



Appeal Decision

Site visit made on 18 November 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:
19 December 2008

Appeal Ref: APP/H0738/F/08/2080163 Ridley House, 122 High Street, Yarm TS15 9AU

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Gareth Tyers against a listed building enforcement notice issued by Stockton-on-Tees Borough Council.
- The Council's reference is SA/EN/44218.
- The notice was issued on 30 June 2008.
- The contravention of listed building control alleged in the notice is the painting of the front external wall of the building facing onto High Street, Yarm, without authorisation.
- The requirements of the notice are: 1. Remove the paint from the front external wall of the building; and 2. Restore the front external wall of the building back to its former condition before the paint was applied.
- The period for compliance with the requirements is three months.
- The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. I dismiss the appeal and uphold the listed building enforcement notice.

Main issue

2. The main issue is the effect of the works on the special architectural and historic interest of the listed building and whether they preserve or enhance the character or appearance of the Yarm Conservation Area.

Appeal on Ground (e)

3. The appeal property, Ridley House, is a fine Georgian two storey mid to late 18th century brick house, which is listed Grade II. Part of a long curving terrace of individual buildings that front directly onto the footway along the High Street, it is an integral part of the historic heart of Yarm, within the conservation area. It has a wide frontage, with an elliptical carriage archway through the right hand side and a stone cill band at first floor. The brickwork on the front of the appeal house has been painted a cream colour.
4. The appeal is on Ground (e), that consent should be granted for the works. For an appeal on ground (e) to succeed it is for the appellant to provide a justification for the alteration that has been carried out to the listed building. Annex C to PPG15¹ advises that alterations to wall surfaces are usually the most damaging that can be made to the overall appearance of a historic building – previously unpainted surfaces should not normally be painted over.

¹ Planning Policy Guidance: Planning and the Historic Environment

The appellant states that the brickwork has been painted to prevent penetrating damp. However, little has been submitted to demonstrate that dampness is a particular problem at the appeal building, nor has any professional evidence been provided to show that the paint used is either the best way to tackle damp or an appropriate paint that will preserve the brick and allow the fabric of the building to function as it should. In my experience painting brickwork would seldom adequately prevent serious damp penetration through a wall and can damage brickwork by trapping moisture within it.

5. Next door on one side is an imposing three storey Grade II* building, which is also painted. However, the stature and rough render finish of this neighbouring building set it apart visually from the appeal property, which is linked more closely with the brick two storey terraced properties at its other side. These are unpainted and are built of the dark red handmade bricks that seem to be characteristic in the town. I saw at my visit that although now painted, the size, texture and joint widths of the brickwork at the front of Ridley House appear to be the same as the brick at these adjoining properties, which are also listed Grade II.
6. Looking along the High Street I saw that in general painted properties are those that have previously been rendered whereas brick facades are mostly left unpainted and the rich colour of this, presumably, local brick provides a visual continuity along the street that ties it together. At the appeal building this distinction has been blurred and the original brickwork has been disguised by the paint finish.
7. I find no justification for painting the front exterior of the listed building and conclude that the works carried out have harmed the special architectural interest of the listed building and failed to preserve the character and appearance of the conservation area. The appeal on ground (e) must, therefore, fail.

Wenda Fabian

Inspector