

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No.2

Date of Meeting	30 th May 2013
Application Number	E/2013/0152/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 former Division Member.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues to consider are:

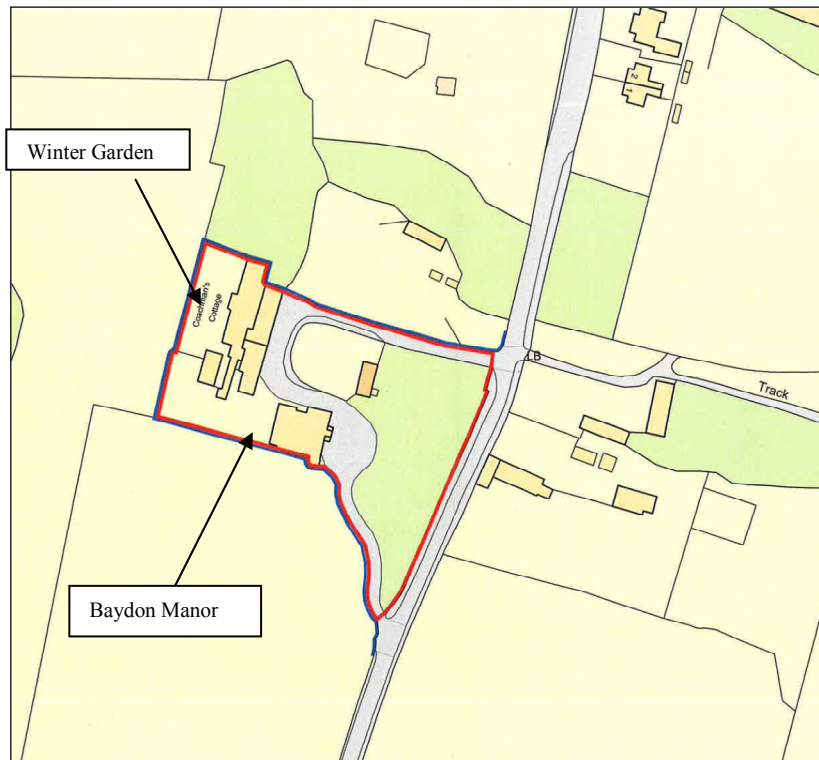
- The impact of the proposal on the listed building

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, Marridge Hill.*

4. Relevant Planning History

E/2011/1572/LBC – Total demolition of Winter Garden. REFUSED at Wiltshire Council Planning Committee held on 11th October 2012, according to Officer recommendation. Decision currently subject to Appeal.

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

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

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

5. The Proposal

To deconstruct the early 20th century Winter Garden for permanent storage. For clarity – the scheme involves the deconstruction of the entirety of the main winter garden structure, whilst the lean-to vinery to the south and the linking structure between this and the winter garden will be retained.

6. Planning Policy

The National Planning Policy Framework outlines Government policy, including that relating to 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 – “The proposal description is for partial demolition of the building and off-site storage. This is the third application for removal/demolition of the building, the two previous applications were refused by the Council. Whilst this application recommends storage of the dismantled structure the issues discussed previously remain the same, as the works will involve substantial harm to a grade II listed building. The planning policy context had slightly changed as the NPPF is now the policy document. We remain opposed to the removal of this listed building.....The dismantling of the winter garden would, in our view, result in the loss of a significant heritage asset which is a good representative of a depleted building type. We hope that the condition of the building could be stabilised rather than opting for removal of the structure.....We therefore recommend refusal of consent.’

Wiltshire Archaeological and Natural History Society (WANHS) – OBJECTION – Their comments can be summarised as follows:

- The application is the latest on a series of applications to demolish the Winter Garden section of the listed structure.
- The description of the application as ‘Partial deconstruction’ is confusing as it relates to the total deconstruction of the Winter Garden, with the retention of the Vinery.
- It is unclear how the deconstruction of the structure would preserve internal features (plasterwork, chimneys, cornicing, timber etc).
- There are no details of the ‘off-site storage’ proposed.
- The structure has been neglected for a number of years with no attempt to improve its condition or prevent weathering of the structure.
- Partial deconstruction is misleading as it will result in the loss of a listed building.
- The Winter Garden complements the listed house, is part of the context and setting of the house and is a listed building in its own right.
- We wish to object to the “Partial Deconstruction” request as it is in fact a precursor to loss of a listed structure.

Council for British Archaeology – Endorse the view of 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.... The building is Grade II listed and is fully worthy of that listing.... Although the application refers to the proposed works as deconstruction rather than demolition, the proposal is to remove the majority of the material of the current building (as in the listing description), except the east wall and southern extension, from the current site to storage. Without a firm guarantee of future re-erection in its present form, it would merely be a collection of structural components; this would mean that the main body of the building itself no longer exists. There is no doubt that this constitutes, *at the very least*, significant harm to the listed building..... We therefore recommend that you refuse consent.’

8. Publicity

The application has been advertised with a press and site notice.

9. Planning Considerations

Please note that the previous application, E/2011/1572, is now subject to an Appeal with the Planning Inspectorate, the outcome of which will be unknown at the date of this meeting.

9.1 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 was not

discussed until the submission of applications E/10/1252/LBC and E/2011/1572, which were refused.

The current application seeks consent for the deconstruction of the building, its removal from the site and medium-to-long term (potentially permanent) storage of the structure.

This application should not be viewed in isolation but also viewed in 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.

9.2 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 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. Whilst it is appreciated that work has been undertaken to the vinery, 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). AKS Ward's report on the condition of the building notes 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 application differs from the previous proposals as it involves the careful dismantling of the winter garden and its storage off site whilst it is made available for purchase or reconstruction. English Heritage note that this is welcomed in terms of trying to find a new use for the structure but point out that it still does amount to substantial harm (the extent of deconstruction is substantial and if removed it is not guaranteed that the building will be re-erected) and that the assessment therefore remains similar to previous applications.

The application includes no methodology showing how the dismantling will be carried out or assessment of how much fabric will be salvaged in the process. It would be impossible to save all the fabric and, once removed, materials such as glazing may be more vulnerable to damage and loss. English Heritage also note that "part of its significance lies in its location overlooking the

landscape” - a relationship with its context which will be lost once removed from the site.

Deconstructing the listed building and removing it from its location without guarantee of re-erection also presents an issue over the listed status of the building. English Heritage has advised that “If something is removed from site under permission and without condition or obligation to return it to site at some point in the near future, it would in all likelihood be determined to be unlisted. This site would still be on the list (although it may then be delisted), but there would be no legal means of returning the structure to site, so the protection of the structure is effectively at an end.’ No new location has been proposed and no re-erection of the building is guaranteed making the future of the dismantled building in storage extremely uncertain and removing any options for pursuing enforcement action in the future should a long-term solution for the building not be found.

As a result, English Heritage advise that the proposal should continue to 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.’

The proposal involves no public benefit but removes a heritage asset from its site. Paragraph 133 therefore requires that all four of the alternative tests are satisfied. However, there is no evidence that the continuing presence of the structure is preventing reasonable use of the wider site and, in the event of the removal of the structure, the site would merely revert to garden and there would be no benefit from this course.

Two valuations, with and without the repair of the conservatory are presented to show a conservation deficit. 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. The repair specifications relied upon to inform the valuations are extensive. 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. (n.b. 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.) It is also noted that the proposed deconstruction, storage and site clearance 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.

In addition, the building has a close historical association with the main manor house and the proposal to deconstruct the winter garden and remove it from its setting will negatively impact on the setting of Baydon Manor: this is contrary to NPPF paragraph 132, which 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. The more important the asset, the greater the weight should be. 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’.

10. Conclusion

No firm proposals for the re-erection of the building have been put forward and it is not considered that the current application could ensure the survival of the dismantled building in storage. As a result the proposals would be likely to result in the loss of the winter garden at Baydon Manor and the end result would be similar to that of the applications for demolition which have previously been refused.

The winter garden is considered to be a good surviving example of a depleted building type which is an important element 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. Demolition of a listed building is considered to be last resort, as if approved, it obviously results in a permanent loss of the heritage asset and the decision is therefore irreversible. 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 heritage asset. It is therefore considered that the deconstruction of the Winter Garden conflicts with the NPPF Section 12, which deals with conserving and enhancing the historic environment.

RECOMMENDATION

Refuse listed building consent 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, including paragraphs 130, 132 and 133.
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, including paragraphs 132 and 133.