



Appeal Decisions

Site visit made on 26 November 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal A Ref: APP/B1605/W/24/3349500

78 Hewlett Road, Cheltenham, Gloucestershire GL52 6AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Bowden against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00440/FUL.
 - The development proposed is described as: to excavate the earth to the rear of the basement to allow for steps to be built from basement level to current ground level of garden. This will be built in place of the existing lightwell to the basement. This will also require the removal of around 12 courses of brickwork beneath the existing window. The existing brick arch above will remain along with the existing width of the original Sash opening. We then propose to change the rear sash window for a small French doors the same width as the original sash window. The door will be made to imitate the look of the current 4 pane sash window by having a solid timber bottom painted and glass in top half to imitate current sash window look.
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Appeal B Ref: APP/B1605/Y/24/3349498

78 Hewlett Road, Cheltenham, Gloucestershire GL52 6AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Gary Bowden against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00440/LBC.
 - The works proposed are described as the same as for Appeal A.
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Decision

1. Appeals A and B are both dismissed.

Preliminary Matters

2. I saw that the window concerned had already been removed with the opening boarded up, and with that boarding extending down to the lightwell ground level externally. The lightwell was also retained with temporary boarding. Internally, I saw that the room concerned, labelled as a snug on the submitted plans, had been refurbished, including with new boarded sides and cill to the window opening. I also saw, via gaps, that below that cill level there was a void area, although due to very restricted viewing, I was unable to ascertain its extent and therefore the degree, if any, of any related removal of brickwork.
3. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have

remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Main Issue

4. The main issue is whether the proposals would preserve the significance of the Grade II listed building known as Numbers 68 to 92 and attached railings, Hewlett Road (Ref: 1245593) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The LB, comprising 13 dwellings and including No 78, derives its significance from being a good example of a terrace of circa 1820-1850 houses, with basements, including their characteristic and distinct stucco over brick frontages, front first floor band, timber sash windows, and front railings. Those windows at ground and first floor levels, including at No 78, comprising 12 panes are referred to as original in the list description. Basement level windows also have timber sash designs.
6. It is claimed that the rear basement window relating to No 78 was in a poor condition, including rotting, with no damp protection, and a broken mechanism, making it non-functional and non-repairable. However, notwithstanding the limited photographic evidence provided, I do not have full details relating to the window's condition and, due to its removal, I was unable to see this for myself. In the absence of such information, I cannot be certain that the window was not capable of repair and refurbishment and being brought back to full working order, notwithstanding any existing absence of damp protection.
7. From the Appellant's submissions it is considered that the window concerned was a replacement of an original. This is on the basis that it consisted of a total of 4 panes, not the specific numbers referred to in the statutory listing description or reflecting other windows at the property, and not of the same small pane style as others in the terrace, but possibly of a later Victorian style seen in nearby streets; and the belief that the original window would have deteriorated relatively rapidly.
8. However, even if, as claimed, the window was not of an original design to the house, I have no substantive evidence to indicate that it was still not of historic and architectural value, particularly given its timber horned sash form. This is also on the basis that consideration of the significance and special interest of the LB is not confined to the listing description, including in terms of the extent to which the rear of the property is mentioned. Furthermore, the feature comprising a window opening of the size indicated in the submissions remains of historic and architectural significance in itself.
9. In the absence of sufficient evidence to the contrary, the removal of the window frame and glazing would therefore in itself represent a loss of historic fabric. I note the intention to retain the existing lintel height and associated brick arch, and other existing features of the opening, including structural elements, without reinforcement. Nevertheless, the effect of the proposed change from a window opening to that relating to French doors would be to remove a feature of historical and architectural significance, with an extension vertically downwards of the existing opening. Notwithstanding the intention only to remove brickwork from directly beneath the window concerned as

opposed to expanding outwards either side, that nevertheless also represents some loss of historic fabric.

10. It is claimed that the majority of mid-terrace properties within the LB terrace with a basement and rear garden have had similar works carried out to create stepped access from the rear basement to the garden, and that this is typical of the architecture for similar properties of the period concerned. However, I have no details of the circumstances in respect of those other properties, or any substantive evidence of their designs or the basis for this being a typical feature of the particular properties comprising the LB, even if it is reflected elsewhere. I was also unable to see any of those other rear basement features in the terrace, due to intervening screening boundary treatment. Nevertheless, I have therefore determined the appeal on its own merits, and in any case, even if others have been altered in this way, that heightens the evidential value of retaining that at No 78.
11. The Appellant highlights that the basement has been returned to its original 1830s purpose, including a kitchen for the whole dwelling. Furthermore, it is stated that the proposals would enable fire escape to the rear without having to use the window; increased natural light; and improved amenity due to direct access to the rear garden; and thereby lead to the long-term retention of the property in its historic configuration.
12. I acknowledge that such factors would be likely to provide added safety and an improved living environment. However, I have no substantive evidence to indicate that the proposals would be necessary, including in relation to modern safety and living standards, to allow that basement space to continue to be utilised for the existing habitable purposes, and to maintain the property's viable use as a dwelling and the LB's integrity and longevity as a heritage asset.
13. It is claimed that the proposals could easily be reversed without further harm, particularly given the retention of existing opening design and structural features. However, the proposals before me involve the loss of actual historic fabric, and for the reasons given would harm the LB's integrity indefinitely, with no substantive basis to consider they would be reversed in the future, even if they could be.
14. All of the above factors relate to the integrity of the LB in its own right, regardless of the circumstances whereby the proposals would not be visible from public vantage points or from neighbouring properties.
15. The Appellant highlights that the Council's Conservation Officer did not consider this specific application and that there are aspects not taken into account by the Council in determining the applications concerned. However, I have determined the appeal on its merits based on all of the submitted evidence and my observations.
16. For the above reasons, the proposals would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses. The proposals would therefore fail to satisfy the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons they would be contrary to policies D1 of the Cheltenham Plan (2020) and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) which together state,

amongst other things, that alterations of existing buildings will be required to avoid causing harm to the architectural integrity of the building or group of buildings; and that designated heritage assets will be conserved and enhanced as appropriate to their significance.

17. The proposals would also be contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
18. The Council, in its planning decision notice, also refers to policy SD4 of the JCS. However, that policy relates to design requirements for development generally and not to specific considerations relating to heritage assets.
19. Paragraph 212 of the Framework states 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. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
20. Given the nature of the proposals in relation to the LB as a whole, the harm caused to the heritage asset would be less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there would be less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use.
21. I have previously found there to be no substantive evidence, having regard to factors relating to the historic configuration of the building's rooms, safety and living conditions, to indicate that the proposals would be necessary in these respects. I have noted that such factors would be likely to provide added safety and an improved living environment for residents of the property. However, there is no substantive evidence that this would amount to a significant public benefit, such that I afford it limited weight.
22. For the above reasons, the public benefits would be insufficient to outweigh the harm and my findings that the proposals would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses.

Conclusion

23. For the reasons given above both appeals should be dismissed.

A Dawe

INSPECTOR