



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/05/21

gan Mr A Thickett, BA (Hons) BTP Dip
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 3/6/21

Appeal Decision

Site visit made on 14/05/21

by Mr A Thickett, BA (Hons) BTP Dip RSA
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 3/6/21

Appeal Ref: APP/E6840/E/20/3263350

**Site address: Her Majesty's Prison Usk, Maryport Street, Usk, Monmouthshire,
NP15 1XP**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 the Ministry of Justice against the decision of Monmouthshire County Council.
 - The application Ref: DM/2020/00635 dated 18 May 2020, was refused by notice dated 17 July 2020.
 - The works proposed are: Refurbishment and redecoration of wrought and cast iron balustrades, including the replacement of previous inappropriate repairs using conservation repair techniques. Installation of a reversible secondary balustrade system to improve loading and stability.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed works on the special architectural and historic interest of Her Majesty's Prison Usk, a Grade II* listed building.

Reasons

3. Usk prison lies at the southern end of Maryport Street on the edge of Usk town centre. According to the listing description it was built in 1841/2 and enlarged in 1868. The internal layout is based on the panopticon plan devised by Bentham for the construction of Pentonville Prison in London and which became the model for prison layout for many years. The layout and main fabric of the prison remain largely as it was in the 1860s and the description of the interior includes the metal landings, rails and stairs.
 4. According to the Heritage Statement supporting the appeal application, the balustrades at HMP Usk have *'high evidential value as an original component of prison construction'* with *'many Victorian balustrades having been replaced elsewhere such as at HMP Cardiff'*. Further; *'the balustrade has high historic value as an original design component of the Pentonville prison model'* and *'are not only evidence of Victorian*
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prison design, but have potential to yield further information on development and change in detail, design and specification of materials over the twenty year period that the residential wings' span'. My observations confirm the Heritage Statement's finding that; 'Open balustrades and open grid cast iron walkways allowed for largely uninterrupted views down the residential wings from the central rotunda, and thus maximum surveillance with little additional manpower'. I agree that the design of the balustrades contribute to the overall regularity and symmetry of the wings radiating from the central rotunda.

5. Having never set foot in a prison before, I also agree with the author of the Heritage Statement that the; *'balustrade has high aesthetic value, and can immediately be identified as a quintessential element of prison architecture in the national consciousness, through depictions in prison related dramas as diverse as "Porridge" and "Bad Girls" to prison scenes in historical dramas'. According to the list description, the building is 'Listed II* as a mid C19 gaol, illustrating design and social principles of the day, and mainly unaltered'. For these reasons, I consider the prison to be highly significant architecturally and historically.*
6. The main part of the prison comprises 3 wings (A, B and C) radiating out from a rotunda. The cell blocks are accessed through arched openings and are two-storey with barrel vaulted ceilings. There are windows at the end of wings A and C, at the end of wing B is the library. The corridors are lined with cells. Cells on the first floor are served by an iron balcony walkway with iron diamond grid flooring overlaid with boarding and vinyl sheet flooring. The balcony is supported on iron brackets and has a slender iron balustrade, supported on cantilevered iron brackets.
7. The walkways run the full length of the wings on both sides. The walkways to wings A and C connect directly into the rotunda with a balcony forming a bridge across the connecting opening. The walkway to wing B ends in a bridge across the connection to the link block. Within the link block, a gangway supported on iron beams spans the balcony at the termination of wing B and a second gangway spans the connection to the rotunda. Within the rotunda, the bridges at the entrances to the wings are connected by balconies to the north and south east walls. Each wing has two staircases, one original the other modern. The original staircases have similar detailing to the balconies.
8. The first floor walkways and handrails are formed from metal brackets cantilevered from the walls. A metal diamond grid mesh floor spans between brackets and metal uprights at the end of each bracket. A handrail runs between the uprights beneath which are cross braced round bars and a central vertical bar meeting at a circular boss marked 'VR'. The combination of the high vaulted ceilings, the largely open balustrade and fine detailing of the bars gives the wings a light and airy feel.
9. The proposed works include the restoration of the balustrade including putting right previous unsympathetic repairs. This is to be welcomed. In addition, the wrought and cast iron handrails would be encased in a secondary balustrade system, increasing the load capacity of the walkways and the height of the balustrades to 1.5m. The secondary balustrade would be fixed to the existing cast iron cantilever brackets that support the walkways. New weld mesh would be installed to the inner face of the balustrade.
10. Securing the new balustrade would require 3 holes to be drilled in every upright in order that it could be bolted to the existing. Support for the new horizontal rails and steel plates would be provided by drilling through and bolting a new bracket to the existing cast iron brackets (two holes). The works to install the secondary balustrade

are described as reversible as the holes drilled through the cast iron would be filled and, according to the appellant, not noticeable to the 'casual eye'. Given that it would be necessary to drill tens if not hundreds of holes, I am not persuaded that the damage the works would cause to the existing, historic fabric could be concealed were the secondary balustrade removed. Beyond saying that the holes would be filled there are no details of how this would be done or what measures would be needed to ensure that the current appearance of the uprights and brackets would be reinstated. Nor am I persuaded that restoration to a standard to satisfy a casual eye is good enough for a Grade II* listed building, particularly given the acknowledged importance of the features that would be affected by the proposed works.

11. Looking at the plans and the virtual overlays the secondary balustrade, with its thick box steel beams, would look heavy and brutal in comparison to the finer detailing of the existing structure. Encasing the balustrade below the existing handrails with weld mesh would also be in direct conflict with the original design concept of open balustrades and open grid cast iron walkways enabling '*maximum surveillance with little additional manpower*'. I appreciate that this is a prison, but the proposed works would result in significant harm to the buildings aesthetic and the light, airy feel to the wings. Consequently, I agree with the authors of the Heritage Statement that the proposed works '*will no doubt have a negative impact on the appearance of the residential wings and will impact on their aesthetic significance*'.
12. The appellant's commissioned a structural survey of the balustrades which concluded that their structural capacity is not sufficient for a modern prison environment and warns of a risk of failure, particularly under extreme loading conditions. However, it also notes a lack of distress or apparent failure which suggests they have the same or higher structural capacity as when they were constructed and suggests that loads have not been significantly exceeded through the life of the building, that being around 160 years.
13. The surveyors acknowledge that the only way to achieve the design loads specified by the appellant is to construct a secondary system as proposed. Nonetheless, their recommendation is the acceptance of a lower design load and maintaining the walkways in their current state. I set out their final conclusion in full: '*The building is grade II* listed and the hand railing and walkway appears to be a significant feature of the original design. Based on this the impact of any repairs, strengthening or new construction on the historic fabric would have to be considered and justified. Part of this justification would need to be a discussion regarding the required loading and why this could not be relaxed in this instance*'.

Conclusions

14. I acknowledge the high level of responsibility carried by the Ministry of Justice and the Prison Service with regard to the safety of all the users of the prison, many of whom are vulnerable. According to the appellant, a 1.5m high balustrade is considered essential to prevent self-harm or harm through accident or malicious intent. I have taken into account the findings of the surveys which conclude that the structural capacity of the handrails is not sufficient for a modern prison environment and warns of a risk of failure. That these works include refurbishment and repair and would enable the current use of the prison to continue, thereby preserving the historic fabric, is also a significant material consideration.
15. Nonetheless, I am not persuaded that the proposed solution is the only way this can be achieved. For the reasons given above, I do not consider that the specification for the balustrades has proper regard for the age of HMP Usk or its architectural or

historic significance. Having regard to all matters raised, I conclude that the proposed works would not preserve the special architectural and historic interest of this Grade II* listed building and that the appeal should be dismissed.

Anthony Thickett

Inspector