



Appeal Decision

Hearing held on 24 September 2024

Site visit made on 24 September 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/Y3940/Y/24/3342892

South Wing, Whetham House, Quemerford, Calne, Wiltshire SN11 0PT

- 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 Nicholas Money-Kyrle against the decision of Wiltshire Council.
 - The application Ref is PL/2022/06787.
 - The works proposed are removal of decayed, structurally inadequate roof structure and replacement with traditional oak roof structure.
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Decision

1. The appeal is allowed and listed building consent is granted for removal of decayed, structurally inadequate roof structure and replacement with traditional oak roof structure at the South Wing, Whetham House, Quemerford, Calne, Wiltshire SN11 0PT in accordance with the terms of the application Ref PL/2022/06787 and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the address stated in the appellant's appeal form in the banner heading above as this more clearly describes the location of the appeal premises.
3. I have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 195 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
4. A report entitled 'Comparative Analysis of Impact on Significance of Replacement Oak Roof with Steel Support of Existing Roof Structure', by Mark Lovell Design Engineers was submitted with the appellant's appeal statement. It appears to me that the steel support alternative option was discussed during the application process and a comparative analysis was requested by

the Council. The Council has commented on this document in its statement. It appears to me that no other parties would be prejudiced by my consideration of this document, and I have taken it and the comments made into account in my decision.

5. Prior to the hearing, both parties submitted an agreed Statement of Common Ground (SoCG). This outlines the policy context for consideration of the appeal proposal, and it is agreed that the new Written Ministerial Statement entitled 'Building the Homes We Need' and the consultation on planning reforms to the Framework do not fundamentally affect the substance of the matters under appeal. The SoCG also contains a list of suggested planning conditions.
6. Both parties agree in the SoCG that traditional repair is not possible as the structure can not be structurally proven and that the only option to retain the existing roof structure in-situ is to construct a steel armature so that the existing roof members become non-loadbearing. The steel armature option is not part of the appeal proposal but has nevertheless been worked up in some detail by the appellant to assess the alternative option for addressing the condition of the roof.
7. At the hearing, the Council's Conservation Officer confirmed that although the decision notice advises that there are other alternative, less harmful, options for the structural repair of the building, the appellant's steel armature proposal was the only available option (including slight variations to it). Therefore, although I am aware of my statutory duty mentioned above, in reaching my decision on the appeal proposal, I have been predominantly guided by the agreement by both parties that traditional repair is not possible, and I have assessed the appeal proposal in the context of the alternative steel armature option.
8. The appellant clarified at the hearing that the proposed works would extend to the replacement of the roof structure, including the replacement of all truss members, provision of insulation and membrane within the roof, the retention of partitions, floor joists and elm floorboards (as far as practicable), the replacement of rooflights and returning the inner walls and ceilings to a lath and plastered finish. The Council's Conservation Officer confirmed that these works would fall within the description of the works given in the application form. It was also confirmed by the appellant that submitted plans showing the adaptation of the rooms to accommodate a kitchen and bathroom were indicative only and did not form part of the proposal. I have considered these works accordingly.

Main Issue

9. The main issue is whether the proposal would preserve the Grade II listed building or any features of special architectural or historic interest which it possesses, and whether its significance as a heritage asset would be preserved.

Reasons

10. Whetham House is a Grade II listed building (Ref.1240082), listed in 1960. It is a country house dating to the early 17th century with later 19th century

extensions. The list description explains, amongst other things, that the building is constructed of rubble stone, originally plastered, with stone slate roofs, coped gables and ashlar stacks. It is of two storeys with an attic and has a complex rambling plan. The description mentions the architectural detailing and the arrangement of windows and doors externally and suggests that the interior was mostly altered in the 19th century. It notes that the house has been owned by the same family from the 13th century.

11. Based on the evidence available to me, including the list description and the appellant's Design and Access Statement (DAS), and my visit to the site, I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from its age, form, historic fabric, its architectural features and its long-standing use as a home by descendants of the same family.
12. The appeal proposal relates to the attic space of part of the southern wing of Whetham House which comprises the main frontage. This area previously served as bedroom accommodation with a bathroom, although all fittings and finishes have been removed. There is agreement between the parties that the part of the building affected by the appeal proposal is 17th century and although it has not been possible to date the roof timbers it is likely that the roof structure also dates from this period and that the timber is elm. The appellant's Design Engineer explained at the hearing that in the local area 17th century buildings commonly incorporated elm timbers due to a lack of availability of oak.
13. The DAS mentions that Whetham House does not have a coherent roof structure, exhibiting a variety of roofs of various ages. It comments that much of the rest of the building lying outside the appeal site is 19th century and during this time significant changes were also made to the 17th century part, including significant works to the roof subject to this appeal. The appellant's appeal documentation and surveys describe the parts of the roof structure thought to be 17th century and the numerous alterations and repairs to it. The appellant's Hearing Statement concludes that the roof structure has been extensively repaired and adapted over time, and notes that it is by no means an intact 17th century roof construction and considers that overall, the works are poorly executed and visually unappealing. Whilst the Council recognise the ongoing repairs, they consider that the form and construction of the roof timbers remains legible, and significant original fabric is retained.
14. With the affected roof structure internally exposed I was able to clearly see the roof timbers and all the component parts. I noted the historic structural elements and the variety and variable quality of inserted timbers, timber patch repairs, props, metal straps, and plates. I also saw that many of the historic timbers appeared to show evidence of re-use. Taking account of the available evidence and my visit, I consider that the roof structure exhibits a 'make do and mend' approach to its maintenance over a protracted period. Although I see no reason to doubt that the core of this roof structure is 17th century and I recognise that adaptation over time is part of the building's history of change, it is not representative of a well-preserved or sensitively maintained 17th century roof structure.

15. The appellant's evidence indicates that using elm in a roof structure has shortcomings with the wood selected being of poor quality from the outset, with a brittle, swirly grain making it likely that cracks will severely weaken it and make it susceptible to snapping. I saw evidence of cracking and distortion in many of the historic timbers on site, as well as timbers with large holes and extremely varied dimensions. I also saw evidence of beetle damage, some of which appeared to be active.
16. The historic roof structure appears to be contemporary with the earliest part of the building and therefore is undoubtedly a key part of the building's special interest and significance. As such it has historic and evidential value. Recognizing that much of the rest of the building's roof structure is mainly considered to be 19th century or later, makes it all the more important. However, taking account of the quality of the original timbers, the characteristics of that material, the degree of loss of historic fabric and the extent and quality of patch repairs and adaptations, its integrity and authenticity has been reduced. Therefore, all of these factors mean that the contribution that the roof structure makes to the special interest and significance of the listed building has been considerably diminished.
17. Following the request of Historic England, the report by BMTRADA (April 2023) further investigates the condition of the roof and advises on its suitability for repair. The evidence before me suggests that this company has expertise in undertaking condition surveys and strength grading of historic timbers and roof structures. The report concludes that the roof timbers are in poor condition. Furthermore, it explains that it was not possible to assign a strength grade to the timbers due to the strength reducing characteristics present at the time of the construction of the roof which have led to the number of repairs as well as further degradation caused by insect attack and fungal decay. It notes that many of the numerous structural interventions appear to be inadequate and questions whether any of the repairs have been done sympathetically and add any historical value. It further notes that if the roof space is used for a modern living environment, then the changing moisture content may cause further distortion and stresses to the joints in the timbers.
18. The Council and the appellant confirm in the SoCG that, based on this report, it is not possible to repair the roof structure in the traditional manner. Having viewed the roof timbers and considered all the evidence, I have no compelling reason to disagree. I note that following further discussions, BMTRADA commented that in their professional view that the 'roof has come to the end of its service life and would benefit from a full replacement with a like-for-like structure constructed from timbers of a suitable strength grade' (May 2023). I find this statement from the specialist timber consultants to be compelling.
19. The proposed replacement roof structure is described as a faithful reproduction with appropriately sized and detailed trusses, purlins and rafters. It would be in seasoned oak as elm is not commercially available. At the hearing the Design Engineer explained that the structure would be based on a traditional 'A frame' with pegged joints and the geometry of each existing truss would be replicated so that the roof profile would remain, and the ridge and eaves height would not alter. It would be removed and

replaced section by section. It was further explained that some insulation in the roof would be incorporated to improve thermal performance as far as the timber sections would allow.

20. Although the original proposal sought to replace all floorboards, during the consideration of the application, the appellant agreed that the surviving section of elm floorboards could be repaired. This was further discussed at the hearing, and it was agreed by both parties that should the appeal be allowed, a condition could be attached to secure a schedule of works to the elm floorboards as well as agreeing works to the wider floor structure which may allow the retention of floor joists with new members alongside.
21. Although the proposed replacement roof structure would not be an exact replica in every dimension, given the level of adaptation and repair to the existing roof, and the explained shortcomings of the existing timbers, I see no reason why it should be exactly replicated. I also consider that it would be appropriate to incorporate insulation between the rafters to improve the thermal efficiency of the attic space to assist with returning the rooms to habitable accommodation. At the hearing the Council's Conservation Officer explained that in principle, setting aside the objection to the loss of the historic roof, she had no concerns with the design or detail of the proposed replacement roof structure.
22. The loss of the historic roof structure arising from the appeal proposal would result in harm to the building's significance as a whole. I agree with both parties that this would amount to less than substantial harm to the significance of the designated heritage asset. This commands considerable importance and weight and is not a less than substantial objection to the proposal. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of an asset and any such harm should have a clear and convincing justification.
23. The Council, as advised by Historic England, has stated that the harm arising from the loss of the historic roof is not justified as there is an alternative, less harmful option which would retain the existing roof structure. I have reviewed the documentation relating to the alternative steel armature option which has been examined in some detail by the appellant at the request of the Council. Although I recognise that this option is only indicative at this stage, and if pursued would be subject to a future listed building consent application, I am satisfied that based on the details before me and the discussion at the hearing, I have sufficient evidence to be able to draw clear comparisons.
24. The steel armature option would involve relatively large sections of steel which would be angled, jointed, and packed to follow the profile of the existing timbers. This would result in metal members running alongside the trusses and purlins and would represent a major intervention within the building. Even if these metal sections were not boxed in to minimise their bulk and to allow ventilation and maintenance of the timbers, their visual impact would be clearly seen within the relatively confined attic rooms. I saw

on site that not only would these additions be visually prominent and intrusive, but they would also impact to some extent on the usability of the space. This may include reducing headroom in some areas and impinging on the width of a doorway, requiring the repositioning of an historic partition and adjusting stonework, and interference with a window lintel. Historic England also accepts that these works would, to a certain degree, visually negatively intrude into the space. Furthermore, the Design Engineer mentioned at the hearing that the differential properties of fixing the steel and timber may lead to further cracking in the existing timber and ongoing beetle damage may not be effectively managed, matters not disputed by the Council. I am also mindful of the advice from BMTRADA that in its view the roof would benefit from full replacement.

25. The evidence suggests that the steel armature option is also likely to require concrete padstones to bed the trusses. The installation of padstones may result in further disturbance to the historic building fabric as well as a significant additional weight of the steel which could affect the loading spread within the building. Historic England accepts that there may be some limited physical impact, especially through the introduction of padstones. However, they do not believe that further strengthening of the masonry structure below roof level would be needed as they consider that the load from the steelwork would be low compared to the existing roof load. With no conclusive evidence to indicate what the additional loading would be or its effects I am unable to take a view on this matter other than to surmise that the steelwork proposed would not be insignificant in weight. Considering the likely effects of the alternative steel armature option that have been raised above, I agree with both parties that this option would also amount to less than substantial harm to the building's significance as a designated heritage asset.
26. The Society for the Protection of Ancient Buildings (SPAB) objected to the application during the Council's initial consultation. SPAB raised similar concerns to those expressed by the Council and Historic England, concluding that it would not support the complete replacement of the roof as the proposals lacked clear and convincing justification and would therefore be harmful. SPAB also suggested a new structural 'umbrella roof' over the existing roof structure which it considered would be preferable to inserting large steels which would be very damaging.
27. Whilst I do not have adequate details of what an 'umbrella roof' might comprise, the appellant's Design Engineer has suggested that such a solution would increase the load on the roof and the eaves and ridge height would need to be raised causing a far greater level of visual and physical harm than the appeal proposal. I have no adequate reason to disagree with this assessment. I am also satisfied that all other matters raised by SPAB have been substantially pursued by the Council and Historic England and have been addressed in my decision.
28. As stated previously, there is no dispute that the existing roof structure is not capable of traditional repair. I have concluded that the historic roof structure is not particularly intact or well-preserved, has lost much of its integrity and authenticity and as a result its special interest and significance has been considerably diminished. This therefore calls into question the

merits of retention. Whilst the steel armature option would allow this fabric to be retained, the structure would become non-functioning and may continue to deteriorate for the reasons already highlighted. The appellant also suggested at the hearing that the life-expectancy of the steel armature option would be significantly less than the proposed replacement oak roof, whilst the cost of both options would be similar, matters not disputed by the Council. Also, there would be the visual impact and loading of the steel armature option to consider as well as impinging, to some extent, on the future usability of the space.

29. On top of this, it must be borne in mind that whichever option is selected, there are considerable costs associated with both. Given the importance of the long-standing family connection with the property and their stated intent to secure the building for the future, some weight must be attributed to the family's wishes to secure the roof structure for the long-term, to maximise the usability of the attic and to create an aesthetically pleasing, historically sympathetic internal space. It also appears that the works need to be undertaken in the reasonably near future in view of its condition.
30. I have carefully considered both the appeal proposal and alternative options and have given due regard and weight to the objections and concerns raised by Historic England and SPAB. Taking all matters raised above into account, I conclude that the appeal proposal before me would be less harmful to the building's significance than the alternative steel armature option put to me. Nevertheless, I have concluded that the proposal represents less than substantial harm to a designated heritage asset. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

Public benefits and heritage balance

31. In undertaking this balance, I have taken account of the Planning Practice Guidance¹ which explains what constitutes a public benefit. This states that they should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, it notes that works to a listed private dwelling which secure its future as a designated heritage asset would be a public benefit even though those works would not be visible or accessible to the public. The guidance also states that reducing or removing risks to a heritage asset, securing its optimum viable use and long-term conservation would also be heritage benefits.
32. The proposal would remove the clear and apparent risk to the listed building arising from the poor condition of its roof and would help sustain the building and secure its long-term use as a dwelling, its historic and optimum viable use. The works would contribute to the building's long-term conservation and allow for the re-occupation of the disused rooms. They would also have the potential to facilitate an attractive and useable living environment within the attic with a roof structure that would be appropriate to the age and character of the building. All these heritage benefits would attract substantial weight as public benefits.

¹ Planning Practice Guidance 'Historic Environment': Paragraph 020 Reference ID 18a-020-20190723

33. The works would help secure the long-standing family connection with the building which I have identified as an important part of the building's significance. This also carries substantial weight as a public benefit. There would also be some benefits derived from improving the thermal performance of the building and economic benefits during the works.
34. The need for the proposal has been clearly and convincingly justified and I have been presented with no credible alternative options which would be likely to result in less harm to the building's special interest and significance. I consider that the proposed works would be a proportionate response and the most appropriate solution to secure the roof of the building and ensure its long-term conservation and significance. As such, despite the considerable importance and weight that I must attach to the less than substantial harm that I have identified, those heritage and public benefits attract substantial weight. Moreover, in accordance with paragraphs 205 and 208 of the Framework, considered together, I conclude that the public benefits outweigh the great weight to be given to the less than substantial harm I have identified. Hence, the proposal would satisfy the requirements of the Act and the Framework.

Conditions

35. I have had regard to the conditions suggested in the SoCG and considered them against the Act and the advice in the Framework and the Planning Practice Guidance. A standard time commencement condition is necessary. A condition is also required to secure compliance with the submitted plans and details and to provide certainty as to what has been permitted.
36. Conditions are necessary to confirm details of the proposed works to the floor structure following opening up of these areas and to secure details of internal finishes within the attic and for the reinstatement of the historic floorboards. I also attach a condition to secure details of the proposed rooflights. A recording condition is necessary to document the historic roof structure to be removed and to add this to the Historic Environment Record. Finally, it is necessary to attach a condition to safeguard protected species.

Conclusion

37. For the reasons given and subject to conditions, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following plans: Location Plan ref. 3391-000, Site Plan ref. 3391-BP, Design and Access Statement ref. 3391- D&A Rev C, Visual Structural Survey of South Wing Roof ref. 3391-R01-LBC rev B, Proposed South Wing Site/Roof Plan ref. 3391-PR-001. Proposed Second Floor Plan with Roof Structure ref. 3391-PR-002. Proposed Elevations ref. 3391-PR-003, Proposed Sectional Elevations on Roof Trusses ref. 3391-PR-004.
- 3) Following works of opening up and prior to the removal of any historic fabric, a scheme of the proposed works to the floor structure shall be submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to the commencement of any making good within the application area, full details of the proposed finishes (including specifications for the proposed lime plaster and decorative finishes, together with proposals for the retention and re-use of the remaining historic elm floorboards) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) Prior to the installation of the rooflights hereby approved by this consent, details of the materials and design of the rooflights shall be submitted to and approved in writing by the Local Planning Authority.
- 6) Within three months of the completion of the works, an appropriate record of the removed roof structure (including drawn and photographic evidence submitted as part of the listed building consent application/appeal) shall be compiled and submitted to the Local Planning Authority for deposition with the Historic Environment Record.
- 7) The development hereby approved shall be carried out in accordance with the 'Recommendations' set out within Section 5 of the Protected Species Survey completed by Pure Ecology, dated January 2023 ref. 1033 Whetham House Bat Report 060123.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT:

Mr Charles Money-Kyrle, Whetham Estates, Ltd.	The appellant (representative)
Mr Diccon Carpendale	Brimble Lea & Partners
Mr Mark Lovell	Mark Lovell Design Engineers
Mrs Sandra Lovell	Mark Lovell Design Engineers

FOR THE LOCAL PLANNING AUTHORITY

Ms Helen Garside	Conservation Team Leader
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DOCUMENTS SUBMITTED AT THE HEARING

- Proposed additional conditions submitted by the Council relating to floor structure and recording.