



## Appeal Decisions

Site visit made on 2 November 2010

by **Olivia Spencer BA BSc DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2010

### Appeal Ref: APP/R3325/E/10/2128972

#### 9 Fore Street, Chard, Somerset TA20 1PH

- 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 Bradley Management against the decision of South Somerset District Council.
- The application Ref 09/04948/LBC, dated 17 December 2009, was refused by notice dated 26 March 2010.
- The works proposed are change of use of a shop and offices to a shop and 2no. houses with associated internal alterations.

### Appeal Ref: APP/R3325/A/10/2127891

#### 9 Fore Street, Chard, Somerset TA20 1PH

- 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 Bradley Management against the decision of South Somerset District Council.
- The application Ref 09/04947/FUL, dated 17 December 2009, was refused by notice dated 26 March 2010.
- The development proposed is change of use of a shop and offices to a shop and 2no. houses with associated internal alterations.

### Decision

1. I dismiss the appeals.

### Main Issues

2. The main issues are firstly, the effect of the proposed development on the special interest of the building which is listed grade I and secondly, the effect on the living conditions of future occupiers of the proposed dwellings with regard to noise and disturbance.

### Reasons

#### *Listed building*

3. The appeal property forms part of a complex of structures with late 16<sup>th</sup> century and early 17<sup>th</sup> century origins. That part which is the subject of the appeal in particular retains many features of the original house. Of special note is the barrel vaulted court room with rare and fine plasterwork, but the grandeur and quality of the building is evident also in other large rooms, some with decorative plaster ceilings. Although altered in the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries, these rooms together with other structural and decorative details

provide an extraordinary record of the historic origins and evolution of the building. It is in this and in its rarity that the particular significance of the building principally lies.

4. Partitions and a staircase inserted into the office and the room behind it would substantially alter the appearance and proportions of these spaces which the Architectural and Historical Assessment undertaken for the appellant in 2004 notes originally formed part of a large grand room. That the kitchen partition would be glazed would do little to reduce its impact in this respect. The newly enclosed spaces would be relatively cramped and awkwardly shaped, and the large mullion window which once would have been a dramatic feature of the chamber would be reduced to serving a corridor.
5. The opening above the stair would require removal of part of the ceiling and floor above, together with some loss of the 19<sup>th</sup> century plaster cornice. No details have been provided to demonstrate how this could be achieved without significant harm to the historic fabric of the building. Similarly I have seen no evidence of what harm may be caused by the insertion of the proposed party walls or how the installation of services would be accommodated. Of particular concern in this regard is the proposed drainage works below the floor of the proposed kitchen nearest the front of the building and the proposed raising of the floor in the rear kitchen. Little if any information has been provided of the nature, age and significance of these floors or what may lie beneath them, and no details have been provided to demonstrate the effect the raised floor in the rear kitchen would have on the plank and muntin screen which it would abut.
6. I note also that the works would include the removal of a stair which though probably late 19<sup>th</sup> century nevertheless forms part of the evolving history of the building and numerous small scale alterations and repairs for which very little detail is given. In these circumstances I can only conclude that the scheme would result in substantial harm to the building's significance.
7. *Planning Policy Statement 5: Planning for the Historic Environment* and the accompanying Practice Guide advise the where a proposal causes harm this needs to be weighed against other public benefits such as the conservation of the asset. I understand that the property has been marketed for office use for a considerable time but I have seen no evidence as to whether the price asked fairly reflected the nature and condition of the building. Nor do I for the reasons given consider that it has been demonstrated that the proposal would cause minimum harm to the special interest of the building. Simply stating as the appellant has done that no significant features would be affected and that the works are justified to facilitate restoration and continued use of the building is not sufficient to enable proper consideration of the proposal in accordance with national guidance.
8. I conclude overall on this issue therefore that the proposed development would fail to preserve the special interest of the listed building contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP) 2000 and Policies ST5, ST6 and EH3 of the South Somerset Local Plan (LP) 2006.

#### *Living conditions*

9. The courtyard is small and the refrigeration units fixed to the face of the rear wing of no.7 are close to the appeal building. All habitable rooms of the proposed rear dwelling unit would face onto this courtyard and future occupiers would I consider, find noise from the units intrusive particularly in the summer.

months when they may wish to open windows. I conclude therefore that the proposal would have a detrimental effect on the living conditions of future occupiers of the appeal building contrary to national and development plan policies which seek to promote the development of high quality residential environments.

*Olivia Spencer*

INSPECTOR

**S.SOM.DC**

**01 DEC 2010**

**RESOLUTION CENTRE**