



Appeal Decision

Site visit made on 28 September 2021

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/F2415/F/20/3256616

Claybrooke Hall, Main Road, Claybrooke Parva, Lutterworth LE17 5AE

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Max West against a listed building enforcement notice issued by Harborough District Council.
- The enforcement notice was issued on 26 June 2020.
- The contraventions of listed building control alleged in the notice are:

Front reception room (Library)

The walls and ceiling of the room has been finished in solid oak panelling which is not in character with the main building or the style and era in which it was built.

Kitchen

The kitchen has been over-clad with ashlar stone and a substantial mock fireplace has been constructed while a door and internal window have been finished with gothic arch details, and a historic range cooker has been removed.

Main Stair

The main stair has been over-clad with new timberwork in preparation for laying of a marble floor. The new boarding is masking the surviving historic fabric and has changed the intrinsic proportions of the stair. The handrail has also been removed.

Second stair (west wing) and handrail

The second stair and associated bannister in the West wing of the building has been replaced.

First floor flooring and doors

A false floor has been installed throughout the first floor to contain services, the effect of which has been to truncate all doors and architraves and to cause the historic fireplaces to sit below the floor level.

Panelling

Timber wall panelling has been installed on the ground floor corridor which links the main hall with the rear door, creating a unified decorative finish which has blurred the division between the main circulation space and the service wing.

- The requirements of the notice are:

Front reception room (library)

The over boarding and new decorative finish to this room be removed and the room restored to its former character.

Kitchen

The over boarding and new decorative finish to this room be removed and the room restored to its former character.

Main stair and handrail

The over-boarding be removed and the historic bannister and balusters re-instated or replaced in replica where necessary.

Second stair (West wing) and handrail

Over-boarding to be removed and the historic fabric re-instated or replaced in replica where necessary.

First floor flooring

The false floor be removed from the first floor.

Doors and architraves

The doors to the main body of the house to be reinstated and the architraves reinstated to original proportions.

Panelling

New panelling to the main body of the house to be removed accordingly.

- The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and the listed building enforcement notice (LBEN) is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Procedural matter

2. The appellant accepts the requirements of the LBEN with respect to the main stair and second stair (West wing) and handrail. Consequently, my decision for the appeal on ground (e) does not cover these works.

The appeal on ground (e)

3. The ground of appeal is that listed building consent ought to be granted for the works and therefore the main issue is the effect of the works on the special architectural and historic interest of the Grade II listed building.
4. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses.
5. Policy HC1 of the Harborough Local Plan 2011 to 2031 (Adopted April 2019) (the LP) relates to the built heritage and among other objectives states that development affecting heritage assets will be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset.
6. The Grade II listed appeal building was first listed in September 1993 and is an early nineteenth century house. It is plastered with flat wooden eaves soffit with paired brackets to its shallow hipped roof with stacks behind the ridge to the right and behind the ridge to the left. It has two storeys, regular three window frontage with glazing bar sashes. It has a central panelled door in an entablature-headed porch in flat surround with paired Tuscan columns. There is a two storey canted bay on the right return front and a lower two storey wing with hipped roof to the left.
7. Its significance lies in its simplicity as a small country house in a simple square plan with a two storey side service wing. It was designed in a regency style with simple yet elegant proportions and muted classical detailing.

Front reception room (library)

8. The appellant has confirmed that the oak panelling has not been fixed directly to the building and that as a consequence of its degree of reversibility and

simplicity it should be approved. However, the library is one of the Hall's principal rooms and it is likely that it was decorated in a style similar to other main rooms at ground floor level with similar architectural detailing such as cornicing. The walls are now covered with oak panelling and an oak coffered ceiling is suspended below the original ceiling. The panelling replicated that which has been installed in the adjacent study.

9. The works carried out may be of a high standard, but they are likely to cover existing historic decorative features such as coving, picture rails, architraves and window shutters. Furthermore, the alterations have created a totally different design and style approach to the decoration of such an important principal room which is very much at odds with the overall regency character of the property. Indeed, the overall character of the house is one of restrained elegance and the works to the library are at odds with that.
10. I have noted the method of installation but cannot be certain that historic decoration and features have not been damaged by the installation of the oak panelling. It may be removable without causing significant harm, but in my mind that does not justify such harmful and intrusive works in a sensitive building. I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

Kitchen

11. The kitchen has been over-clad with ashlar and a substantial sandstone mock fireplace has also been constructed. Furthermore, a door and internal window have been finished with a gothics arch details. It is also my understanding that an historic range has been removed. The appellant has stated that the stone cladding is fixed to studwork and not directly to the walls and that original door and window openings have been retained behind the cladding.
12. The decorative overhaul of the kitchen is visually significant and the fireplace is very much out of proportion with the character of the room. The wall to the corridor has also been overclad with ashlar and the gothic arch features sit uncomfortably with their surroundings and, in particular the hall. There is no doubt that the alterations are very significant and have harmed the character of the kitchen and adjacent areas, hide or eliminate historic features such as the original openings and range, and are harmful to the character and appearance of the building.
13. The appellant states that the works have had a negligible impact on the building's character and significance and the works reflect the original purpose of the room and its position within the hierarchy of spaces within the Hall. I appreciate that as a kitchen it is a secondary room and may be of a lesser status than other principal ground floor rooms at the house, but the works exceed mere decoration but are visually intrusive, insensitive alterations which have fundamentally and detrimentally changed the character of the kitchen. I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

First floor flooring and doors

14. A new floor has been installed at first floor level which is, in effect, a floating floor which is not affixed to the original floor of the property. It is my

- understanding that the purpose of the new floor is to provide a suitable base for new flooring and to provide a void for new service runs.
15. The appellant has stated that the installation has not caused damage to any historic fabric and as it is not fixed to the building this element is easily reversible without causing harm. Nevertheless, the works have resulted in alterations to the doors and architraves as a consequence of the alterations to the floor level. The appellant accepts that the works have resulted in a change to the building's character but argues that they have had little impact on the overall character of the building and its significance.
 16. The changes to the proportions of the doorways and changes to the relationship of the fireplaces to the floor are significant in that they have caused harm to the decorative elements of the house and therefore the special interest of the listed building. There is little evidence that alternatives have been explored with reference to the provision of service runs and the harm is not justified. It may be the case that these particular works could be reversed but again that does not justify the harm caused by the works that have been carried out without due consideration of the historic and architectural significance of the building and, in particular, the importance of its interior design and decoration. Therefore, I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

Panelling

17. Timber panelling has been applied to the corridor which connects the main hall with the rear door. The corridor served as a service corridor and prior to the works taking place it is my understanding that it was simply decorated without there being any obvious functional division with the rest of the ground floor of the house.
18. The appellant understands that the panelling is fixed to the studwork and not directly to the walls and consequently is potentially reversible. He also assumes that little damage has been caused to the corridor's historic fabric, although there is little evidence to support this claim. The works that have occurred amount to significant redecoration of this part of the property and as such should respect the historic integrity of the house and, in particular the division between the different roles of the main hall and the service wing at ground floor level.
19. The service wing would have been far less decoratively important than other areas of the ground floor such as the hall and principal rooms and the panelling somewhat reverses this distinction, harming the integrity of the ground floor decoration and blurring the different roles of the different parts of the ground floor. The works have significantly altered the corridor's appearance and as such have had a significant harmful effect on the historic interest and significance of the ground floor of the building. It is argued that the service corridor retains its legibility as an ancillary space, but in my judgement, this has been unacceptably compromised. Therefore, I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

Conclusions

20. The Framework advises that when considering the effect of works on the significance of designated heritage assets great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration of those assets. For the reasons set out above the works have resulted in harm to the special architectural and historic interest of the Grade II listed building. In this case that harm is less than substantial.
21. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the works, which includes securing the optimal use of the building. The appellant contends that the works have been undertaken to secure its use as a single residence, which in his view is the optimal viable use of the building, and as part of a wider programme of refurbishment to address the building's poor condition. I accept that the works are part of the wider refurbishment of the historic building but do not agree with the argument that the unauthorised works are required to make the property viable as a single residence. It is clear to me that refurbishment and preparation for its use as a single dwelling by the appellant could quite easily have taken place without the need to carry out such intrusive and harmful interventions. In any case, the argument presented by the appellant illustrates only very limited public benefits but rather some private benefits to the appellant.
22. Given the above, and in the absence of sufficiently clearly defined public benefit, I conclude that the works have a harmful effect on the special architectural and historic interest of the listed building. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policy HC1 of the LP.

Formal Decision

23. I dismiss the appeal and uphold the listed building enforcement notice and refuse listed building consent for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

A A Phillips

INSPECTOR