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## Appeal Decision

Hearing held on 8 October 2013

Site visit made on 8 October 2013

**by Mr J P Sargent BA(Hons) MA MRTPI**

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

**Decision date: 31 October 2013**

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**Appeal Ref: APP/Y1138/E/13/2197384**

**Hillersdon House, Cullompton, Devon EX15 1LS**

- 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 Hillersdon House Limited against the decision of Mid-Devon District Council.
  - The application Ref 12/01256/LBC, dated 3 September 2012, was refused by notice dated 15 January 2013.
  - The works proposed are the removal of a timber stair.
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### Procedural matters

1. The description above describes the works accurately and clearly. However, in reaching my decision I have had regard to the longer description contained on the application form.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue in this case is whether the works would preserve the special architectural or historic interest of the building.

### Policy

4. Policy CO7 in the *Devon Structure Plan 2001-2016* and Policy ENV8 in the *Mid Devon Local Development Framework* concern the effect of works on the historic heritage. However they are far more restrictive than the balanced approach to this matter given in the *National Planning Policy Framework* (the Framework) and so they are not consistent with that national guidance. In any event I am mindful that the development plan is not the starting point for assessing applications made under the *Planning (Listed Buildings and Conservation Areas) Act 1990*. Therefore the weight attached to the cited policies has been limited.

### Reasons

*The significance of the building and the Nursery Stairs*

5. Hillersdon House is a Grade II\* listed country house that stands in a remote rural location and was built in the mid-19<sup>th</sup> Century. Although undergoing a significant restoration at the moment, it is nonetheless apparent that it

contains a series of fine, inter-connected formal reception rooms with proportions and detailing to suit their status. Moreover, the hall, main stairs and landing similarly reflect the emphasis on entertaining visitors that I understand was a fundamental part of the building's original design.

6. However, to my mind the significance of the property lies beyond just those dramatic and striking 'public' rooms and spaces. As an isolated country house it would have been more or less a community in itself. Consequently, although simpler in layout and detail, the service wings and the family areas also make a valued contribution to an appreciation of how the entire building would have functioned and worked.
7. The staircase subject of this appeal is of a simple construction with a mahogany hand rail and timber balusters, and although it has suffered some damage much of the original fabric remains. It was probably installed when the dwelling was built. However, although the original plans show it as being straight it curves back on itself. This is presumably so it would finish on the other side of the landing to the open arcade overlooking the main stair. As it is immediately next to the main staircase it was not needed for circulation purposes. Rather, the parties accepted it was probably to allow the children, their nannies and maybe family members to have easy access between the school room on the ground floor of the southern wing and the children's bedrooms and nursery above, without the need to mix with visitors in the more formal parts of the house. Consequently, throughout the appeal it was referred to as the Nursery Stairs. As it is less utilitarian than the servants' staircase this reflects the fact that it would be used by staff and family alike. Therefore it contributes positively to the significance of the house being a reminder of a lifestyle that is far less common now than it was in the 19<sup>th</sup> Century.

*The level of harm*

8. I consider the removal of the Nursery Stairs would constitute a loss of historic fabric. Moreover, it would also result in the loss of evidence about the nature and manner in which the household functioned. As such the works would cause harm, albeit less than substantial, to the significance of the building.
9. While the Appellant accepted the scheme would cause harm, it suggested a number of factors that, in its opinion, reduced the scale of that harm.
10. The first of these was that consent has been granted and implemented to remove various walls in this part of the southern wing. As a result, rather than starting in a corridor from which the school room and study were accessed from henceforth the stairs would run from a large family room instead. This has undoubtedly weakened their value as their role of linking the school room to the rooms above is now less apparent. However, at ground floor level the staircase would still be in a part of the building that would not be as ornate as the main reception rooms, and so, when taken with its design, the less formal nature of the staircase would still be perceived.
11. Secondly, the Appellant considered the sense of social segregation would remain if this stair was to be lost, due to the presence of the servants' stair in the north wing. The servants' stair is made of stone and is wider and this reflects the functional, hardwearing use to which it was to be put. Moreover, it runs down to the cellar and it is located close to the former kitchen wing, and it would probably not have been intended for use by the family members. It is

therefore a very different structure to the Nursery Stairs and it had a different role in the daily operation of the house. Consequently its presence does not mean the purpose of the Nursery Stairs would not be lost.

12. A third point raised by the Appellant was that the staircase has been damaged over time. However its simple design means such damage could be easily rectified without excessive speculation or conjecture, while the structural support previously offered by the corridor wall could be addressed.
13. Fourthly, the head room, the height of the hand rail and the gaps between the balusters all failed to accord with the Building Regulations. Such matters though are not uncommon on older buildings, and to my mind did not render the staircase inherently unsafe. Indeed a low hand rail was apparent on the servants' staircase as well and I was not told that was to be replaced.
14. Finally, the other comments in this regard related to the Nursery Stairs being no longer needed, as attitudes to children have changed and so the main stair can be used instead. However, to my mind this weighs in favour of the staircase being retained, as it reflects a culture that could otherwise not be appreciated. Moreover, while the Nursery Stairs may not reflect what was shown on the original plan, it was accepted that they dated from when the house was built.
15. Therefore in my mind these factors do little to reduce the scale of the harm identified.

*Whether any benefits outweigh the harm*

16. The Framework says that great weight should be given to the conservation of an asset, and any harm should require clear and convincing justification. It adds that where works would cause less than substantial harm to the significance of a designated asset that harm should be weighed against the public benefits of the works, including securing its optimum viable use.
17. In this regard the principal benefit offered concerned the re-establishment of the residential use at the site by resolving a concern regarding fire risk. It was accepted by the parties that the Nursery Stairs constituted a fire hazard as they provided a channel for smoke to rise from the newly formed family room on the ground floor to the first floor landing. As such the Building Regulations Notice required the staircase to be separated from the landing by a 30 minute fire-resistant construction. The Appellant contended that this requirement could be achieved by the removal of the stairs and the opening being sealed, and the benefit this would offer by allowing the resumption of the residential use would outweigh any harm.
18. The Council suggested 3 other ways in which this could be achieved. It should be noted that these were not detailed on plans or drawings, and so my findings have, inevitably, been based on the written and oral submissions.
19. The first way suggested by the Council involved enclosing the landing at the top of the staircase. To my mind though this would probably cause greater harm to the significance of the listed building, as clearly the landing and the main staircase were intended to be appreciated as a dramatic whole. Enclosing an element of this area, even if done in glazing, would therefore diminish that overall experience.

20. A second way to address the fire hazard was to keep the stairs *in situ* but seal them somehow at first floor level, most probably by extending the existing flooring on the landing over the staircase itself. However, in my opinion this would be a clumsy arrangement as it would lead to the staircase being redundant and serving no practical purpose. Consequently, its role and value would be affected. This would be particularly so if the balusters were removed at first floor level as then it would be hard to perceive the point to where the stairs would have run. A door on the stairs was also suggested but it was not shown such an arrangement would be workable.
21. In respect to both of these suggestions I have given little weight to the fact that the works could be reversible. This is because, while I accept their impact on the fabric may be slight, if they were needed to ensure fire safety there would be little prospect of them being removed in the future.
22. The third option would be to reinstate the ground floor corridor, as this would separate the potential fire source in the family room from the stairs. Such works would, in my opinion be in accordance with the historic character and layout of the building, as they would be recreating a corridor along the south wing that was, originally, a key part of the dwelling's plan form. While the Appellant said the stairs would interrupt long views along the corridor, they would be in the position they have always been in and so this in itself would not be unsatisfactory.
23. The main reason though why the Appellant considered this to be unacceptable was because it would reduce the family room. However whilst clearly the room would be smaller, there is little to show that it would be reduced to an impractical or unsuitable size. Therefore on the evidence before me I am not satisfied that the adverse effects that forming the corridor would have on the family room are sufficient to mean it is not a viable possibility. As such, the Appellant's concerns about retaining the family room are not a basis for accepting the loss of the Nursery Stairs and the less than substantial harm that would result.
24. Although consent has been granted for this corridor to be removed, the Council made clear the effect on fire hazards was not part of that decision and I have no reason to disagree with this.
25. Therefore, having regard to the information submitted it has not been shown that the removal of the staircase is, overall, the least harmful way of addressing the fire hazard.
26. The second area of benefit related to disabled access at first floor level. This would be possible by the introduction of a lift that has consent but has not yet been installed. However the lift's lobby would open onto the landing next to the top of the Nursery Stairs, and the gap to the side of the balusters would not be wide enough for a wheelchair to pass. As a result wheelchair users would not be able to access the first floor, but it has not been shown how those with other physical or mental impairments would be precluded.
27. It is clearly desirable to allow all to have full access throughout a property, but this cannot always be achieved within the constraints of a historic building. In this instance I have highlighted above the contribution the Nursery Stairs make to the significance of Hillersdon House. I am also mindful that the property is to be use as a private dwelling with no mention being made of public access,

and, given its size, accommodation for the disabled could well be achievable on the ground floor. Taking these factors together the weight to be attached to the ability to provide first floor access for wheelchair users is not sufficient to outweigh the harm caused by removing the Nursery Stairs and so, in relation to this matter the retention of the staircase is justified.

28. Moreover, the Appellant fairly accepted that if the appeal were to be dismissed it would not walk away from the property but would continue to seek a solution to the problems. As such, the optimum viable use as a dwelling did not seem to be in question.
29. Therefore, when assessed individually, or indeed when taken together, any benefits resulting from these matters do not outweigh the less than substantial harm resulting from the loss of this staircase.

### **Conclusions**

30. Accordingly I conclude that the works would fail to preserve the special architectural or historic interest of the building, and would cause less than substantial harm to its significance as a heritage asset. In the absence of any public benefits that either individually or collectively outweigh this harm, the works would conflict with the Framework.

*J P Sargent*

INSPECTOR



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