
Appeal Decision

Site visit made on 5 March 2025

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th April 2025

Appeal Ref: APP/C3620/Y/24/3346904

High Bank, Mill Hill Lane, Brockham RH3 7LS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Martin Higgins against the decision of the Mole Valley District Council.
 - The application Ref.MO/2024/0299/LBC, dated 22 February 2024, was refused by notice dated 20 June 2024.
 - The works proposed are described as 'the provision of vehicular access and internal alterations to allow occupation by the disabled owner plus the installation of wall insulation internally and installation of low-e 8.3mm vacuum double glazing in the ground floor clerestory'.
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Procedural Matters

1. The Council changed the description of the works to 'internal alterations including internal wall insulation, erection of a low-e glass 8.3mm vacuum double glazing in the ground floor clerestory' and this description is what is set out on the Council's decision notice.
2. I can appreciate why the provision of a vehicular access was removed from the original description of works proposed. It would not qualify as works for the demolition of the listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest¹. However, it is clear from the submitted plans that part of these access works involves providing level access into the ground floor kitchen/dining areas on the south elevation, and the replacement of the existing 'Crittall' external door with a new double-glazed and insulated 'Crittall' door of broadly similar format. This replacement door would constitute works. Given that it is clearly shown on the plans, and details have been provided, I have included it in my consideration of the proposals.

Decision

3. The appeal is allowed and listed building consent is granted for internal alterations including internal wall insulation, the installation of low-e glass 8.3mm vacuum double glazing in the ground floor clerestory, and a replacement external door at High Bank, Mill Hill Lane, Brockham RH3 7LS in accordance with the terms of the application, MO/2024/0299/LBC, dated 22 February 2024, and the plans submitted with it, subject to the conditions set out in Annex A to this decision.

¹ Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) refers

The Main Issue

4. As set out in the (very detailed) list description, High Bank was built in 1966-1967 to strongly modernist designs by architects John and Beryl Higgins for themselves and their young family.
5. The house was listed at Grade II in April 2023 and helpfully, the list description explains the reasons behind the addition to the statutory list. In terms of its architectural interest, it was listed: as an inventive work of modern domestic architecture, designed by architects for themselves on a small budget; for its ingenious use of a steel frame to realise the frameless clerestory glazing - a creative device giving the impression of levitation between floors, bringing light into the depth of the plan and giving spatial interest; for the subtle hierarchy of the interior finishes, including the shadow gap of the plastered walls and use of timber in the principal spaces; for its clever compact planning which includes an open flow of living areas and the separation of children's and adults' spaces; and for its thoughtful, integrated relationship with its landscaped setting. Also, in terms of its historic interest it was listed for its rarity as a little-altered house of the post-war period.
6. Against that background, the main issue to be considered is the effect of the works proposed on the special architectural and historic interest of the listed building. In the parlance of the National Planning Policy Framework², this can be expressed as the effect of the proposals on the significance of the affected designated heritage asset.

Reasons

7. There are several aspects to the proposals which are, in my view severable. Firstly, the Council has no objection to the replacement of the existing single-glazed ground floor clerestory with low-e glass 8.3mm vacuum double glazing.
8. On the basis of what I saw, I agree with the appellant that the double glazing could be easily accommodated within the confines of the existing timber 'bead' detail. I am content that, subject to a suitably worded condition, this element of the works could be carried out without any harmful impact on the special architectural or historic interest of the listed building, or its significance as a designated heritage asset.
9. Secondly, the Council raises no objection to the insulation that would be applied to the internal face of external walls. This would be formed in 50mm rigid insulation with plasterboard over. Provided that this arrangement retained the very pleasing 'shadow gap' detail presently in place that is highlighted in the list description - something that can be secured by condition - I agree that this part of the works need have no harmful impact on the special interest of the listed building either.
10. While the replacement door proposed is similar in general format to the original single-glazed 'Crittall' door that it would replace, the Council points out that this operation would result in the harmful loss of historic fabric. That is correct; the loss of the original external door would cause some harm to the special architectural and historic interest of the listed building, and its significance as a designated heritage asset.

² Referred to hereafter as the Framework

11. The Council is also concerned about the internal alterations. There are three elements to this aspect of the proposal. A lift is proposed to be installed in the corner of the ground floor study, rising up through a first-floor bedroom. Second, it is proposed to remove the wall between the existing kitchen and the adjacent dining room and finally, it is proposed to alter the arrangement of the original boys' bedrooms and playroom to provide a larger bedroom, served by an accessible bathroom and dressing room.
12. These elements of the works would obviously bring an appreciable change to the plan form of the building. The list description is very clear that a good part of the historic interest of the building lies in its state as a little-altered house of the post-war period. Moreover, it highlights the clever compact planning which includes an open flow of living areas, and the separation of children's and adults' spaces. On top of that, there would be the loss of some historic fabric. In that context it is plain that these internal alterations would cause harm to the special architectural and historic interest of the listed building and its significance as a designated heritage asset.
13. Bearing in mind that the bar for a finding of substantial harm is set very high, I agree with the parties that the degree of harm caused to the significance of the designated heritage asset by the replacement door, and the internal alterations, would be less than substantial.
14. As far as the degree of less than substantial harm that would be caused, I am conscious, from what I have read, and what I saw, that the special interest of High Bank, and its significance, is very wide in its compass. The replacement door and the internal alterations proposed would leave a very large part of that special interest, and significance, unaffected. As a consequence, I find that the less than substantial harm that would be caused would be at the lower end of the scale.
15. In line with the workings of the Planning (Listed Buildings and Conservation Areas) Act 1990³, the Framework tells us that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where less than substantial harm is found, paragraph 215 of the Framework tells us that this harm should be weighed against the public benefits of the proposal.
16. In carrying out that balancing exercise, it is important to consider the works proposed in their proper context. The Planning Practice Guidance (PPG) tells us that public benefits should be of a nature or scale to be of a benefit to the public at large and not just be a private benefit. It continues: *However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*
17. With that in mind, the replacement door is proposed as a complement to the double glazing to the ground floor clerestory, and the internal wall insulation. I would make the point first of all that in the context of the widely acknowledged threat posed by climate change⁴, improving the thermal performance of the housing stock generally, thereby reducing its carbon footprint, is an obvious public benefit.

³ S.16(2) applies in this case

⁴ The Council declared a 'climate emergency' in 2019

18. Following on from that, given its extensive arrays of glazing, and the probable lack of insulation in the flat roof, amongst other things, the energy performance of High Bank is, as the appellant points out, very poor. Improving that energy performance will/would be quite an undertaking, in my view, but in an era of seemingly inexorable rises in energy costs, it seems to me that the future of 'High Bank' is very unlikely to be secured without that improvement.
19. In the light of that, I recognise the installation of wall insulation, and double glazing to the ground floor clerestory, as the first steps. However, there would be little point in carrying out those works, only to leave a single glazed door in place. In simple terms, if one takes too precious a view about historic fabric, like single glazed 'Crittall' doors, then improvements in energy performance are not going to be realisable, and that might jeopardise the future of High Bank.
20. I take a similar view in relation to the internal alterations. The purpose of the alterations is to make the house habitable for the appellant, who sadly has mobility issues that are likely to worsen. I recognise that this is a situation that is particular to the appellant, but it is not lost on me that the appellant is the son of John and Beryl Higgins who designed and had the house built. The value in stewardship terms of allowing the house to 'flex' to cater for the needs of the appellant, who grew up in the house, and is clearly very familiar with its idiosyncrasies, should not be underestimated. That said, there is a wider point here. The house was designed by the architects to suit themselves and their young family. The plan of the first floor, in particular, with its three rather small bedrooms for the children, opening out on to a play-space, is reflective of that. It seems to me obvious that the future of this house will only be secured if it is lived in as such, by the appellant, or someone else. If, notwithstanding its rarity as a little-altered house of the post-war period, too inflexible a view is taken on changes to the plan form of the house to accommodate changing or different needs, then it is less likely that someone will be prepared to make the investment required, to facilitate occupation. That, in turn, is likely to put the house at risk.
21. Against that background, I am of the view that the public benefits of the works proposed far outweigh the harm to the special interest of the listed building, or the significance of the designated heritage asset, that would be caused.
22. Helpfully, the Council has suggested a series of conditions designed to ensure the works are carried out in a properly controlled way. A commencement condition is necessary, but a so-called 'plans' condition is not. As I have set out in my formal decision, the works are authorised on the basis of the submitted plans and any material departure from them would be unauthorised. Details of the replacement door have been provided as a part of those plans (drawing no.HB6), so a separate condition is not necessary to secure them. However, conditions are required to deal with the detailing of the double glazing, and the internal insulation, and the way the shadow gap is dealt with.

Conclusion

23. On that overall basis, the appeal is allowed and listed building consent is granted for the works, subject to the conditions set out in Annex A below.

Paul Griffiths

INSPECTOR

Annex A: Schedule of Conditions

- 1) The works authorised by this consent shall begin no later than three years from the date of this consent.
- 2) No works shall commence until details of the installation of low-e glass 8.3mm vacuum double glazing in the ground floor clerestory have been submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved details.
- 3) No works shall commence until details of the installation of internal insulation, including the way in which the 'shadow gap' is to be dealt with, have been submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved details.