
Appeal Decisions

Site visit made on 28 April 2014

by Keith Turner LLB(Hons) DipArch(Dist) RIBA MRTPI

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

Decision date: 8 May 2014

2 Appeals relating to 83-85 George Street, Hull HU1 3BN

- The appeals are made by (Mr F T B Hooson) Lakeland Central (Hull) Ltd against decisions of Kingston-upon-Hull City Council.
- The works and development proposed are to convert an existing Dance Hall into 10 apartments.

Appeal 1: APP/V2004/E/13/2204496

- 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 application Ref 00019963M, dated 5 December 2012, was refused by notice dated 3 July 2013.

Appeal 2: APP/V2004/A/13/2201900

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 00019963L, dated 5 December 2012, was refused by notice dated 3 July 2013.
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Decisions

Appeal 1: APP/V2004/E/13/2204496

1. The appeal is dismissed.

Appeal 2: APP/V2004/A/13/2201900

2. The appeal is allowed and planning permission is granted to convert an existing Dance Hall into 10 apartments at 83-85 George Street, Hull HU1 3BN in accordance with the terms of the application, Ref 00019963L, dated 5 December 2012, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with drawing nos. 04 304 12; 03 304 12; 02 304 12 rev A, except where amended by other conditions of this permission.
 - 3) Before the development hereby permitted is commenced details of a sound attenuation scheme for the premises shall be submitted to and approved in writing by the local planning authority and before the dwellings are occupied the sound attenuation measures approved shall have been fully carried out and shall thereafter be retained.
 - 4) All new internal wall partitions (dividing walls), where they come in contact with original architectural features and detailing shall be scribed round such features

such as cornices, dado rails, skirting boards, picture rails, pilaster capitals and so on. When fitting kitchen units the skirting boards and dado rails shall not be removed.

- 5) The existing narrow flooring boards shall be retained without alteration, along with the double doors separating the existing corridor leading to the main building fronting George Street, and the proposed new corridor serving the 10 apartments. The upper transverse party walls shall be built off centre, that is along one side of the moulded transverse vaulting ribs (as per the present stage partition).

Preliminary Matters

3. The appeal premises comprise a grade II listed building which, for the purposes of the NPPF¹ is also a designated heritage asset. There is a statutory duty² when considering whether to grant listed building consent for works or planning permission for development which affects such a building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Whilst I note that such matters do not form part of the reasons for refusal, they must, therefore, be considered.
4. Similarly, because the appeal site lies within the New Town Conservation Area, there is a duty³ to ensure that any development preserves or enhances the character or appearance of the Area. This is reflected in Policy BE18 of the Hull City Plan.
5. The works and development proposed in each of the applications is identical. Consequently, the policy framework and material considerations for each will be similar. I shall, therefore, deal with both appeals together, referring if necessary to the particularities of each.

Main Issues

6. Having regard to the Council's reasons for refusing both planning permission and listed building consent, all the other information before me, and the comment set out above, I consider that the main issues raised by these appeals to be:
 - (a) Whether the proposed works and development would preserve the character of the appeal building as one of special architectural or historic interest and preserve or enhance the character or appearance of the surroundings.
 - (b) Whether the lack of suitable access provision for persons with mobility impairment is outweighed by other material considerations.
 - (c) Whether the units of accommodation proposed would provide an acceptable standard of accommodation for the occupants.

¹ National Planning Policy Framework, March 2012

² Ss 16(20) and 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990, as amended

³ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990, as amended

Reasons

7. I have taken account of the Government's recently published planning guidance, but its provisions have not materially affected my considerations in this case

Issue (a): Preservation of the Listed Building

8. In addition to the statutory duty set out above, the NPPF requires that in determining applications for development affecting heritage assets, the significance of the asset affected should be assessed and this should be taken into account when considering the impact of a proposal on a heritage asset. Great weight should also be given to the asset's conservation.
9. The appeal building comprises a large 5 bay structure at first floor level which was formerly used as a theatre. It has a stage and proscenium and it is part of a group of buildings which comprised the former Hull Young Peoples Institute. Most are listed buildings and most have been converted into apartments.
10. A primary characteristic of the theatre is its open and expansive volume and the barrel ceiling which contains ornate glass panels which admit daylight from above. There are also decorative ribs across the ceiling demarking each bay. These connect to pilasters at the walls. This provides a strong rhythm to the space which is emphasised by windows in each bay between the pilasters.
11. The proposed development would involve subdivision of this space into 10 apartments, 5 on either side of a central corridor. Within that corridor there would be no sense of the larger space within which it passes. The proposed apartments are ingeniously designed on 2 levels, the upper part forming an open gallery set back from the external walls. This arrangement would minimise the physical impact upon the listed building, but not its visual impact. The existing ceiling would be preserved but protected behind a false ceiling. Details of that are not shown on the application plans but were apparent on a working model in the building. The decorative ribs in the ceiling would be preserved and dividing walls would be offset from them.
12. From my inspection I consider that the proposed works, whilst not damaging the existing fabric of the listed building to a great extent, would detract from the significance of the heritage asset through the loss of opportunity to see the overall space as a whole and its ornamental features in that setting. However, the Appellant has indicated that to maintain any of the past uses such as reading room, theatre or dance hall have proved unviable due to lack of interest. That is not disputed by the Council. In addition, such uses, if re-commenced, would generate much activity and significant noise and that would result in harm to the amenity of the residents of other apartments which have already been created in the complex.
13. The planning officer's report states that no external alterations are proposed to the listed building. Internally, the stage would be removed, but that appears to have been a later addition of no particular merit in itself. The subdivision of the hall would acknowledge and preserve key features of the building and would also be fully reversible in the future. The planning officer also points out that the re-use and refurbishment of the appeal building would be likely to enhance the Conservation Area. I see no reason to disagree with that conclusion.

14. It would be desirable to maintain the openness of the interior of the listed building to preserve more fully its significance as a heritage asset. However, on balance, I find the arguments in support of the development and preservation of the fabric for the future to outweigh the loss of significance in this particular instance, especially in the absence of any potential alternative which could avoid it. Consequently, I conclude that the listed building would be preserved to an acceptable degree in all the circumstances, and re-use and maintenance of the building would enhance its surroundings.
15. However, my experience in listed building enforcement casework leads me to be concerned that insufficient detail is contained in the applications before me. It was clear during my site visit, that many aspects of the works have been discussed by the Appellant and the Council, but these are not documented before me and do not form part of the application I have to determine. I have considered carefully whether these details could be secured through conditions, but I do not find that they can in the absence of more specific information as to how the works would be executed. For these reasons I find that listed building consent should not be granted at this stage.

Issue (b): Access for persons with mobility impairment

16. Policy BE10 of the Hull City Plan requires that new development makes provision for access for people with mobility impairment. The proposed apartments themselves contain stairs to the upper bedroom gallery and bathroom, and the space available within the apartments renders it unlikely that they would be suitable for occupation by such people. However, the Appellant points out that there is an intention to develop the former CAB section which fronts on to Charlotte Street Mews to form dedicated accessible housing for those with mobility impairment. This, it is suggested, would provide a coherent and well balanced plan of development. Whilst that may be correct, there is no certainty that the latter would proceed after the present scheme is completed. Nevertheless, the opportunity is available if required.
17. The access to the appeal building also involves climbing more than 20 steps and there is no alternative access proposed and none currently available without stairs. Significant works would be required to provide an access suitable for people with impaired mobility and that would very probably require removal of original fabric of the listed building which the proposed scheme seeks to avoid. Consequently, whilst I fully accept that it is desirable wherever practicable to provide appropriate access to development, the fact that this proposal is within a listed building does add significant constraints. These are recognised in other controls such as the Building Regulations where relaxation may be granted in order to preserve the character or fabric of historic buildings.
18. In my judgement the continued use and preservation of the listed building is sufficient to justify setting aside the general policy which requires access for people with mobility impairment in this particular case. In coming to this conclusion I am mindful of the good record which the developers have set out in the appeal documents which suggests that the wider development may provide some apartments suitable for those with mobility impairment as suggested.

Issue (c): Space within the Accommodation

19. The Council's second reason for refusal relates to the excessive number of units of accommodation which would not provide an acceptable standard of accommodation for the occupants. Reference is made to Policy H1 of the Hull City Plan. This general policy does not refer specifically to space standards and the only detailed consideration mentioned which appears relevant in this case is design.
20. The smallest apartment in the proposed development has a floor area of 30.65m² (330ft²). Whilst some would be larger, only 1 would be significantly bigger. Given that they are intended for single or double occupation this is quite small by general standards in my professional experience. Some account should also be taken of loss of usable floor space occupied by the staircases. The layout is compact and, whilst it would provide full kitchen facilities, they would be within the only living space. The layout plans show minimal furniture provision and no storage facility. Circulation space around the beds would also be minimal.
21. The original windows have sills high above the floor level. However, these are sufficiently large to extend up to light the upper galleries, and daylight levels should be adequate for both spaces.
22. The development is intensive, leading to small units. However, the form and proportions of the building imposes limitations which have been taken into account. It would not be feasible to enlarge the units ignoring the rhythm of the structural bays. Consequently, any other solution involving subdivision may well be impracticable. The Appellant is supported by an experienced developer who is clearly confident that the units created would be acceptable and marketable. I find that this, and the fact that a listed building with limited possibilities for re-use would be preserved, is sufficient to outweigh any concerns arising from space standards applicable to new housing generally.

Conclusions

23. I find that the proposed development would preserve the listed building to an acceptable degree, despite the concerns I have about sub-division of the internal space. The constraints imposed by re-using the building and the benefits derived from such re-use are sufficient in my judgement to outweigh the objections related to lack of provision for people with mobility impairment and the limited size of the residential units to be created. For these reasons I find that planning permission should be granted for the use and the design so far as it currently goes.
24. However, I find that the lack of detail about how the sub-division structure is to be constructed, how the ceiling and decorative rooflights are to be preserved and still appreciated, the means by which the floor finish is to be resolved and other practical matters are to be resolved may lead to issues during any works carried out. There is insufficient detail before me to permit conditions to be adequately formulated. For these reasons I consider that listed building consent should not be granted, though I find the proposals acceptable in principle.

Conditions

25. The Council suggested several conditions. The first was the statutory time limit, which is appropriate and necessary. The second requires compliance with the submitted drawings and I agree that to be necessary to ensure accurate execution of the development. The third relates to sound attenuation measures for the new partition walls. That is necessary to ensure adequate sound insulation between dwellings and will be imposed. The fourth and fifth relate to preservation of architectural features. That is required to ensure preservation of the historic fabric of the listed building.

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