



The Planning Inspectorate

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Mrs Wendy Strangeway
North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: NYM/2019/0704/FL
Our Ref: APP/W9500/W/20/3250668
Further appeal references at foot of letter

03 May 2022

Dear Mrs Strangeway,

Planning (Listed Buildings and Conservation Areas) Act 1990, Town and Country Planning Act 1990
Appeals by Restek
Site Address: 3 Bloomswell, Robin Hoods Bay, WHITBY, YO22 4RT

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Roxanne Gold

Roxanne Gold

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/W9500/Y/20/3250669



Appeal Decisions

Site Visit made on 29 September 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal A Ref: APP/W9500/W/20/3250668

3 Bloomswell, Robin Hood's Bay, Whitby YO22 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Timothy Knight of Restek against the decision of North York Moors National Park Authority.
 - The application Ref: NYM/2019/0704/FL, dated 30 September 2019, was refused by notice dated 17 January 2020.
 - The development proposed is described as: Installation of replacement roof tiles, windows, doors, door surround and guttering.
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Appeal B Ref: APP/W9500/Y/20/3250669

3 Bloomswell, Robin Hood's Bay, Whitby YO22 4RT

- 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 Timothy Knight of Restek against the decision of North York Moors National Park Authority.
 - The application Ref: NYM/2019/0706/LB, dated 30 September 2019, was refused by notice dated 29 January 2020.
 - The works proposed are described as: Installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations.
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Decisions

Appeal A

1. The appeal is dismissed in so far as it relates to the replacement front door and door surround. The appeal is allowed in so far as it relates to the replacement roof tiles, rear door, windows, and guttering, and planning permission is granted for replacement roof tiles, windows, rear door, and guttering at 3 Bloomswell, Robin Hood's Bay, Whitby, YO22 4RT in accordance with the terms of the application, Ref: NYM/2019/0704/FL, dated 30 September 2019, and the plans and specifications submitted with it, so far as relevant to that part of the development hereby permitted.

Appeal B

2. The appeal is dismissed in so far as it relates to the replacement front door and door surround and the removal of the internal lobby. The appeal is allowed in so far as it relates to replacement roof tiles, windows, rear door, guttering, painting of external render, and internal alterations comprising of the replacement of two missing floor boards with a reclaimed oak board to bed room 1 and pine board to match the existing in the top floor room. Listed building consent is granted for replacement roof tiles, windows, rear door, guttering, painting of external render, and internal alterations comprising of the replacement of two missing

floor boards to bed room 1 and to the top floor room at 3 Bloomswell, Robin Hood's Bay, Whitby, YO22 4RT in accordance with the terms of the application, Ref: NYM/2019/0706/LB, dated 30 September 2019, and the plans and specifications submitted with it, so far as relevant to those works hereby authorised.

Preliminary Matters

3. The description of the proposal is not set out on the original application form although the proposal is described in the supporting information submitted with the application. The decision notices issued by the Authority describe the proposal as 'Installation of replacement roof tiles, windows, doors, door surround and guttering (part retrospective)' and 'Installation of replacement roof tiles, windows, doors, door surround and guttering, painting of external render and internal alterations' for the planning application and listed building consent application respectively. I have noted that the appellant has adopted these descriptions on the appeal forms. These descriptions adequately describe the development and works proposed and, consequently, I have also used these for the purposes of the appeals.
4. The works have already been carried out and I was able to see them when I visited the site. Whilst the decision notice for the planning application describes the works as 'part retrospective', Section 55 of the Town and Country Planning Act 1990 (the TCPA) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or continuation. Section 73A of the TCPA makes allowance for the submission of a planning application for development which has been carried out before the date of the application and, consequently, I have considered the planning appeal on that basis and omitted the words 'part retrospective' from the description. Section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows for consent to be granted to authorise works for the alteration or extension of a listed building, that have been executed without such consent. I have considered the listed building appeal on that basis
5. The North York Moors Local Plan (the Local Plan) was adopted on 27 July 2020. The policies in the Local Plan replace those from the North York Moors Core Strategy and Development Policies 2008 that are cited in the Decision Notices issued by the Authority. Development Policy 4 is replaced by Policy ENV11 of the Local Plan and Development Policy 5 is replaced by Strategic Policy I. Both parties have referred to the Policies in the 2020 Local Plan in their submissions.
6. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The views of parties were sought on any implications of the revised Framework on their respective cases. The Authority advised that they had no further comments other than to note that the paragraph numbers of the relevant sections of the Framework had altered whilst maintaining the same wording as previously. No response was received from the Appellant. I have determined the appeal taking account of the revised Framework.
7. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

8. The main issues in these appeals are whether the proposal would preserve a Grade II listed building, 1-9 Bloomswell [List entry: 1301013], and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Robin Hood's Bay Conservation Area.

Reasons

9. The appeal building was listed in 1969 and forms part of a terrace of nine houses that date from the early to mid-nineteenth century. The terrace of nine houses is collectively listed at Grade II and forms the same List Entry.
10. Numbers 2, 3 and 4 are two storey and attic to the front elevation but, due to the topography of the area, are of single storey to the rear. Numbers 5 to 9 are three storey structures to the front and two storey to the rear. Number 1 is of a different design in that it is an end of terrace building containing shop windows to the side and rear elevations and has a very narrow, set back, frontage to Bloomswell over three floors. To the rear lane it is two storeys in height.
11. The elevations of the terrace are finished in render and the appeal building has an asymmetric, catslide roof, as do numbers 2 and 4. Numbers 5 to 9 are double pile structures with pitched roofs. All of the roofs, in common with much of the village, are finished in pantiles.
12. From the evidence before me, in so far as it is relevant to these appeals, the significance of the appeal building is its historic interest as a former fisherman's cottage that is simple in form, in contrast to the larger buildings to the east and west. It has architectural interest derived from its traditional appearance with rendered walls, pitched pantile covered roof, with catslide to the north and the pattern of door and window openings; the sense of hierarchy between south and north elevations, with provision of a panelled door and door surround to the south elevation; the plan form with accommodation arranged over split levels linked with steep stairs; the panelled wall to the lower ground floor room and panelled internal doors; and the chimney breasts and cast iron fireplace at first floor level. The appeal building also forms an integral part of the remainder of the terrace, in terms of both its architectural interest and appearance.
13. The Robin Hood's Bay Conservation Area covers the lower part of the village which is densely packed on the sides of a ravine. Possibly medieval in origin, it developed over time as a fishing village and smuggling port but is now largely dependent on tourism. With a single main road leading down from the cliff top, the built form consists generally of terraces of buildings clustered around a series of narrow lanes, with the sloping topography resulting in a complex multi-level settlement. From the evidence provided and from what I saw when I visited the site, the significance of the conservation area, in so far as it is relevant to these appeals, is derived from its architectural interest being predominantly eighteenth century in style and appearance and the evidence it provides of the vernacular architecture and building techniques and materials of that time. It has also retained its historic layout and street pattern together with its considerable number of historic buildings, providing a very clear picture of the settlements past appearance. It has historic interest as a traditional fishing village that has developed over a long period of time and its associations with smuggling. It also has considerable aesthetic value derived from both its

location and the architecture and built form of the village, with picturesque roofscapes and kinetic views that change rapidly due to the organic nature of the multi-level street layout resulting from the local topography.

14. Particular features of significance identified are: narrow flagged and cobbled lanes; stone steps and retaining walls; odd shaped buildings designed to fit into irregular spaces; a wide variety of traditional window types; brightly coloured traditional timber panelled doors, many with wooden canopies and brass or iron door knockers; views across the ravine of pitched roofs, pantiles, and chimneys on various levels; and views along alleys and towards the sea.
15. The appeal proposals consist of a number of elements, both external and internal to the building. These are the replacement of the pan tiled roof with new handmade tiles; the removal of the existing rear door and its replacement with a new hardwood door; the removal and replacement of the existing front door with a new hardwood door; the removal of the door surround and its replacement with a new hardwood surround; replacement of softwood casement windows with hardwood sash windows; replacement of uPVC gutters and downcomers with cast iron; painting of the external rendered finish; and the replacement of two missing floor boards with a reclaimed oak board to bed room 1 and pine board to match the existing in the top floor room. The proposal also includes the removal of an internal porch, or lobby, at the ground floor front of the building.
16. The Authority has set out in its submissions that it does not have any objections to the replacement of the roof tiles and guttering, the replacement of the floorboards, and the replacement of the previous casement windows with new timber sliding sash windows. Whilst the Authority comment that the design of the new windows, which use a six over six pane design and feature sash horns, is not wholly consistent with the design of other windows in the terrace, which have eight over eight pane sashes, it has not raised this as a reason for refusal. When I visited the site and the surrounding area, I saw that within the terrace of Bloomswell and the adjacent terrace, Esplanade, eight over eight pane sash windows were the predominant form. Nonetheless, I also saw that there were other configurations of windows, both nearby and within the wider conservation area. In this context, I would agree with the Authority, that whilst not entirely historically accurate, the new windows are an appropriate replacement for the previous casement windows.
17. The Authority has also not raised any concerns in respect of the repainting of the external render or the design of the replacement rear door, although the colour of this door remains disputed. The white painted render is similar to other buildings in the terrace and the photographic evidence provided by both parties indicates that the render was previously white in colour. The photographic evidence submitted also indicates that the design of the new rear door is essentially similar to the door it replaced.
18. The principal matters in dispute between the parties relate to the design of the new front door and door surround, the paint colour used on the external doors; and the removal of the internal lobby.
19. The previous front door and door surround have been removed from the building and replaced with a new door and door surround. The rear door has also been replaced and the internal lobby to the ground floor front room has been removed.

20. Elsewhere in terrace, door surrounds consist of reeded pilasters with a truncated, open, pediment, most of which contain a blocked fanlight within the open part. Most of the door surrounds in the terrace have simple bases to the pilasters. However, the photograph included in the Authority's Statement of Case¹ showing the previous door surround at the appeal building, illustrate that at one time there was a moulded base to the pilasters set on a lower plinth. The photographs provided by the appellant, which are dated 2019, do not show these moulded bases. These photographs are not especially high resolution but show a clear line at the top of the plain plinth shown in the Authority's photograph that would indicate that the moulded bases had either been boxed in, or removed and new wood pieced into the door surround. The previous door surround was also unusual in that the pediment was supported on corbels rather than the modillions that are present on others and which have been used on the replacement door surround.
21. I observed that there is evidence of some repairs to several of the door surrounds elsewhere in the terrace, including repaired bases and modifications to the face of the pilasters. Some also appear to have lost details to the cornices and the modillion brackets have also been lost on some examples.
22. With the exception of number 6, which has had an open porch with a tented hood added, there are notable similarities to the pediments of the door surrounds on the other properties. In particular, the horizontal cornices project beyond the point where the raking cornices intersect with them. This, together with the flat top section gives the pediments to the door surrounds a distinctive profile. From the submitted photographs, the pediment to the previous door surround also shared this feature. The photographs of the previous door surround also show the two sections of horizontal cornice below the level of the tympanum. Given the consistency in the form of the surviving pediments on the remainder of the houses in the terrace, this would indicate that the pediment to the previous door surround was originally of a similar open form but has subsequently been altered to an apex form and a triangular panel added the front to create the tympanum. This would correlate with the note in the List entry that the door surrounds to numbers 2 and 3 Bloomswell are mutilated.
23. The new door surround is taller overall than the previous door surround and whilst the pilasters to the sides are approximately the same height, the pediment is taller and contains a larger tympanum with a prominent beading detail. The raking cornices also intersect with the endpoints of the horizontal cornice. Whilst there is reeding or fluting to the front of the pilasters of the new door surround, and this was present on the previous one, the photographs of the previous door surround are not of a sufficiently high resolution or at a suitable angle to determine whether this is similar.
24. The photographic evidence does indicate that there were some design differences between the previous door surround at the appeal building and others in the street, notably the moulded pilaster bases and the use of corbels to support the pediment. Unlike other door surrounds in the terrace, the door opening in the previous door surround did not meet the underside of the pediment. It is not clear from the photographic evidence whether the space between the top of the door frame and the base of the pediment was occupied by a blank panel or by a transom light/fanlight. The replacement door surround

¹ NYMPA Planning Appeal Statement of Case Appendix 5.

has clearly sought to replicate some of these features. Whilst it is undoubtedly well made, the larger overall size of the pediment, the different approach to the raking courses, and the more prominent moulding on the tympanum result in it appearing distinctly different from, and appearing larger than, the door surround that it replaced and inconsistent with the design of the surviving door surrounds on the remainder of the terrace. The omission of the blanking panel or transom light above the door also makes the proportions of the replacement door surround notably different from that which it replaced. This is exacerbated by the colour chosen for the external paint which draws the eye more than the less vivid colours used elsewhere on the terrace.

25. Although the appellant states that the previous door surround was rotten, the 2019 photographs do not illustrate this, and no other substantive evidence has been submitted that would support this statement. From the photographs, the pediment may have been deteriorating but there is no evidence before me that would indicate that selective repair of the previous door surround would not have been possible, or that it was beyond practical or economic repair.
26. It is also suggested that the deteriorated state of the door surround was resulting in damp to the property. I saw when I visited the site that there was some indication of damp in the lower parts of the front wall. Nonetheless, this could also have arisen as a result of the original construction of the property without a damp proof course. The interior of the building has been redecorated and, as a consequence, when I visited the site there was no visible evidence of damp higher up the walls in the vicinity of the front door opening. As a result, and because the photographic evidence does not show that the door surround was significantly deteriorated, I can give little weight to this suggestion.
27. Consequently, I find that the inconsistent design approach of the replacement door surround and the loss of historic fabric resulting from the removal of the previous door surround is harmful to the significance of the listed building.
28. The Authority contend that the previous front door was a historic feature of the appeal building and that very similar examples are present elsewhere in the village, suggesting that the door was likely to have been designed by a local joiner. I have noted that the neighbouring property at one time had an identical door, illustrated in the photograph included in the Authority's Statement of Case, but that this had been lost by 2019. The Authority have not provided any other evidence of similar doors although I did see when I visited the site and surrounding area that there are numerous 6 panel doors in the village with differing levels of detailing. Within the terrace of 1-9 Bloomswell there are a number of replacement doors including those at number 4 and 6 in addition to the replaced six panel door at number 2. The List entry notes the original doors are of three fancy panels and I saw that a number of these remain. The List entry is intended for identification of the buildings only, and it cannot be inferred from this that this style of door was originally common to the whole terrace.
29. This notwithstanding, from the photographic evidence, it is clear that the previous door was of some age and at one point the neighbouring property at number 2 had an identical door. Although it is suggested that the original door was a repurposed internal door, other than the thickness of the door which is less than that of a modern external door, there is little evidence to support this.
30. The Heritage Statement submitted with application states that the previous door was not secure, and the further Heritage Statement submitted with the appeal

adds that it had twisted out of true. Due to the angles and resolution of the various photographs it is not possible to determine whether there was distortion or warping to the previous door. Whilst the narrowness of the door would most likely preclude the installation of a modern mortice lock and, due to the method of fixing, a rim lock is less secure, there is no other evidence before me that would indicate that the previous door was inherently insecure.

31. Whilst I saw that the majority of the current internal doors in the property were four panel doors, it does not necessarily follow that the six panel front door was an internal door from another building as a more elaborate door would indicate the status as a principal entrance. Similarly, the positioning of the rim lock with the handle through the beading rather than the mid-rail does not necessarily indicate a re-used door. The photograph showing this lock does not show any features that would prevent a surface mounted lock of this type from being fitted higher on the door.
32. The new door is also six panels although these are inset whereas, from the various photographs submitted, the panels on the previous door appear to be either flush with the face of the door, with an impression of depth provided by incised beading, or have only a very shallow inset. The beading on the previous door panels was also more elaborate than that on the replacement door. In addition, the new door is taller than the previous door due to the omission in the new door surround of the blanking panel or transom light that was previously in place.
33. The centralised position of the door knob is not a feature of doors in the terrace or elsewhere in conservation area, nor is the silver colour consistent with the brass or iron door furniture used elsewhere in the village. I accept however that this could fairly readily be relocated and replaced with a more appropriate design.
34. These works have resulted in a loss of historic fabric from the building that is harmful to its significance. Six panel doors were, nevertheless, in common use at the time that the property was constructed and are common in the conservation area. The appellant suggests that a condition could be attached to require the beading on the new door to be altered to reflect that on the previous door. However, no wording has been suggested for such a condition and due to the differences in the style of the door set out above, I cannot be certain that such an approach would be effective. Though less detailed, the new front door is broadly neutral in terms of its effect.
35. The effect of replacing the door and door surround, however, has to be considered as a whole and whilst the effect of new door may be broadly neutral, it has resulted in a loss of historic fabric and interesting period details which, combined with the loss of historic fabric through the removal of the previous door surround and the inappropriate and inconsistent design of the replacement door surround, is harmful to the significance of the listed building.
36. Turning to the internal lobby, this had also been removed by the time of my site visit and the room redecorated and, consequently, there was no visual evidence of this. The appellant's statement of case concludes on the basis of photographs of the interior of three other properties that the internal lobby at the appeal building was a more recent insertion as it was placed at an angle. It is also stated that the lobby was constructed by the previous owner in, or around, 1996, although there is no evidence to support this assertion. The photograph

provided by the Authority shows the internal lobby at the appeal building prior to its removal.

37. Unfortunately, the resolution of all of the photographs is not particularly high, and, in those provided with the appellant's evidence, the lobbies are not the main focus of the image. That said, from my studying of these images, I am not persuaded that these do show that the lobbies within other properties are set wholly parallel to the south elevation. That at Number 4 Bloomswell does appear to be parallel, however, it is also considerably shallower than those in any of the other images and incorporates a modern multi-pane glazed door. In contrast, the image of number 8 Bloomswell shows the door intersecting the line of the floorboards at an angle similar to the angle shown in the Authority's image of the porch at number 3.
38. The image of number 7 Bloomswell is harder to interpret as it is very low resolution. Nonetheless, the electric cooker does provide a frame of reference as this will almost certainly conform to the standard 60cm depth of kitchen units. The cooker projects slightly beyond the section of wall it is adjacent to which would indicate that this wall is also approximately 60cm in depth. The front door of the property is standing open at an angle of almost 90 degrees and is wholly within the interior of the lobby. I saw when I visited the site that the doors of those properties with a single leaf door were all very similar in dimension. The proposed replacement doors at the appeal building are 84cm and 89cm wide. This would indicate that the opposite side of the lobby has a depth that is greater than the wall adjacent to the cooker in order to accommodate the width of the front door. In addition, the image shows that the hinged side of the internal door is clearly further into the room than the section of wall adjacent to the cooker. This leads me to conclude that this property also has an angled internal lobby. It also leads me to conclude that the internal lobby at number 4 has, at some unknown point in the past, been altered to reduce its size.
39. The photograph of the internal lobby of the appeal building included in the Authority's evidence shows that it has panelling and a door that are consistent with the panelling and doors on the back wall of the room which is shown in the appellant's photographs and which I saw when I inspected the property.
40. All of the above leads me to find that angled internal lobbies are a feature of the listed building and that the removal of the internal lobby has resulted in the loss of a historic feature and loss of historic building fabric. Its removal has also eroded the historic floorplan of the building and changed the historic proportions of the ground floor front room. This is harmful to the special architectural interest and the significance of the listed building.
41. The Authority state that the pink paint that has been used on the external doors and door surround is non-traditional and not in keeping with the era of the building. However, the Authority has not submitted any substantive evidence in respect of what traditional door colours within the conservation area or elsewhere locally might be. When I visited the site and surrounding area, I observed that there were a wide range of colours used on doors and door surrounds with no particular colours being noticeable predominant. I have also noted that the Conservation Area Character Appraisal notes that brightly coloured traditional timber panelled doors are a feature of considerable significance within the conservation area.

42. In addition to this, a painted finish on timber is readily changeable and not a permanent alteration to the fabric of the building. In this context the paint colour is only harmful in so far as it assists in drawing attention to the incongruous design of the door surround. I do not find that it is intrinsically harmful to the significance or historic interest of the building.
43. Taken as a whole, the proposal is harmful to the significance of the listed building due to the loss of historic fabric resulting from the removal of the internal lobby and the previous door surround and front door, and the from inappropriate design of replacement door surround. Whilst some other elements of the scheme have a neutral effect and the replacement windows have a slight positive effect, this does not overcome the much greater level of harm resulting from the loss of the internal porch and the door surround. The harm that would be caused is limited to a small section of the building, although at the important focal point of the principal entrance door. However, within the context of the terrace, the loss of significance to the listed building is small in scale and, consequently, I find that the harm is less than substantial in this instance but, nonetheless, of considerable importance and weight.
44. Neither party has submitted much substantial evidence in respect of the effect of the proposal on the conservation area. Whilst in a relatively prominent location, the appeal building is not directly located on a main route through the village and is seen largely in glimpsed views in passing. Within the conservation area generally, there are a variety of designs and colours of doors and door surrounds. Whilst the proposal represents a change within the conservation area, this is within the context of an area that is rich in detail, colours, and architectural variety. The Draft Robin Hood's Bay Conservation Area Character Appraisal and Management Plan 2017 identifies brightly coloured, panelled, timber doors and canopies as being a significant feature of the conservation area.
45. Notwithstanding that I have found that, due to its design, the replacement front door and door surround would cause harm to the significance of the listed building, within the wider context of the conservation area the visual effect of this change is minor and is restricted to the very near vicinity of the appeal building. As a result, I do not find that the alterations to the front door and door surround or the chosen colour would cause harm to the character and appearance of the conservation area as a whole and would thus preserve its significance. The other externally visible works, the replacement windows, roof covering, and replacement gutters and downcomers are consistent with other similar features in the lower part of the village and also would not cause harm. Consequently, I find that the proposal would have a neutral effect on character and appearance of the conservation area.
46. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
47. Paragraph 199 of 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 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, or from development within their setting, and that this should have a clear and convincing justification. As set out above, although some elements of

the scheme have a neutral, or slight positive, effect on the building, these do not overcome or justify the degree of harm that would result from the loss of the historic door and door surround and the loss of the internal lobby. The evidence provided in support of the proposal does not provide a clear and convincing justification for this harm. As the appeal building is one part of a terrace of buildings that is listed as a single entity, I have consequently found the harm to be less than substantial in this instance.

48. Under such circumstances, paragraph 202 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. The appellant has not identified any public benefits that would arise from the proposal. This notwithstanding, certain elements of the works that have a neutral or slight positive effect on the building, namely the replacement of the roof tiles, the replacement windows, replacement rainwater goods, replacement rear door, and the painting of the external walls would contribute to maintaining the heritage asset and can be given a moderate amount of weight. However, this is not sufficient to outweigh the harm that I have identified. Moreover, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal taken as whole because the building has an ongoing residential use that would not cease in its absence.
49. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflicts with Strategic Policy I and Policy ENV11 of the Local Plan that taken together seek, among other things, to ensure that new development is of a high standard of design that conserves or enhances heritage assets in a manner appropriate to their significance, or better reveals elements which contribute to the significance of heritage assets. As a result, the proposal would not be in accordance with the development plan.

Other matters

50. Although when taken together the proposed works would be harmful to the significance of the listed building, there are nonetheless elements of the proposal to which the Authority do not raise objection and which I have found would not cause harm to the significance of the listed building. Due to the nature of the proposed works they are not interdependent, and the harmful elements, namely the door surround and front door and the removal of the internal porch, are clearly severable from the remainder of the scheme.
51. Section 79(1)(b) of the TCPA and section 22(1) of the Act allow for a split decision to be made, that would allow the appeals in respect of some parts of the proposal and dismiss the appeals in respect of the remainder.
52. Within this context, I consider that it is appropriate to disaggregate the proposal and grant planning permission and listed building consent for those elements of the scheme which do not cause harm.

Conditions

53. The Authority have suggested a number of conditions in respect of each proposal, although it has not set out the reasons why these conditions are considered necessary.

54. The appellant has stated that they do not consider these conditions to be appropriate, other than the suggested condition that the works comply with the submitted plans and specifications. The appellant contends that these conditions are unnecessary as the works have already been completed.
55. The appellant has also suggested the use of a condition in respect of replacing the beading around the panels on the door, in order to replicate the detail of those on the previous door, and the relocation of the door knob and replacing the brackets to the pediment. However, no suggested wording for this has been provided.
56. The conditions that have been suggested by the Authority are worded in such a manner that they relate to works yet to be undertaken. From what I have read and from what I saw when I visited the site, the works that form the subject of the appeals have been completed and there are no elements outstanding. The Authority have not indicated that any remedial works are required or that any aspects of the works to which it has not raised any objections require alteration. For this reason, I would agree that these conditions are not necessary.
57. As set out under the consideration of the main issues, I do not consider that the appellant's suggestion of a condition provides enough certainty that the approach would be effective, or would overcome the harm that I have found. Consequently, I have not included such a condition.

Conclusion

58. I have found that the proposed scheme, when taken as a whole, would cause harm to the significance of the Grade II listed building and is contrary to relevant provisions of the development plan. Notwithstanding this, there are some elements of the scheme which, taken in isolation, would not cause harm to the listed building.
59. These elements of the proposal are clearly physically separate and functionally severable from those parts that are harmful. Consequently, it is open to me to allow the appeals in respect of parts of the scheme and to dismiss the appeals in respect of the other elements.
60. For the above reasons, and having regard to all other matters raised, I therefore conclude that Appeal A should be dismissed in so far as it relates to the replacement front door and door surround and allowed in so far as it relates to the replacement roof tiles, rear door, windows, and guttering. Similarly, I conclude that Appeal B should be dismissed in so far as it relates to the replacement front door and door surround and the removal of the internal lobby, and allowed in so far as it relates to replacement roof tiles, windows, rear door, guttering, painting of external render, and internal alterations comprising of the replacement of two missing floor boards with a reclaimed oak board to bed room 1 and pine board to match the existing in the top floor room.

John Dowsett

INSPECTOR