

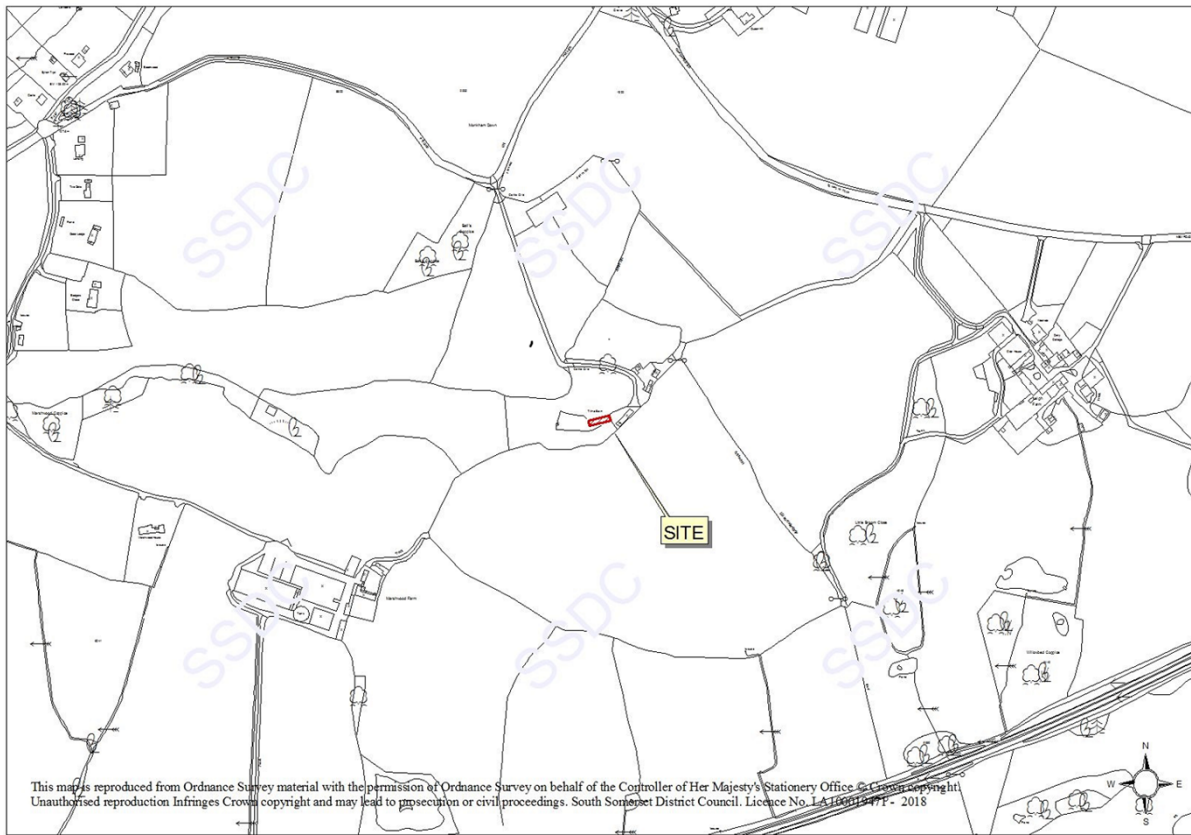
## Officer Report on Planning Application: 18/01068/LBC

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| <b>Proposal :</b>                             | The carrying out of various internal and external alterations (part retrospective). |
| <b>Site Address:</b>                          | Tithe Barn Pye Lane Forton  |
| <b>Parish:</b>                                | Tatworth and Forton   |
| <b>TATWORTH AND FORTON Ward (SSDC Member)</b> | Cllr A Turpin   |
| <b>Recommending Case Officer:</b>             | Mike Hicks<br>Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.             |
| <b>Target date :</b>                          | 19th July 2018  |
| <b>Applicant :</b>                            | Mr Antony Pike  |
| <b>Agent:<br/>(no agent if blank)</b>         |   |
| <b>Application Type :</b>                     | Other LBC Alteration  |

### REASON FOR REFERRAL TO COMMITTEE:

At the request of the Ward Member and the agreement of the Area Chair this application is referred to committee to discuss the merits of the replacement of the staircase.

### SITE DESCRIPTION AND PROPOSAL





This application is for the retention and regularisation of unauthorised works to this Grade II listed building.

The Tithe Barn is a stone built vernacular farmhouse set under a thatched roof. This is a resubmission of a previously refused scheme for various internal and external alterations to the farmhouse. The previously refused scheme under reference 17/00177/LBC was submitted as the result of an enforcement case. The application was refused by committee in accordance with the Planning Officer recommendation for the following reason:

"The proposed alterations by reason of the loss of loss of the historic plan form, and the introduction of an alien open hallway in the centre of the building would be detrimental to the special architectural and historic qualities of the Grade II listed building. There is a lack of clear and convincing justification to demonstrate that any benefit outweighs the great weight to be given to conservation of heritage assets. The proposal is therefore contrary to Section 16 of the Listed Building and Conservation Areas Act, policy EQ3 of the South Somerset Local Plan (2006) and Chapter 12 of the National Planning Policy Framework 2012".

As with the earlier application the proposed works are as follows:

#### External Works

1. Moving kitchen doorway from east gable to south (front) elevation and providing new door
2. Removing window from west gable and sealing opening with stonework
3. Providing new opening and French doors in west gable
4. Changing door to French doors at west end of south elevation
5. Replacing majority of timber windows with timber double-glazed windows
6. Removing pitch fibre soil pipe and providing cast-iron soil pipes and painted plastic
7. Waste pipes on south elevation

8. Rebuilding of east chimney and addition of one chimney pot

#### Internal Works

1. Removing staircase from kitchen to upper floor
2. Removing partition between west end and central room
3. Removing modern wooden winder staircase from south-west corner and installation of an abbreviated staircase
4. Removing section of floor to central room and insertion of new staircase
5. Lining rear of ground floor fire places with brick and covering jambs of west fireplace with brick
6. Replacing plasterboard ceilings with new plasterboard ceilings
7. Re-plastering and tanking rear wall
8. Re-arranging partitions at west end of first floor and re-siting bathroom 17/00760/FUL
9. Removing stud partition walls forming cupboards in the kitchen

#### RELEVANT HISTORY

17/00177/LBC- External alterations to windows and doors, replacing soil pipes and rebuilding of east chimney. Various internal alterations to include removal of staircase (part retrospective) - Refused.  
15/00189/LB - Enforcement Enquiry

#### 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'

NPPF (2018) Chapter 16 - Conserving and Enhancing Historic Environment is applicable. This advises 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building; park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

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:

Policies of the South Somerset Local Plan (2006-2028)  
Policy EQ3 - Historic Environment

#### CONSULTATIONS

Tatworth and Forton Parish Council: Recommend approval

#### SSDC Conservation Officer:

The Tithe Barn was previously assessed by Greg Venn. He recorded a series alterations that had taken place without listed building consent, and detailed these in correspondence to Lorraine Pike (homeowner) dated 29th October 2015. These were as follows:

- Insertion of hallway stairs and the removal of part of the ceiling to accommodate a large L-

shaped staircase;

- Removal of partition between west end and central room;
- The missing winder staircase in the west end of the house;
- Removal of door and door surround at the entrance of the winder stair in west end
- the removal of a window, replaced with a new door in the west end of the house, on the wall which the stair would have originally leant against;
- floor plan alterations including the addition of a wetroom on the first floor where the stairs would have opened out into;
- Changes to the original stone fireplace with Bessemer beam, which is a large hearth built in brick;
- Loss of corner cupboard;
- Altered partitions on the first floor.

The proposal to introduce the 'abbreviated' stair into the location of the old winder stair as an indication of its existence does very little to encourage understanding of its importance to the rest of the house or plan form, and would instead represent the winder as an incidental addition, which is incorrect.

The stone stair turret alongside the fireplace is indicative of a 16th century building. The staircase and associated historic fabric of the enclosing door, stair window and spice cupboard on the opposite side of the fireplace are rare and valuable features of a historic building, they provide authentic historic data about the buildings age and inform us about the way people lived. The loss of this fabric has reduced the buildings legibility, destroying an important element of its history. What exists there now bears no relation to the original winder stair or its former use. Despite the fact that the stairs that were removed were apparently a 1970's replacement of earlier stairs, the existence of them next to the fireplace imparts a great significance onto the building, which has been lost with their removal. The loss is harmful to the integrity and historic significance of the building.

Furthermore, the stair turret and associated fabric give us details about the vernacular plan form, local construction methods and materials used through each phase of building. The removal of the winder staircase, and associated historic fabric, has greatly reduced integrity and significance of the Farmhouse.

The quarter landing stair located in the lounge is a new addition, a section of potentially 16th century ceiling/floor was cut away to accommodate a modern design staircase, subsequently altering the building further from its original form and reducing the legibility and historic integrity of the property. The hole in the ceiling created by the open stair is unjustified and harmful to the character and special architectural interest of the building.

The removal of the partition that once existed through the lounge, has caused the building to become unrecognisable from its original three cell form, which would have comprised a lobby entrance and front room to the west. The room, which serves as the lounge, would not have been as large. There is no indication that a partition wall even existed in that location, this has caused harm to the legibility of the building which is compromised as a result of its removal.

A new first floor plan upstairs in the west end of the farmhouse to include a wetroom and two bedrooms has also required the rearrangement of the plan form and upstairs partitions, and removal of the winder staircase access. This has meant that the original Jack and Jill room arrangement has been lost.

The brick cladding on the inglenook fireplace has hidden all of the original features, removing part of the special architectural interest of the building and instead covering with a pastiche version of what the fireplace should be. There would have been ample opportunity to restore the fireplace without causing harm, and there is very little logic to the changes that have occurred. In order to partly restore the significance of the property it would be a relatively simple task to remove the brick cladding and return

the fireplace to its original form.

The loss of the plan form has again reduced the integrity and legibility of the building. Removing the historic indications lead us to understand the evolution of the building. It furthermore has a significant impact on the aesthetic qualities of the building which impart character and charm onto the building.

### **Historic England:**

#### Historic England Advice

The grade II listed Tithe Barn at Forton is a stone built vernacular farmhouse probably dating from the late 15th century. Additional accommodation has been added at both the east and west end of the central core with one or both of these extensions functioning as barns ancillary to its primary role as a farmhouse. Internally for much of its history it appears to have been divided into two dwellings, as can be seen through the layout of the ground floor which is made up of four similar sized adjacent compartments.

The heritage significance of the Tithe Barn is derived from the evidence that survives within the fabric, the form the building takes and its layout. There are a number of notable features internally including exposed beams, stone fire surrounds and a characteristic timber plank and muntin screen. The historical, evidential and aesthetic interest of the building contributes to its overall significance as a multi-phased former farmhouse and agricultural building with historic links to nearby wealthy and influential landowners.

This application is for the retention and regularisation of unauthorised works to this Grade II listed building. Historic England has offered extensive advice on these unauthorised works during pre-application discussions and also on the Listed Building Consent application 17/00177/LBC. This application was refused due to the harm caused to the grade II listed Tithe Barn.

The application has provided additional justification for the works as well as notional steps to address concerns regarding the loss of the timber winder in the stone staircase. This is for a short flight of 6 steps giving an indicative position of the winder within the opening; however its truncated appearance lacks integrity and appears contrived within the plan form. Unfortunately, these steps do not address the issues raised in our previous letters and those concerns over the impact of the unauthorised works to the significance of the listed building are maintained within this response. These are set out below for your information.

We have previously commented on the works identified to be unauthorised and requiring listed building consent at the pre-application stage. The initial advice was provided to assess the level of harm caused by the works undertaken and to facilitate discussions with South Somerset District Council regarding regularisation of those works. As a Grade II listed building Historic England's remit is limited to commenting on those works that have included the demolition of primary fabric. Any decisions regarding the approval of works or the need for enforcement actions will be taken by South Somerset District Council.

We previously advised that alterations to the western stone stair access that involved the removal of a winder staircase, the filling in of a window opening and the insertion of a double door at ground level has caused significant levels of harm by removing an understanding of the function of the staircase in providing access to the first floor and that these unauthorised works have negatively impacted on the way the historic use of the building is appreciated. We acknowledge that based on photographic evidence supplied by the applicant that the staircase that was removed is likely to have been a modern timber replacement that probably little resembled the original, but its position and continuing use indicated the historic relationship between the two levels and the form and function of the stair turret. There is some doubt whether the window opening was historic but in the absence of any evidence to the contrary it must be assumed that it is. The net result of the works has been to diminish the character

of this part of the building and to obscure its legibility therefore we advise that they are reversed and a staircase is reinstated in materials and of a design to be mutually agreed between the local authority and the applicant.

Our advice regarding the addition of a central staircase is that its location, scale and appearance is not in keeping with the proportions indicated by the ground floor ceiling heights and floor levels and is contrary to the historic plan form and hierarchy of space congruent with a modest farmhouse. The cellular plan form has been all but lost by the removal of internal partitions, and it is noted that in recent estate agent particulars that masonry wall nibs had been retained in principal rooms indicating the position of the main partitions but they have now been removed and this is regrettable. This, in conjunction with the other works detailed above has contributed to a loss of legibility of individual spaces within the building.

The removal of the winder staircase at the western end and the insertion of a feature stair case in a prominent central position within a large ceiling void, seen as a whole, have served to erode and undermine the Tithe Barn's inherent character causing considerable harm to the overall heritage significance of the asset. These are works that would not have been supported at a proposal stage.

#### Policy

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

National Planning Policy Framework (NPPF) Paragraph 132 sets out 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. The more important the asset, the greater the weight should be. It also states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Therefore clear and convincing justification should be provided to support any harm identified. Paragraph 134 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

#### Position

The indicative winder stair proposed by the applicant to indicate the former role of this section of the buildings plan form is contrived and consequently, does not address our concerns. The level of harm caused is considered to be less than substantial but we have not been made aware of any public benefits that would accrue from the regularisation of these unauthorised works to outweigh this level of harm. The additional justification provided relates to the need for the building to be a functioning family home. Consequently, the council need to be overwhelming convinced that the former layout would make the use of the building as a residential dwelling untenable. They also need to be certain that less harmful solutions could not have been employed to address some of the concerns raised by the applicant.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. The steps by the applicant are noted but are not sufficient to alleviate those concerns. Therefore, we recommend that the unauthorised works detailed above are reversed reducing the harm caused to the heritage asset.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

## **REPRESENTATIONS**

Following consultation, no representations have been received.

## CONSIDERATIONS

There is significant concern about some of the proposed and implemented internal works and the subsequent impact upon this historic listed building. Both of the specialist consultees conclude that the works are not justified against the statutory protection given to the listed building including section 16 of the Listed Buildings and Conservation Areas Act (1990) and the relevant sections of the NPPF and consider that the impact of the works would be harmful.

The NPPF requires that applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset (para. 189). This should be sufficient to understand the potential impact of the proposal on its significance. When considering the impact of development, great weight should be given to the asset's conservation and that any harm should have clear and convincing justification (para. 193) Furthermore that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm or loss should require clear and convincing justification from the applicant (para. 194). Any harm should be judged against the public benefit (para 196).

As noted by Historic England, it is considered that the heritage significance of the building is derived from evidence within the fabric, the form of the building and its layout. The internal plan form of the building is of significance to its historic interest as it had remained legible and relevant and provides evidence as to how the building was used historically.

The application includes various items, some of which are not considered to be harmful, however the harmful elements relate to the alterations to internal planform by removal of existing and addition of new partitions, removal of staircase and insertion of new open staircase (internal items 2,3,4,5 8 listed above).

Following the earlier refusal, the applicant has amended the proposal by including an 'abbreviated staircase' into the area where the previous staircase was removed from the south western corner of the dwelling. All other aspects of the application remain as per the previous application. The abbreviated staircase would consist of 6 stair treads which then terminate at a height of around 1 metre above ground floor level. The applicant states that this will aid the understanding of the previous planform and that the overall alterations are justified to facilitate family living.

Historic England have objected to the loss of this staircase, commenting that its loss diminishes the character of this part of the dwelling and negatively impacts on the way the building is appreciated. They further comment that the truncated appearance of the slight of 6 steps lacks integrity and would appear contrived within the plan form.

Historic England and the Councils Conservation Officer maintain their objection to the removal of floor and insertion of the replacement staircase commenting that its central location, scale and appearance is not in keeping with the proportions indicated by the ground floor ceiling heights and hierarchy of space appropriate within a modest farmhouse. Furthermore, that the cellular plan form has been lost from the removal and rearrangement of internal partitions on the ground and first floor.

In terms of justification, the applicant states that the overall proposals are justified to facilitate family living. However; the Conservation Officer and Historic England are of the view that they are harmful. It is considered that the level of harm is at the upper end of 'less than substantial' as opposed to 'substantial harm'. The NPPF and case law make it clear that the finding of harm should be given considerable importance and weight and provides a strong presumption against granting permission. The balancing exercise of the public benefits required by para 196 is therefore strongly tilted in favour of preservation and must be carried out against the statutory duty for preservation. The preferences for family living and internal layout of the current owner are not sufficient to constitute a clear and convincing

public benefit. As there is an objection from Historic England, if the Councils decision was to approve the application, it would need to be referred to the National Planning Casework Unit (NPCU) with a recommendation to approve for the NPCU to make the final decision.

However the above is not required given the conclusion in this report. Accordingly it is considered that the harm identified is not justified and as such would be contrary to the advice in the NPPF and Policy EQ3 of the South Somerset Local Plan (2006-2028).

## **CONCLUSION**

For the reasons considered above and in accordance with Section 16 of the Listed Building and Conservation Areas Act, Policy EQ3 of the South Somerset Local Plan (2006), and Chapter 12 of the National Planning Policy Framework 2012. It is not considered that the application can be supported.

## **RECOMMENDATION**

Refuse for the following reason:

### **SUBJECT TO THE FOLLOWING:**

01. The proposed alterations by reason of the loss of loss of the historic plan form, and the introduction of an alien open hallway in the centre of the building would be detrimental to the special architectural and historic qualities of the Grade II listed building. There is a lack of clear and convincing justification to demonstrate that any benefit outweighs the great weight to be given to conservation of heritage assets. The proposal is therefore contrary to Section 16 of the Listed Building and Conservation Areas Act, policy EQ3 of the South Somerset Local Plan (2006) and Chapter 16 of the National Planning Policy Framework 2018.
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