy Framework (NPPF) 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. Paragraph 206 of the NPPF sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
19. Taking into account the scale and nature of the proposed works, the harm to the significance of No 141 as a designated heritage asset would be less than substantial. In these circumstances, paragraph 208 of the NPPF indicates this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
20. The proposal would involve the loss of the currently fully translucent roof covering. I note the other examples of squash courts built between 1911 and the 1930s from various locations in the UK, including on an RAF base. However, these examples appear to show flat roofs with a roof lantern, which are not directly comparable. Due to the lack of investigation into the design and fabric of the appeal building itself, there is a lack of clear and convincing justification for the proposed works and changes to the roof. While aspects of the internal works could arguably be reversed and have minimal effect on the fabric of the building, I have seen no evidence that the works are intended to be temporary. Indeed, if the works were not permanent it would further undermine the justification for the proposals and the harms identified.

21. The replacement roof covering and insulation works would improve the overall thermal performance of the former squash court, achieving public benefits associated with improved energy efficiency and carbon reduction. However, I have not been provided with any evidence to demonstrably show that the proposed roof would outperform a more authentic roof covering that would better reflect the characteristically translucent appearance of the roof. This reduces the weight I attribute to the public benefits associated with carbon reduction.
22. The proposed works would also provide additional accommodation and specialist teaching space and equipment to help deliver the school curriculum. However, there is limited evidence to indicate whether the roof level and internal changes are the least harmful means of achieving similar public benefits. Although the proposed works would open up internal views of the roof by removing the boxed-in extension to the gallery, a floor would be inserted. I therefore do not agree that the proposed works would provide a public benefit through better revealing the significance of the asset.
23. While there would be public benefits realised during the construction phase, arguably, similar economic benefits could be achieved in potentially less harmful ways. No 141, including the former squash court, are already in use as part of the school, there is no suggestion that the proposed works are necessary to maintain that optimum viable use of the building. I therefore give limited weight to the benefit of securing the optimum viable use of the asset.
24. The appellant argues that the works would be beneficial to the setting of Lewes Castle LB and the Keep to Lewes Castle SM. As this is a s20 appeal, section 16(2) requires special regard to the desirability of preserving the listed building and its setting. However, I have not found that the existing building and roof form makes a negative contribution to the CA, including in the context of these designated heritage assets. While I am satisfied that the character and appearance of the CA would be preserved, the roof level changes would not bring about any enhancement. Therefore, this is a neutral consideration that does not count as a public benefit in favour of the proposal.
25. Even cumulatively, the public benefits of the proposal are not sufficient to outweigh the harm to the significance of the Grade II listed building as a designated heritage asset and the great weight that should be given to the asset's conservation. Taking all this into account, the proposed works conflict with the historic environment protection policies within the NPPF. There would also be conflict with LP Policies SD13 and SD14 and NP Policies HC3A and B, insofar as they indicate that listed building consent will only be granted for proposals that preserve and enhance the significance of the listed building; and seek to ensure the preservation and enhancement of the heritage asset's special architectural or historic interest; and, that harm to the significance of the listed building or its setting is outweighed by public benefits.

Other matter

26. I note that permission was previously granted¹ to extend the former squash court with an offset wing and add additional windows to the ground floor. As part of those proposals, the roof was to be recovered; roof lights and new first added; a new relocated staircase installed, along with internal divisions at

¹ LW/94/1329 and LW/94/1330

ground floor level. There is no evidence before me to indicate that these permissions are still extant. It is also unclear whether the existing internal alterations pre-date those permissions. The permitted works under the previous scheme are more extensive than currently proposed. However, I am not certain of the considerations that led to the works being approved almost 20 years ago and under a different national and local policy context. In any event, the statutory presumption to preserve a listed building rests with the decision maker and I have decided the appeal on the basis of the proposals and evidence before me and for which consent is sought.

Conclusion

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

N Thomas

INSPECTOR