

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	11 th October 2012
Application Number	E/2011/1572/LBC
Site Address	Baydon Manor, Marridge Hill, Ramsbury, Wiltshire, SN8 2HG
Proposal	Total Demolition of Winter Garden
Applicant	Mr & Mrs Stibbard
Town/Parish Council	Ramsbury
Grid Ref	428735E 174837N
Type of application	Listed Building Consent
Case Officer	Pippa Card

Reason for the application being considered by Committee

The application has been brought to committee at the request of the Division Member, Councillor Humphries.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

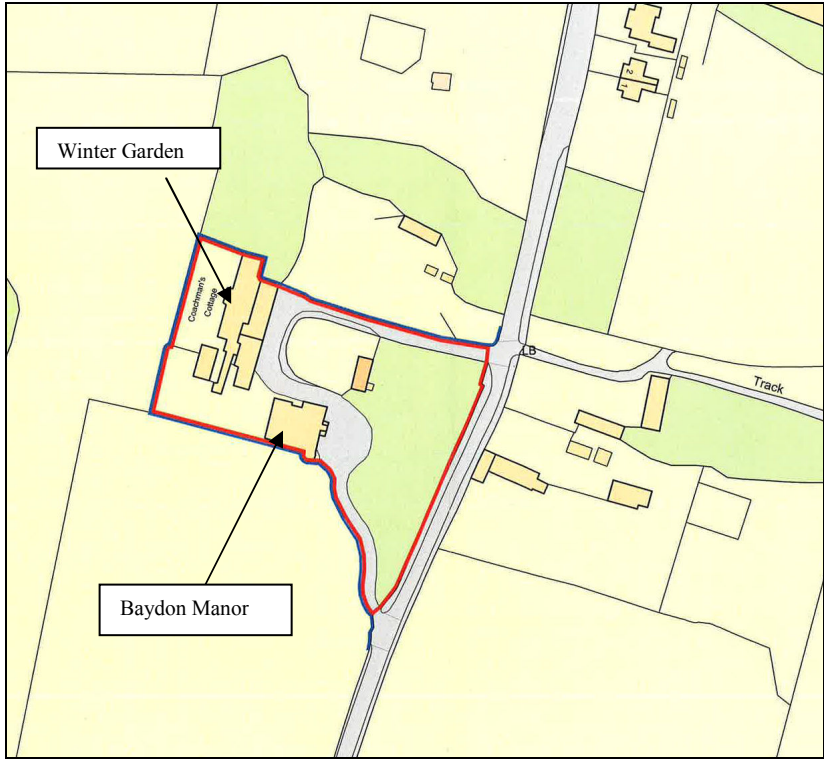
The main issue to consider is whether the total demolition of this listed building is justified.

3. Site Description

The application relates to The Winter Garden, which is a grade II listed conservatory located within the grounds of Baydon Manor (itself Grade II listed). The list description dates the building circa late 19th century although it is now acknowledged to date from 1913-1916, by the firm Messengers & Co. Built with a brick base and glazed timber windows above, the building has cast iron trusses. It backs onto barn-type buildings and shares a rear brick wall with these buildings. The hipped roof has a raised ridge with clerestory lights and small finials at each end. The interior is a 17-bay roof with cast-iron trusses with ornate openwork spandrels and fine detailing, such as the moulded dentilled cornice. There is a wide 3-bay alcove on the rear [east] wall with fluted cast-iron posts and fireplace on the west front in wide inglenook with small ball pendants. To the south is a lean-to style structure, similarly constructed, which was a vinery of the same date and provides the means of access to this substantially larger rectangular building.

The building has been disused and neglected for many years, resulting in its current poor state of repair.

The structure stands to the north-west of Baydon Manor, a substantial country house dating from the C19 in a good state of repair.



*Site Location – Baydon Manor and its Winter Garden,
to the west of Manor Lane, Marring Hill.*



4. Relevant Planning History

E/10/1252/LBC – Total demolition of Winter Garden. REFUSED.

K/43873 & K/43876/L – Proposed alterations, conversion and extension of Winter Garden to form a single dwelling. REFUSED.

5. The Proposal

To totally demolish the early 20th century Winter Garden.

6. Planning Policy

The National Planning Policy Framework outlines Government policy, including its policy on the historic environment.

The PPS5 Practice Guide is still extant, providing guidance on making changes to Heritage Assets.

7. Consultations

Ramsbury & Axford Parish Council – SUPPORT.

English Heritage – OBJECTION – ‘This is a resubmission of a previous proposal to demolish the grade II listed Winter Garden/Conservatory at Baydon Manor. We understand that the previous application was refused. PPS5 states that *substantial harm or loss of a grade II building....should be exceptional*. We advised that the demolition of this structure was not justified in terms of PPS5 and whilst some more information has been submitted we still maintain this view and **object** to this application.

The marketing information submitted to the Council in June 2012 was passed to English Heritage, on which they commented the following: ‘Thank you for the additional information. Whilst this information may demonstrate that there is little commercial interest in the site at this point in time it does not address the other issues set out in our letter. For example, the lack of maintenance, the fact that there is no public benefit etc.’

Wiltshire Archaeological and Natural History Society (WANHS) – OBJECTION – The Winter Garden has been neglected but is still a very valuable and recoverable heritage asset: the repair and refurbishment is a practical and sound economic proposal. The structure is a unique and important part of the history of Baydon Manor and it should be subject to immediate restoration. Due to the lack of protection and maintenance of the listed structure over many years, and the fact that the cast iron structure and boundary walls etc are architecturally unique and serviceable, WANHS **objects** most strongly to the proposed demolition or destruction of this Winter Garden.

Council for British Archaeology – Endorse the view of their agents, WANHS, above and consider the structure to be a building at risk and state that ‘the archaeological significance of the winter garden lies in its ability to inform our understanding of the turn of the (20th) century country house and the leisure facilities valued and utilised by its inhabitants. It is a vital component of the totality of the heritage asset at Baydon and should not be allowed to simply weather and decay.’ The CBA urges the local authority, with enforcement action if necessary, to ensure the survival of this unique and special part of Wiltshire’s historic environment.

The Victorian Society – OBJECTION – ‘The Victorian Society **objects** to the application, on the grounds that the substantial harm to the listed building has not been adequately justified under PPS5. The conservatory is of unusual size and its inglenook fireplace adds to its interest. Its Grade II listed is well deserved. It is in poor condition but repair is possible, albeit expensive....We recommend that you **refuse consent**. The demolition of the conservatory would be a tragic loss to the architectural heritage of Wiltshire.’

The Society for the Protection of Ancient Buildings (SPAB) – OBJECTION - ‘Although the date of this building places it outside the SPAB’s period of particular interest, we are very concerned that demolition is proposed. Demolition of a listed building is rarely acceptable and we trust that your authority will assess the application against the strict criteria of PPS5 HE9 where there is a “presumption in favour of the conservation of designated heritage assets”.’

SAVE Britain’s Heritage – OBJECTION – ‘The proposal would result in the destruction of a Grade II listed structure of considerable architectural merit; an unusually large conservatory, or winter garden, with a number of significant features, including a vaulted roof, frieze mouldings and an inglenook fireplace.....We consider that the tests laid down under PPS5 have not been met and that the application is therefore contrary to national policy. We recommend that you **refuse** consent.’

The Walled Garden History Network – OBJECTION – ‘feel most strongly that this unique relic should be spared at all costs. I have rarely seen anything still standing in a private garden of that size and splendour, in 30 years of kitchen garden travels. Messenger houses were built to last but I suspect that most examples of a similar size, unless in public gardens, have been destroyed by now..... I understand that maintenance at Baydon has been lacking for a number of years and that the present owners have no desires to keep it.’

8. Publicity

The application has been advertised with a press and site notice. No representations have been received.

9. Planning Considerations

Please note that there has been a change in Government legislation since the submission of this application: PPS5 was replaced by the NPPF in March 2012 - however, PPS5 was relatively recently formulated and the government’s general approach to the historic environment has been carried forward within the new framework. The PPS5 Practice Guide is still extant.

Background

The future of the Winter Garden has been subject to various discussions with English Heritage, Kennet District Council and Wiltshire Council since 2005. Demolition of the structure had not been discussed, until the submission of the previous application E/10/1252/LBC, which was refused.

The current application contains slightly more information than the previous application, including estate agents’ valuations for the site as a whole and some information on the costs of repairs. During the time the application has been ‘live’, the structure has been advertised on The Walled Garden History Network’s notice board for approximately three months, to see if there is any interest from a third party of dismantle the structure for its erection elsewhere in the country.

This application should not be viewed in isolation but also within the context of the site as a whole i.e. the impact of the structure’s removal from its context and history as part of Baydon Manor.

Assessment

The report which accompanies the application maintains that the only distinctive feature of the structure is the Winter Garden’s size. However, it is not considered that this is the case, a view supported by English Heritage and the various amenity societies who have made representations. Whilst the size of the building is one of its important features, it is also an ornate structure of high quality design by a nationally significant foundry. It has played an important role in the history of Baydon Manor, providing a space for various uses and activities, including a winter garden, ballroom and games room. The conservatory constitutes a rare survival of its type and era and remains relatively intact, other than the addition of asbestos sheet roofing for blackout following its requisition during the war.

The building is in a poor state of repair and has not been in use for a number of years. There are a number of broken or missing panes of glass from the timber framed walls/windows and roof

(seen beneath the asbestos sheeting) and missing sections of timber. Whilst access to the interior was not available, it is clear that there is substantial damage to the suspended timber floor and to plasterwork from water ingress. Vegetation growth to the exterior is exacerbating these issues. Asbestos sheeting added during the war remains in situ on the roof and there would appear to have been little in the way of repairs carried out since that period. Officers are unaware of any evidence to suggest that attempts have been made to stem decay or provide interim protection to the main building during the period of ongoing discussions with the authorities regarding its future (for example by clearing vegetation from the exterior). English Heritage have expressed concerns over the condition of the winter garden and its deterioration since their visit to the site in 2007, referencing AKS Ward's report (accompanying the application) that 'the building has suffered from being derelict for many years with **no maintenance evident**'. NPPF paragraph 130 states that 'where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision', and it is considered that this paragraph is a relevant consideration in this particular case.

Government policy contained in the NPPF sets out the presumption to be made in favour of the conservation of designated heritage assets (including listed buildings) and requires that any harm to the significance of a heritage asset, its fabric or its setting should be weighed against the wider public benefits of the proposal. Paragraph 132 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..... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional'.

The proposal should be assessed against Paragraph 133 which states that 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

It is clear that there is no public benefit from the total demolition of this designated heritage asset and Paragraph 133 therefore requires that all four of the alternative tests are satisfied. There is no evidence that the continuing presence of the structure is preventing reasonable use of the wider site and, in the event of its demolition, the site would merely revert to garden and there would be no benefit from this course. Points 1 and 4 are therefore not met.

The report accompanying the application concentrates on justification in the terms of points 2 and 3 which refer to marketing of the site and conservation via grant funding or charitable/public ownership. Two valuations, with and without the repair of the conservatory are presented to show a conservation deficit. During the time the application has been 'live', the structure has also been advertised on The Walled Garden History Network's notice board for approximately three months, to see if there is any interest from a third party to dismantle the structure for its erection elsewhere in the country. The valuations are supported by an assessment by a structural engineer and costed repair specifications. Letters have been written to the parish council and HLF requesting grant funding.

Whilst it is understood that the owners do not wish to sell the property, government policy set out

in the PPS 5 Practice Guide (Paragraph 96) requires active and comprehensive marketing for a range of uses in order to demonstrate redundancy. Although the current owners may not have the resources to repair the building a future owner may. In this case, the repair specifications relied upon to inform the valuations are extensive, including complete replacement of all timberwork – whereas it would be surprising if no elements could be salvaged. More limited options, including proposals for temporary holding works to stabilise and make safe whilst alternative uses/owners or funding sources are sought have not been considered. It should be noted that policy (Paragraph 96) requires that loss of value from deterioration due to deliberate neglect should not be taken into account in calculations of value etc. In addition, English Heritage's comments query whether the most appropriate potential sources for grant funding have been approached for assistance and note that demolition and site clearance itself will incur not insignificant costs – which could alternatively be put towards maintenance of the building.

Overall, it is considered that insufficient evidence has been presented to show that there are no further options for achieving the repair and retention and use of the structure and the criteria for allowing the complete demolition of a heritage asset set out in the NPPF paragraph 133 are therefore not met.

A further consideration is the close historical association which the building has with the main manor house and the proposal to demolish the winter garden will harm the setting of Baydon Manor.

10. Conclusion

This surviving historic structure is unique in its size and rarity of survival and is an important structure within the curtilage of Baydon Manor. Despite its current condition, the Winter Garden is a principal listed building and its building type, character and its social history are part of its special interest.

The practice guide accompanying PPS5 makes clear the seriousness of such a decision. Demolition of the heritage asset should be considered to be the last resort, after all other options to secure the viable future of the asset have been exhausted as, if approved, it results in a permanent and total loss of the heritage asset and the decision is therefore irreversible. In this case, the proposals would result in the total loss of the winter garden and would also diminish the setting and historic interest of Baydon Manor.

No case has been established to indicate that the building cannot be repaired (even to halt the current level of deterioration) and the material submitted does not provide sufficient justification to override the presumption in favour of the preservation of the listed building. It is therefore considered that the demolition of the Winter Garden conflicts with the NPPF Section 12, which deals with conserving and enhancing the historic environment.

RECOMMENDATION

That listed building consent be REFUSED for the following reasons:

1. The proposal would result in the loss of a designated heritage asset, for which no adequate justification has been provided. As such, the proposal is contrary to Government policy contained in Section 12 of the National Planning Policy Framework.
2. The proposal would result in the loss of a significant element within the setting of the Baydon Manor, a designated heritage asset. As such, the proposals are contrary to Government policy contained in Section 12 of the National Planning Policy Framework.

Appendices: None

Background Documents Used in the Preparation of this Report: None