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APPL.NO: 08/02828/LBC APPLICATION TYPE: Listed Building Consent

PARISH: Martock WARD: MARTOCK

DESCRIPTION: Internal alterations to create a new floor to replace existing flagstone floor (GR 346161/119044)

LOCATION: East Lawn, Water Street, Martock, Somerset TA12 6JN

APPLICANT: Mrs Fiona Cozens

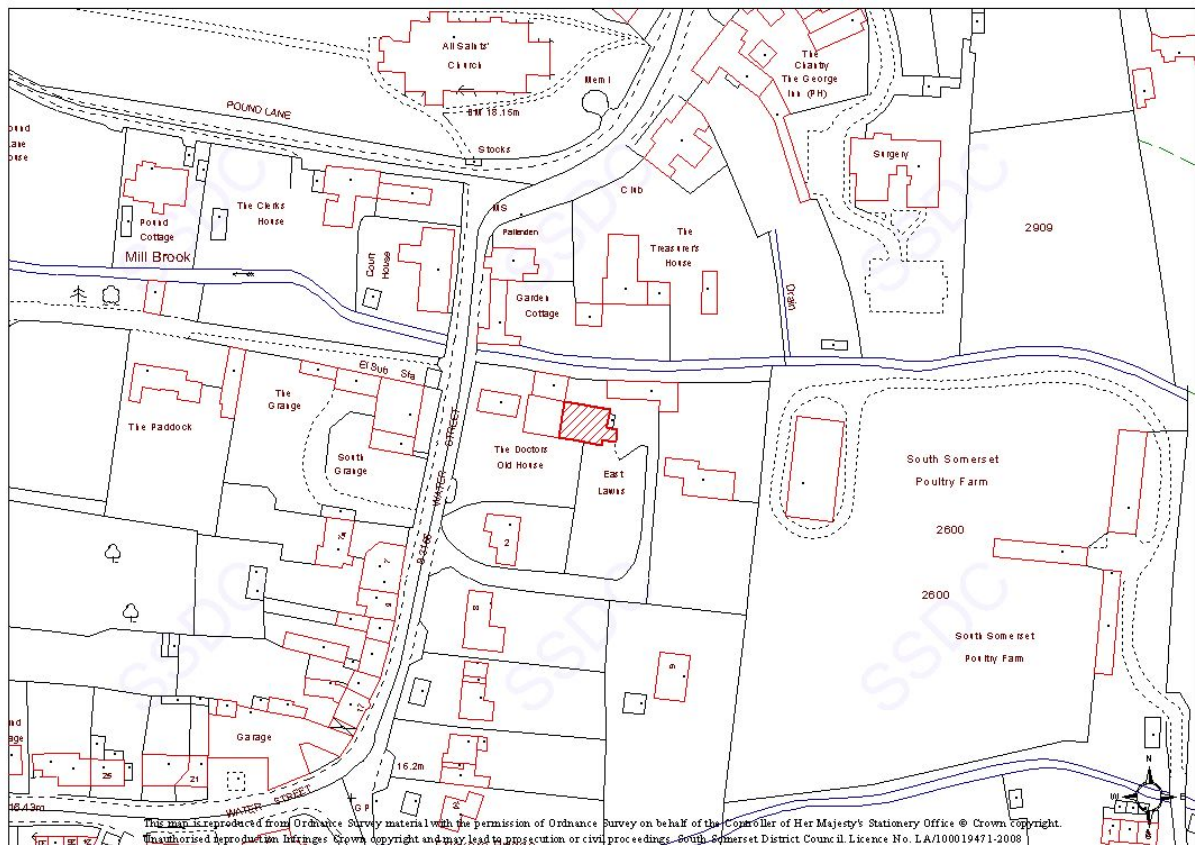
AGENT: Mr Barry Cullimore, Home Aid Partnership, SSDC, Old Kelways, Somerton Road, Langport, Somerset TA19 9YE

DATE ACCEPTED: 8th July 2008

Reason For Referral To Committee

The application is to be considered by Area North Committee at the request of the Ward Member, with the agreement of the Area Chairman. It is felt that the issues should be given further consideration by Members.

Site Description and Proposal



The property is grade II listed, having been formerly part of the main Doctors House, which was divided into two properties during the 20th Century.

This application is made to replace historic flagstone flooring with a concrete sub-floor to be covered by oak floorboards, in a ground floor room. The sub-floor is proposed to be 50mm cement/sand screed on the compacted earth base. The alterations are proposed to provide level flooring so the room can be used as a bedroom for the applicant's daughter, who is wheelchair bound.

History

07/05217/LBC: Internal alterations to lean-to structure, external alterations to include a new roof, 2 No. new windows and a vent to lean to structure - Permitted with conditions.

99/02312/TCA: Application to fell one poplar and one conifer tree - Permitted.

97/01314/LBC: Carry out internal alterations and erection of dividing all on S Elevation between Doctors House and East Lawn.

50218/A (1967): (OUTLINE) Division of the Lawn, Martock, into 2 dwellings, erection of 8 dwellings and private garages and construction of estate roads and formation of vehicular access - Conditionally approved.

92 (1948): Conversion of house into 2 dwellings - Conditionally approved.

Policy

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

PPG 15: Planning and the Historic Environment is applicable. Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with PPG 15

South Somerset Local Plan (Adopted April 2006)
EH3 - Listed Buildings

Consultations

Town/Parish Council: Martock Parish Council unanimously approved this application and fully support this much needed work to help Mrs Cozens to look after her severely disabled daughter.

SSDC Technical Services: No comments.

SSDC Conservation Officer:

Thank you for consulting me application at the above property

The property this application relates to part of The Doctor's Old House, on Water Street in Martock. East Lawn is the rear/service wing to the house, which is an early 19thC ashlar house. The whole building is Listed grade II, and is within the conservation are. Martock is also an outstanding heritage settlement.

The proposal is to take up a flag stone floor and replace with a concrete sub floor with oak floorboards.

The starting point for the exercise of listed building control is statutory requirement on the local planning authority to "have special regard to the desirability of preserving the building or

its setting or any features of special architectural or historic interest which it possesses" (Section 16).

PBG 15 requires that applicants for listed building consent must be able to justify their proposals. They will need to show why the works that affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information to enable them to assess the likely impact of their proposals on the special architectural and historic interest of the building and on its setting. This is supported by the statutory requirement for applications for listed building consent to include a design and access statement. There is specific regulation for listed building consent and this requires information on the principles and concepts applied to the works in relation to the design and the listed building and its setting.

The submitted design and access statement runs to a single page. The applicant's daughter has severe illness and is wheelchair bound. The applicant is of the view that the flagstone floor is in a state of disrepair being worn, uneven and breaking up. It would be preferable to remove the flagstones and provide a 50mm cement/sand screed on the earth and oak board over. It would be difficult to provide a laminated floor over the flagstones to provide a level finish. It would be proposed to reuse the approx 50% of flags in good condition to replace others in the kitchen.

Whilst there is no doubt of the applicant's daughter's illness, at pre application stage, it was stated that an application would need to be supported with a full justification of her daughter's special needs, supported by a letter or short report from the Occupational Therapist. This has not been included with the application.

There is no justification made with the application that relates to the listed building and its special architectural or historic interests i.e. why these alterations are appropriate to the listed building itself.

PPG 15 - Planning and the Historic Environment - is the principal source on advice on alterations to listed buildings. In relation to floor coverings it advises:

"Floor surfaces: Floor surfaces are too often disregarded when buildings are refurbished. It is not only marble floors that are important: all types of paving such as stone flags, and pitched cobbles, old brick floors, early concrete, lime ash, and plaster floors, should be respected. This also applies to old boarded floors, especially those with early wide oak or elm boards. All such features should normally be repaired and reused".

It also gives advice on access for the disabled, although it must be said this is intended for access to public buildings, and those open to the public. It states:

"It is important in principle that disabled people should have dignified easy access to and within historic buildings. If it is treated as part of an integrated review of access requirements for all visitors or users, and a flexible and pragmatic approach is taken, it should normally be possible to plan suitable access for disabled people without compromising a building's special interest. Alternative routes or reorganising the use of spaces may achieve the desired result without the need for damaging alterations".

It seems that it is appropriate to take a sequential approach here. From the least damaging to the most damaging for the building.

The first option is to repair and or replace the defective flagstones. This would have no detrimental impact on the building and would result in a flat floor. There may be a cost issue

here, but Members will be aware that cost is not a justification in listed building works, in that same way that loss of view is not a planning justification.

The second option and one that would be reversible is to cover the existing floor, perhaps with a wooden laminate, or with a lime-based screed (Conservation Manager's views?). During pre application discussion in September of 2007, we recommended the way forward was to provide a floor over the existing floor. This would be reversible and would accommodate the long-term preservation of the listed building. We, the conservation section, stated that we would be quite happy to work with the applicant to specify the design for and with her.

Neither of these options seem to have been fully explored, or if they have, it has not been fully explained why these options are not appropriate. No further discussion has taken place since my letter of the 27th September 2007, except to pass a copy of my letter to the agent prior to the application being made.

Whilst it is important that the historic environment is inclusive and adapted to serve the needs of the disabled, this has to be weighed in the balance with the long-term preservation of the building and its architectural and historic interests. Occupants of old buildings do become ill, disabled or infirm with age, and the conservation section works with them and their occupational therapist to adapt their home in ways that allow them to continue living there. Often these are small changes; handrails etc that may not even result in changes that requires listed building consent, and can easily be removed when no longer required. This application is different in that the alterations required are in effect forever. As an example: the DDA requires owners of buildings open to the public to provide for access for the disabled, in effect, where they can. There is no presumption to allow damaging change to a building to provide for the needs of the disabled. We work with owners of such buildings to improve access, on a case-by-case basis. Some buildings accommodate that change more easily than others.

The balance here, for you and for members revolves around the following:

- Disregarding the health issues: are the alterations appropriate to a listed building? In my view they are not, supported by advice in PPG 15.
- Bringing in the health issues: are the alterations the minimum required and are they reversible? Whilst it is possible to put flags back into the room at sometime in the future, I doubt that you could condition it, and it is highly unlikely to happen. We must see this as permanent. Is it the minimum? As rehearsed above, the options of repair of covering should be fully investigated.
- Would a precedent be set? Infirmity and disability are an issue for those living in historic buildings. It would be preferable for many occupants to remove flag floors due to reduced mobility, and the grant of consent here would strengthen the arguments of many that they too should be allowed to alter a building in an inappropriate and non reversible manner, as it does not suit them or their condition.

I would like to see the Occupational Therapist's views with regard to this proposal and the options I have set out, and revisit the these options with the applicant which have not been done since I wrote to her in September 2007.

On a technical front the proposal is faulty. A concrete sub floor is likely to have a plastic membrane or DPC. This is known to drive the water in the soil sideways and I highly likely to promote damp in the adjoining walls. If Members are minded to grant consent, then it would be important to revisit the design of the floor, the way forward being a traditional suspended floor or a breathing limecrete floor.

As it stands I would recommend refusal on the basis these alterations, which are damaging to the architectural and historic character of the building and have not been fully justified and may create a precedent for alterations to other buildings. The proposal is also technically at fault and is likely to promote damp in the external and internal walls. The proposal is contrary to PPG 15.

SSDC Historic Buildings Officer

In regard to the laying of a lime-based screed floor, as far as I can see a lot will depend on levels. If the applicant is concerned that covering the existing flags with wooden flooring would result in a step down then presumably it would also create a step if the flags were covered with lime screed, which would probably need to be about 50mm thick to achieve sufficient compressive strength. Modern laminate flooring is very thin (about 8mm) and can be laid without the need for fixings into the flagstones so this might be a good solution in terms of not significantly increasing levels, but this may well result in the floor sweating beneath the new flooring in the same way as it would if a dpc had been placed over it. But that would be no worse than their proposal of concrete slab with dpc.

I think the best solution is obviously to replace any damaged flags with new or reclaimed flags. Given that wheel chairs are used outside where there are all manner of surfaces and not just smooth timber floors it seems hard to believe that a wheel chair cannot cope with flagstones. What is really needed is professional advice about the suitability of the existing floor for wheel chair use, and a proper explanation of why simply repairing this floor will not provide a suitable surface for wheelchair use. Do we have access to independent disability professionals who could advise us on this?

Just to confirm my conversation with Clive Davis of the South Somerset Disability Forum who said that smooth flagstones, tightly and evenly laid, are no problem for wheel chair users. He commented that in some cases minor unevenness in solid floors can be accommodated using a wheelchair with pneumatic tyres, but that it depends on the nature of the illness or disability as to whether this might be uncomfortable for the wheelchair user.

South Somerset Disability Forum

Thank you for site of the photos of the flagstone flooring.

From the photos you have emailed me the flagstones look in a fairly good condition and possible with some surface dressing work and gap filling my view is that the said surface should not be a problem for most wheelchair users.

However, this would depend on the person disability and their ability to use a manual wheelchair, assuming they use a manual wheelchair, also the design of the chair. However, if using a powered wheelchair most powered chairs would have very little if any problem moving over the surface.

To close, I would suggest asking for more information on the persons disability so one can form a clearer picture why to fill these flagstones are such a big problem to that person with the disability.

Representations

The application has been advertised by press and site notice for the requisite period. No responses have been received.

Considerations

This application is made for listed building consent to replace traditional flagstone flooring, which is in a state of disrepair being worn and uneven. The purpose of the proposed alterations is to provide level floor for the use of the room as a bedroom for the applicant's daughter. The daughter suffers from Young Simpson Syndrome and epilepsy and as a result is a permanent wheelchair user and unable to use stairs, requiring ground floor facilities.

Historic Context

Aside from the special circumstances relating to this application, the proposal relates to alteration within a listed building and as such there is statutory requirement on the local planning authority to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

PPG 15 requires that applicants for listed building consent must be able to justify their proposals. They will need to show why the works that affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information to enable them to assess the likely impact of their proposals on the special architectural and historic interest of the building and on its setting. This is supported by the statutory requirement for applications for listed building consent to include a design and access statement. There is specific regulation for listed building consent and this requires information on the principles and concepts applied to the works in relation to the design and the listed building and its setting.

While the Local Planning Authority recognise the special circumstances of the applicant and the need to improve the flooring, objections are raised to the manner of alteration proposed. The proposal is made to completely remove the existing historic flooring and replace with a modern concrete base, covered by floorboards. It is not considered that such an invasive and destructive approach is appropriate in this historic setting. It is deemed that there are several options that should be considered before such a drastic alteration is made.

PPG15 gives advice on floor surfaces and also on access for disabled people, as included in the Conservation Officer's observations above. It is considered that the appropriate way forward is to take a sequential approach. The first step is to repair or replace existing defective flagstones. The next step may be to consider a suitable covering for the existing flagstones that is reversible in the future and will meet the applicant's needs without prejudicing the long-term preservation of the listed building. Only if these options are inappropriate should the proposed intervention be even considered. The onus is on the applicant to fully explore all options and provide justification as to why these may be unsuitable for their needs.

The applicant has carried out pre-application negotiations with the Council's Conservation Officer, regarding ways to provide an even floor to this room. Suggestions were made, as was the offer of further assistance in coming to a suitable proposal. However, this advice does not appear to have been taken. The applicant was advised of the requirement to support the current application with a full written justification, including details of the daughter's needs (supported by a letter from the Occupational Therapist) and details of why more appropriate interventions are unacceptable. No supporting information has been provided and no justification has been made as to why the proposal is the only option.

The Historic Buildings Officer has also commented on this application and shares the feeling that replacement of flagstones should be considered primarily and that the applicant has to provide evidence as to why this option is not suitable. Furthermore, the Historic Buildings

Officer has contacted the South Somerset Disability Forum, in regard to the general suitability of flagstones for wheelchair use.

The South Somerset Disability Forum has made a response based on general wheelchair usage and having viewed the photos submitted with the application. It is acknowledged that the photos provided do not show the full extent of the damage to the existing flooring and that the Forum have no details of the applicant's daughter's condition, hence the statement that they appear to be in fairly good condition and maybe suitable for wheelchair use. However, the main points to be considered are that providing the re-laid or replaced flagstones are smooth, tightly and evenly laid they should not present any problems for wheelchair users. Furthermore, the Disability Forum advise that further information would be needed to form a clearer picture as to why the filling of the existing flagstones or use of replacement flagstones would be such an issue.

Taking into account the above comments, it is considered that the proposed alterations are unacceptable as they will be damaging to the architectural and historic character of the listed building and are not fully justified.

In addition to the objections raised above, the Conservation Officer has concerns about the use of a concrete sub-floor, as there is likely to be a plastic membrane or dpc. This element of the proposal is known to cause damp problems, particularly promoting damp in adjoining walls.

Consideration also must be given to the principle of setting a precedent. The Local Planning Authority often receives applications to remove flagstones due to reduced mobility. It is considered that granting consent may strengthen the arguments of many that they too should be allowed to alter a building in an inappropriate and non reversible manner, as it does not suit them or their condition.

Special Circumstances

The Local Planning Authority is aware of the needs of the applicant's daughter and as such is sympathetic to the reasons behind this application. However, the application needs not only to justify the interventions to the listed building but also justify those interventions in the context of the special needs.

Even though there is no doubt of the applicant's daughter's illness, this application is required to be supported by a full justification of the daughter's needs, supported by a letter from the occupational therapist. No such supporting information has been submitted. As such, at this stage it cannot be considered that there is adequate justification in terms of the applicant's needs.

Conclusion

To conclude, it is considered that the main points for members to consider are as follows:

1. Apart from the health issues, are the alterations appropriate to a listed building?
2. Taking the health issues into account, are the proposed alterations the minimum that is required and are they reversible?
3. Would a precedent be set?

For the reasons covered in the above report, it is considered that the proposed alterations are inappropriate for the listed building, other reversible options have not been considered and there may be case of a precedent being set. As such, the proposal is considered to be

detrimental to the architectural and historic character of the building and has not been fully justified.

As referred to earlier, the Conservation Unit have offered advice and assistance to the applicant and are willing to enter into further dialogue to discuss an appropriate solution to this problem.

Therefore, the recommendation to Members is to refuse listed building consent for the proposed replacement of the flagstone flooring, with concrete sub-floor and wooden floorboards. However, should Members be minded to grant consent, they are strongly advised to revisit the design of the floor. For the reasons referred to above, regarding future implications of the spread of damp, it is considered that traditional suspended floor or breathing limecrete floor would be more appropriate. Having said that, it is still not considered to be an appropriate intervention without considering other options.

At the time of writing this report, the applicant has been made aware of the recommendation and is hoping to make further supporting information available prior to Area North Committee.

RECOMMENDATION :

Refuse

Application Refused

01. The replacement of the flagstone floor, as proposed, is unacceptable by reason that it will be damaging to the architectural and historic character of the listed building, has not been fully justified and may create a precedent for similar alterations to other buildings. As such the proposal is contrary to advice contained within Planning Policy Guidance 15 and policy EH3 of the South Somerset Local Plan 2006.

NOTES *(if any)*

01. The applicant is advised that officers would be willing to discuss revisions to the proposed scheme that address the above reason for refusal prior to resubmission of any application for Listed Building Consent. In particular, the Conservation Unit have offered to enter into further dialogue to discuss an appropriate solution to the applicant's requirements.
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