
Appeal Decision

Hearing held on 18 November 2014

Site visit made on 18 November 2014

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 6 January 2015

Appeal Ref: APP/N0410/E/14/2225696
Cliveden, Taplow SL6 0JA

- 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 Michael Stubbs of the National Trust against the decision of South Bucks District Council.
 - The application Ref.14/00231/LBC, dated 28 January 2014, was refused by notice dated 3 April 2014.
 - The works proposed are described as 'listed building consent to renew damaged brick piers and band courses with bespoke sized bricks and to re-apply a render repair to the Grand Staircase'.
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Preliminary Matters

1. The 'Grand Staircase' is part of what the list description calls the 'terrace wall to the garden front, Cliveden'. The terrace wall is a Grade I listed building, as is the main house that rises above it.
2. In the first instance, it was argued on behalf of the appellant that, in essence, what is proposed is a repair and as a consequence, does not constitute works. A grant of listed building consent should not, therefore, be necessary for the proposal. If the argument put forward by the appellant is accepted, the correct course of action would be to take no further action in connection with the appeal on the basis that listed building consent is not required.
3. I do not, however, accept that to be the case. Section 7 of the Act¹ sets out that no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.
4. What is proposed, put very simply, is the stabilisation of the brickwork that supports the Grand Staircase with new metal fixings, with some bricks being replaced, and the application of a lime-based render over the top, to replace the cement-based render previously in place.
5. In appearance terms, I accept that it would be difficult to tell that much had taken place that went beyond repair. Character is a more intrinsic quality, however. The stabilisation works would involve new metal fixings, there would be replacement bricks, and render of a different nature would be applied.

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990

6. While the outward appearance of the Grand Staircase would change little as a result, these would be alterations that would affect the character of the building as one of special architectural or historic interest. As such, what is proposed constitute works that require authorisation through a grant of listed building consent.
7. Before dealing with the merits of the scheme, it is necessary to examine the description of what is proposed. As discussed at the Hearing, some modifications are required to reflect the exact nature of the proposal, and the suggested conditions. To that end, I have dealt with the appeal on the basis that what is proposed is 'the renewal of damaged brick piers and band courses and the re-application of render to the Grand Staircase'.

Decision

8. The appeal is allowed and listed building consent is granted for the renewal of damaged brick piers and band courses and the re-application of render to the Grand Staircase at Cliveden, Taplow SL6 0JA in accordance with the terms of the application Ref.14/00231/LBC, dated 28 January 2014, and the plans submitted with it, subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than three years from the date of this consent.
 - 2) No works shall take place until a detailed method statement for the application of the render, incorporating details of any fixings to be used, and finishes, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.
 - 3) Any replacement bricks required shall match the existing in terms of colour and texture.

Main Issue

9. The main issue to be considered is the effect of the works on the special architectural and historic interest of the listed building or, in the parlance of the Framework², the significance of the designated heritage asset.

Reasons

10. The starting point for consideration of the proposal is Section 16(2) of the Act. This says that in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State³ shall 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. The term 'preserve', in this context, means to keep safe from harmful change.
11. The Framework takes a subtly different approach. 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. The glossary defines conservation (for heritage policy) as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

² The National Planning Policy Framework

³ And I take that to include an Inspector acting on his or her behalf

12. Reference has also been made to the development plan. While Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to applications for listed building consent, relevant policies in the development plan are material considerations. LP⁴ Policy C6 says that consent will not be granted for alterations that would harm the character or appearance of a listed building or its features of special architectural and historic interest. CS⁵ Core Policy 8 takes a broadly similar tack.
13. The fabric of the Grand Staircase has suffered from the effects of water penetration. There is a pressing need for this to be addressed and some loss of historic fabric is an inevitable consequence. What is proposed are works that stabilise the structure of the Grand Staircase, and, while some bricks would be renewed, and the former cement-based render replaced by a lime-based render, return it to the appearance it exhibited when the building was first added to the statutory list. In terms of the requirements of Section 16(2) of the Act, the works proposed would therefore preserve the listed building. Moreover, no harm would be caused to its character or appearance, so there would be compliance with LP Policy C6, and CS Core Policy 8.
14. The argument advanced by the Council, supported by a third party, is that removal of the altogether unsatisfactory cement-based render has exposed an arrangement of brickwork that might well have been composed by Thomas Archer. If so, the significance of the Grand Staircase might well be greater than was previously thought, and the repair, reinstatement, and exposure, of the brickwork could present the opportunity to restore an important remnant of the English Baroque phase of Cliveden's history. Re-application of render would close off that opportunity.
15. I have some sympathy with that argument and take the view that while it too would involve the loss of historic fabric, a scheme to repair and reinstate the brickwork, in order to expose it to view, would better reveal the significance of the listed building, and, moreover, enhance the setting of the main house. It is an argument that draws some support from paragraph 132 of the Framework, and the reference therein to 'conservation'.
16. Having said that, the Framework cannot supplant Statute. Whatever the Framework might say, there can be no justification for resisting a scheme of works that accords with Section 16(2) of the Act on the basis that a more advantageous solution is possible. If a scheme of works accords with Section 16(2) of the Act, listed building consent must be granted for it.
17. In terms of conditions, the standard one is required to govern commencement. Another is necessary to deal with the application of the render, and its finish. In terms of the replacement bricks, it seems to me that because render will be applied over the top, the condition need do no more than specify that they match the existing in terms of colour and texture.
18. For the reasons given above I conclude that the appeal should succeed.

Paul Griffiths

INSPECTOR

⁴ The South Bucks District Local Plan adopted March 1999

⁵ South Bucks Local Development Framework Core Strategy Development Plan Document adopted February 2011

APPEARANCES

FOR THE APPELLANT:

Michael Stubbs Ph.D MRICS	Planning Adviser, National Trust
Tom Bosence BSc FoSC	Building Surveyor, National Trust
Stephen Castle BSc(Hons) MRICS DipBldgCons RICS	Senior Project Manager, National Trust
Professor Malcolm Airs MA DPhil FSA FRIAS IHBC	Architecture Panel, National Trust
Philip Grover BA(Hons) BTP DipArch Cons MRTPI FHBC	Director, Grover Lewis Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Philip Elliott MSc BSc(Hons)	Planning Officer, SBDC
John Brushe BA(Hons) MA	Conservation & Design Officer, SBDC

PLANS

- A Unnumbered: Location Plan
- B 501ST/SK043A: Grand Staircase: Scheme C Render Repaired

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