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## Appeal Decision

Hearing held on 15 October 2013

Site visit made on 15 October 2013

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

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

**Decision date: 9 January 2014**

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**Appeal Ref: APP/A1015/E/13/2199409**

**Sun Healthcare Tapton Grove Care Home, Brimington, Chesterfield S43 1QH**

- 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 Sun Healthcare Ltd against the decision of Chesterfield Borough Council.
  - The application Ref 2/2036, dated 20 November 2012, was refused by notice dated 25 January 2013.
  - The works proposed are the reduction of an existing wall in height to 300mm above ground level plus coping.
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### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue is the effect of the proposed works on the special architectural and historic interest of the listed building.

### Reasons

3. Tapton Grove is a Grade II\* listed building which is a former country house dating from around 1800. Associated with the house but separately listed are the former Coach House/Stables and the entrance piers (both Grade II). Within the curtilage of Tapton Grove stands part of the wall which enclosed the garden. Proposed is the reduction in height of part of this surviving wall from around 2.3 metres to 300mm (plus coping) above the level of the adjoining car park.
4. It is likely that the wall is contemporary with the house or was built shortly afterwards. While the original context of the wall has changed through subsequent alterations to the house and grounds, as part of the historic and architectural development of the site, it contributes to the understanding of the significance of the heritage asset and serves to mark the position of the former walled garden area. It also marks the historic division between the house, the functional garden area and the informal landscape beyond. In addition, the wall provides some screening to a later extension to the listed building which has a rather stark appearance.
5. I agree with the Council that the wall is a significant feature in the compartmentalisation of the site. Its function as a plain brick feature, erected

to accommodate glass houses, enclose the kitchen garden and separate the working portion of the house and garden from the designed landscape beyond, may still be discerned and appreciated. This is apparent from its current relationship with the house, the Coach House and the wider landscape. In my judgement, the wall is a typical feature of houses from this era and as a survivor of a larger section of wall it is an important element of the architectural and historic interest of the listed building, contributing to its architectural, historic and artistic significance.

6. Around 19 metres of the wall's 34 metre length to where it abuts the Coach House, would be reduced in height representing the loss of a considerable amount of historic fabric. Despite leaving a 300mm remnant of the wall, this would obscure and confuse its historic function and would rob the listed building of an important part of its historical development. Consequently, it would fail to preserve the architectural and historic interest of the listed building thereby harming the heritage asset. Given the works would affect a small part of the listed building which makes up a proportion of the significance of the heritage asset, the proposal would equate to less than substantial harm.
7. The appellant argued that the harm to the heritage asset would be outweighed by the public benefits of the proposal. The listed building is used as a residential care home. An extension to its rear faces the wall but sits at a much lower level. The windows in the north east elevation of the extension face the wall at close quarters. It was argued that lowering the wall would improve day-lighting and outlook to rooms 1-3 on the ground floor and 18-20 on the 1<sup>st</sup> floor. This would improve the living conditions of the occupiers, making the rooms more attractive to patients thus keeping the business viable. In turn this would safeguard the future of the listed building by securing its optimum viable use (although in the absence of evidence to demonstrate that the building has been marketed for alternative uses, I am unable to conclude that the present residential care home is the optimum viable use).
8. I heard that there is a risk that the rooms facing the wall will no longer be considered suitable for residential occupation with reference made to the BRE: Daylight and Sunlight Tests. It was claimed that increased competition between residential care providers and rising accommodation expectations and standards may mean that these rooms will become difficult to fill, with rooms 1-3 already proving to be so. While competition concerns would not justify works that would be harmful to the significance of a heritage asset, it was claimed that as these rooms account for a significant proportion of the building's total, they would affect the future viability of the business and thus the future of the listed building.
9. It was pointed out that the extension to Tipton Grove provides specialist care with vulnerable, elderly residents spending long periods of time in their rooms. The submitted evidence shows that as a result of the proposal, rooms 18-20 would experience minimal improvements to day-light although an outlook to the car park and beyond would be opened up, while rooms 1-3 would experience a marked improvement in daylight but the outlook to an earth bank below the wall would remain more or less the same.
10. From the evidence, I am satisfied that it would not be possible to re-order the internal plan of the special care unit to re-locate all of the affected bedrooms away from the influence of the wall and making the windows larger would not

significantly improve daylight levels. I also accept that reducing the wall would improve natural lighting to rooms 1-3 and 18-20, improve outlook to rooms 18-20, give each room a "view of the sky" and reduce the need for electric lighting.

11. However, while this may make the rooms easier to fill and more pleasant spaces for the occupiers, and by implication improve the viability of the business and secure the future of the listed building in this particular use, this would not be sufficient to outweigh the degree of harm caused. Less than substantial/substantial harm are not the same as acceptable/unacceptable harm. Given the loss of architectural, historic and artistic significance, along with the loss of historic fabric that would occur, I consider the stated benefits would not be a justification for carrying out works that would cause less than substantial harm to a heritage asset.
12. Consequently, having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses, I consider that the proposed works would not bring about public benefits of sufficient weight to outweigh the less than substantial harm that would be caused to the heritage asset.
13. Accordingly, the proposal would be contrary to paragraphs 131 and 134 of the National Planning Policy Framework as reflected in the policies of the development plan.

### **Conclusion**

14. For the reasons given above I conclude that the appeal should be dismissed.

*Richard McCoy*

INSPECTOR

### **APPEARANCES**

FOR THE APPELLANT:

Mr W Cartwright BA(Hons), DipT&Reg Plng, MRTPI	Principal, Heritage Planning Design
Mr P Newbould	Director, P Newbould Architectural Services
Mr A Tolan	Director, Sunhealth Care Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr P I Staniforth DipURP, MRTPI	Development Management and Conservation Manager, Chesterfield Borough Council
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### **DOCUMENTS**

- 1 Council's letters of notification of the hearing
- 2 Extract from; Decision-Taking: Historic Environment. National Planning Practice Guide

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