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## Appeal Decisions

Site visit made on 9 February 2015

**by Jane V Stiles BSc(Hons)Arch DipArch RIBA DipLA CMLI PhD MRTPI**

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

**Decision date: 27 February 2015**

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**Appeal A: APP/Z3635/A/14/2219082**  
**Land Adjacent to Town Hall, Market Square, Staines-upon-Thames,**  
**TW18 4RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Hopetown Staines Ltd against the decision of Spelthorne Borough Council.
  - The application Ref 13/00835/FUL, dated 24 May 2013, was refused by notice dated 17 March 2014.
  - The development proposed is erection of new building on land between the existing Town Hall and the River Thames consisting of a mixed use of flats and offices. Retaining and converting the existing fire station.
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**Appeal B: APP/Z3635/E/14/2219086**  
**Land Adjacent to Town Hall, Market Square, Staines-upon-Thames,**  
**TW18 4RH**

- 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 Hopetown Staines Ltd against the decision of Spelthorne Borough Council.
  - The application Ref 13/00836/LBC, dated 24 May 2013, was refused by notice dated 17 March 2014.
  - The works proposed are erection of new building on land between the existing Town Hall and the River Thames consisting of a mixed use of flats and offices. Retaining and converting the existing fire station.
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### Decisions

**Appeal A: APP/Z3635/A/14/2219082**

1. The appeal is dismissed.

**Appeal B: APP/Z3635/E/14/2219086**

2. The appeal is dismissed.

### Application for costs

3. An application for costs was made by Hopetown Staines Ltd against Spelthorne Borough Council. This application is the subject of a separate Decision.

### **Procedural matters**

4. Whilst the description of the proposed development on the application forms includes offices, the proposals before me show only residential development.
5. The Council has erroneously referred to 13 proposed flats whereas the Appellant's plans and documents indicate 14 proposed flats. Following my site visit the Appellant confirmed to the Case Officer that the proposal is for 14 flats. I shall therefore deal with these appeals on that basis.
6. The western site boundary appears different on each of the plans: the un-numbered block plan, the site survey P-F 600 and the ground floor plan P-F 601B. Therefore it is unclear what would appear on the ground.

### **The site and its surroundings**

7. The appeal site relates to the Fire Engine Shed (sometimes referred to in the representations as the Old Fire Station) and land to the south and west of the Staines Town Hall (sometimes referred to in the representations as the Old Town Hall) which itself is located on the southern side of Market Square within the Staines Conservation Area. The north-east corner of the Fire Engine Shed just touches the south-east corner of the Town Hall such that the north elevation of the Fire Engine Shed aligns with the south elevation of the Town Hall, while its east elevation aligns with the west elevation of the Town Hall. Both buildings are listed in Grade II.
8. The appeal site lies within the Staines Conservation Area (the CA) and the River Thames is located to the south of the site. To the west of the site are the dwellings within Colnebridge Close whilst to the east is the newly refurbished Memorial Gardens. The area to the front of the Town Hall, i.e. Market Square, has been re-paved and cleared of car parking and contains the War memorial. Market Square is fronted by buildings in a variety of uses including A1, A2, A3 and B1 uses. The parties agree that both the Town Hall and the Fire Engine Shed are of high significance in Listed Building terms and they occupy a prominent position both within the Staines Conservation Area and beside the River Thames.
9. The Fire Engine Shed was used as a Museum but has been vacant for several years (since 2003) and is currently boarded up. It was vandalised and subject to fire damage in 2012 which effectively gutted the building. From the cartographic evidence there was a kitchen extension to the south of the Town Hall which masked about half of the east elevation of the Fire Engine Shed. Beyond that extension was a Day Care Centre which extended southwards as far as the tow path. Both have now been demolished and the removal of the kitchen extension has left a scar on the south elevation of the Town Hall. The southern part of the site where the Day Care centre formerly stood is currently surrounded by hoardings which are painted dark green.
10. The appeal site including the derelict Fire Engine Shed was sold to the Appellant by the Council with a view to it being redeveloped.

## **Main Issues**

11. The main issues in these appeals are:

### **Appeals A & B**

- (i) The effect of the proposals on the special architectural and historic interest of the Listed Buildings and their settings and on the character and appearance of the Staines Conservation Area.

### **Appeal A**

- (ii) The effect of the proposals on the character and appearance of the setting of the River Thames;
- (iii) The effect of the proposals on flood risk; and
- (iv) Whether the proposals would be acceptable in terms of transportation.

## **Reasons**

### *Listed buildings and conservation area*

12. The Town Hall and the Fire Engine Shed are believed to have been constructed at about the same time circa 1879-1880. The Town Hall was designed by John Johnson, architect and district surveyor of East Hackney, following a public competition, in a Renaissance style with Italian and French motifs. It has white brick and stone dressings with Doulton-like bands; a fishscale slate roof with panelled brick chimney stacks; a steep roof with platform and a wrought iron handrail with finials. It is comprised of 2-storeys and attics; 5 windows to the front elevation and 9 to the side elevation; the front elevation has 4 dormers with triangular heads. There is a central clock tower at the front of the building with baroque detail, clock face and weather vane, which is dated 1880 AD. The principal elevation faces the Market Square; the flank elevations are ornate with 9 windows while, to my mind, the south elevation facing the Thames has been designed more as a rear end. Nevertheless, it has significant features of special architectural interest. The two rear corners of the building are formed by square turrets with pyramidal roofs with the central upper section containing 2 recessed panels with arched tops beneath a single arch, itself beneath a pediment. Notably there are 2 circular windows (one in each turret). The lower half of the rear elevation beneath a projecting white string course is very plain.
13. The Fire Engine Shed has a yellow brick gabled front with modillion cornice returned up the gable, rebated brickwork and moulded brick plinth and string. It has 2 archways with moulded architraves inscribed "Fire Escape" and "Fire Engine". There are decorative and painted terra cotta bands and Doulton pottery ornaments in gable and plinth. As already stated, the Fire Engine Shed has itself been fire damaged (circa 2012) and vandalised.
14. The setting of the Town Hall owes its character to the harmony produced by the particular grouping of buildings around Market Square to the front (north) and the quality of the open space created between them; to the Memorial Gardens to the east; to the riverside setting to the south; and by its relationship with the Fire Engine Shed to the south-west. Whilst the Memorial Gardens have

- evolved over time and now comprise an urban space with modern hard landscaping, steel railings and items of sculpture, they nevertheless, provide an open and tranquil green space across which the east flank elevation may be seen.
15. Similarly, the Market Square setting has evolved over time and now has a contemporary feel with new paving and street furniture around the War memorial. Two listed telephone boxes contribute to the setting of the front of the Town Hall facing Market Square.
  16. Both the Town Hall and the Fire Engine Shed are of high significance in Listed Building terms and they occupy a prominent position both within the Staines CA and besides the River Thames. From the south bank of the River Thames and from Staines Bridge to the west, the rear and flank elevations of the Town Hall can currently be seen in the context of their riverside setting, which includes more recent developments along the riverside frontage. The Town Hall itself is an important visual element which makes a marked contribution to the historic skyline.
  17. I was unable to gain access inside the area enclosed by hoardings, but from what I could see above the hoardings, and from the written and cartographic evidence, the removal of the Day Care Centre has exposed the rear wall of the Town Hall.
  18. Currently, the setting of both the rear and flank of the Town Hall and the setting of the Fire Engine Shed are marred by the presence of the hoardings; and the setting of the Town Hall is marred by the somewhat dilapidated state of the Fire Engine Shed. The redevelopment of the appeal site therefore provides a significant opportunity for enhancement.
  19. The proposal would comprise a total of 14 apartments: 8 apartments within a 2-storey extension to the rear of the Town Hall; 2 within the Fire Engine Shed; and 4 within a new 4-storey building on land to the west of the Fire Engine Shed. I note that the proposed new building to the south of the Town Hall is intended to be a structure which is independent of the Town Hall and capable of being removed from the site at a future date leaving the Town Hall unaffected. Whilst this is not entirely clear on the plans before me, the detailing of this could be the subject of a condition attached to any Planning Permission (PP) or Listed Building Consent (LBC) granted.
  20. A contemporary design is proposed which is intended to be sympathetic to the heritage assets in terms of position and proportion. However, first, I am concerned that the height of the 2-storey extension would be such that it would not fully reveal the detailing of the upper section of the rear wall of the Town Hall above the stringer course. In particular it would have an unhappy and cramped relationship with the 2 circular windows in the turrets, and it would mask the base of the recessed arched sections, leaving them with a truncated appearance.
  21. In respect of the conversion of the Fire Engine Shed, I am concerned that the Doulton pottery ornaments in both gables appear not to be intended to be retained. To my mind, they are features of special architectural interest which could easily be retained.

22. I am in no doubt that the site has many constraints and is therefore a difficult site to develop. From the Riverside, the proposals have made a careful attempt to maximise the use of the site whilst harmonising between the height, scale and location of Colnebridge Close to the west; the scale and location of the Fire Engine Shed which essentially lies in the middle of the proposed development; the height, scale and proportions of the Town Hall to the north-east; and the alignment of the River and the towpath, which themselves do not align with the Listed Buildings.
23. In general, the converted Fire Engine Shed would make an imaginative re-use of a semi-derelict building. It would be a dominant feature in head on views of the proposals both from the riverside and from the Market Square. From the riverside, the upper 2 storeys of the proposed 4-storey block to the west would be stepped back in ziggurat fashion thereby not only reducing its apparent bulk, but also harmonising with the profile of the Colnebridge Close development, whilst rising to a height that would relate well to the Town Hall on the Market Square side. Indeed, it would be no higher than the entablature level of the Town Hall.
24. The 4-storey block would be forwards of the converted Fire Engine Shed by about 1.2m and adjoined to its west side, while the proposed 2-storey block to the east would be forwards of the Fire Engine Shed by about 5m or so and adjoined to its east flank. I appreciate that both flank elevations of the Fire Engine Shed would be masked by the proposals. But, there are no features of special architectural or historic interest which have been brought to my attention in those elevations. Furthermore, it is hard to see how any redevelopment of the appeal site could take place without those elevations being hidden from view, at least in part. In any event, from the cartographic evidence, the former kitchen extension and Day Care Centre must have masked the east flank.
25. As already stated, the current setting of the Fire Engine Shed is marred by the presence of the hoardings which largely mask the eastern flank. In my view, the proposed 4-storey block and the proposed 2-storey block would frame views of the rear elevation of the converted Fire Engine Shed from the west and south which would help to emphasise its relatively small scale in relation to the Town Hall. Furthermore, the contemporary style of the 2 proposed blocks would not compete with the architecture of the Fire Engine Shed or the Town Hall.
26. Whilst it is unfortunate that views of the Fire Engine Shed (on the riverside frontage) from the east would be blocked by the projecting 2-storey block, from the cartographic evidence, this must have been the case, at least in part, with the former Day Care Centre and kitchen extension. In any event, a balance needs to be struck between any such harm to the setting of the Fire Engine Shed and the benefits of redeveloping the site which include bringing the Fire Engine Shed back into re-use and removing the current harm caused by the hoardings and the dilapidated state of the Fire Engine Shed.
27. From Market Square, the proposed 4-storey block would not compete with the architecture of the principal elevations of the Town Hall and Fire Engine Shed. Furthermore, the setting of the Town Hall would change very little, given that the proposed 4-storey block would be set back slightly from the north-west corner of Fire Engine Shed and then splay back to the common boundary with

Colnebridge Close. As such, the open space to the west side of the Town Hall would be retained. To the rear of that open space, the proposed 4-storey block would again help to frame views of the Fire Engine Shed and emphasise its charm and scale in relation to the Town Hall, albeit it would block any current views through to the river.

28. Concern has been raised that both the 2-storey and 4-storey blocks would have flat roofs. However, I saw a not insignificant number of buildings within the vicinity of the appeal site which can be seen from within the CA that either had flat roofs or which had parapet roofs that give a not dissimilar appearance to a flat roof. These include a substantial white dwelling on the south bank of the Thames; the building which stands on the north side of Market Square adjacent to the War Memorial and the terrace across the street; Debenhams Store; a modern block to the east of the Memorial Gardens; and various buildings in the vicinity of Staines Bridge. Furthermore, there are a number of roofs which appear to be pitched but are in fact 'crown roofs'.
29. In my conclusion, first, the proposals would cause harm to the features of special architectural and historic interest to the rear of the Town Hall, which I have identified and their setting. Secondly, it would cause harm to some of the remaining features of special architectural and historic interest of the Fire Engine Shed which I have identified and its setting. In turn, these factors would harm the character and appearance of the Staines CA. Consequently, the proposals would cause some conflict with s16, s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended and Core Strategy Policies EN5 and EN6. Furthermore, I am not satisfied that this harm is necessary to achieve the substantial public benefit of bringing the site back into re-use. As such, the proposals conflict with the NPPF.

#### *River Thames Setting*

30. The site lies adjacent to the River Thames which is also a Site of Natural Conservation Importance. Abutting the site is a tow path which is a public right of way that forms part of a national long distance path (The Thames Path). Policy EN9 of the Core Strategy seeks to enhance the setting of the River Thames by a number of measures including: seeking to protect and enhance existing views of the river; and paying attention to the design of development located in riverside settings to ensure that it respects and makes a contribution to the setting of the rivers.
31. The depth of the amenity space to the front of the proposed 4-storey block would be not dissimilar to that in front of the Colnebridge Close development while that in front of the 2-storey block would be more shallow tapering to almost nothing at the west end of the block. The ziggurat profile of the 4-storey block would reduce the impact of the height of the building on the users of the tow path. The amenity space in front of the converted Fire Engine Shed would be about twice the depth of that in front of the Colnebridge Close development. As such, it is relatively generous.
32. I am mindful of the fact that the proposal involves the redevelopment of an irregular parcel of land containing 2 Listed Buildings which align with each other but which are on a different alignment to the Colnebridge Close development. Furthermore, the tow path is of a different alignment again, and its depth varies in the vicinity of the appeal site. In my view, the layout of current proposal strikes a satisfactory balance between these parameters, and

I note that where the amenity space would taper to almost nothing it would be adjacent to the widest part of the tow path. From the cartographic evidence, the former Day Care Centre abutted the tow path in front of the Fire Engine Shed all the way to the eastern boundary of the site. The current proposal is therefore an improvement. Overall, I do not consider that the proposals would lead to a sense of being hemmed in for the users of the tow path, as suggested by the Council.

33. In terms of views from Staines Bridge and from the south bank of the river, the proposals would allow views of the Fire Engine Shed and the Town Hall from the west and from the south. My only concern is that the 2-storey block would be too high to afford satisfactory views of the features of special architectural interest of the Town Hall to which I have already referred. I am also satisfied that the proposals would have a satisfactory relationship with the Colnebridge Close development.
34. From the east and south east there would be clear views of the east flank of the Town Hall while views of the rear of the converted Fire Engine Shed would be masked. However, this elevation would be much altered by the proposals.
35. In my conclusion, first, existing views of the river itself would only be affected by the proposals in so far as the 4-storey block would prevent views through from Market Square. Secondly, in general, the proposals would respect and make a contribution to the setting of the river. Indeed, the removal of the hoardings and the restoration of the currently dilapidated Fire Engine Shed, would enhance the setting. However, some harm would be caused to the views of the features of special interest on the rear of the Town Hall, which currently form part of the historic backdrop to the river. I therefore find some conflict with the spirit of Policy EN9 of the Core Strategy.

#### *Transportation*

36. Based on the Council's adopted car parking standards, the proposals would require 18.25 parking spaces. Whilst the proposed development would provide only 2 car parking spaces, the Council's Parking Standards document does accept a reduction in certain specified situations including within the town centre where public transport accessibility is generally high.
37. Paragraphs 34 and 35 of the NPPF encourage the provision of facilities to promote sustainable transport modes. Furthermore, Policy CC3 of the Council's Core Strategy & Policies DPD requires the provision of sufficient, safe, waterproof, convenient and secure cycle parking to assist promoting cycle use. The Council's parking standards updated in September 2011 require cycle parking on the basis of one space per unit. Thus, in this case, 14 spaces would be required, which the Council envisages would require an area of about 14.8m<sup>2</sup>.
38. The Appellant claims that cycle storage facilities "can and have been allowed for on the site". However, none is shown on the plans before me. Therefore, I am not clear as to where such facilities could be accommodated either externally or internally.
39. Similarly, whilst the Appellant has shown a willingness to accept a condition requiring the provision of space for 14 bicycles, there is no suggestion as to where such facilities could be provided. Furthermore, it is unclear to me where

a cycle parking facility could be accommodated externally without affecting parking and refuse/recycling collection for the development. Consequently, the proposal is unacceptable in transport terms and conflicts with the national and local policies to which I have referred.

40. Additionally, whilst not raised in the reasons for refusal, the proposals before me do not provide any information on the provision of storage for wasted and recyclable materials despite the fact that the application form claims the plans indicate areas to store and aid the collection of waste. As such, the proposals conflict with the requirements of Part (g) of Policy EN1 of Core Strategy & Policies DPD. This adds further weight to my reasons for dismissing the appeal because it is unlikely that the storage of cycles and refuse either on the river frontage, or within the landscaped courtyard would be acceptable.

#### *Flood risk*

41. Policy LO1 of the Core Strategy & Policies DPD seeks to reduce flood risk and its adverse effects on people and property by a number of measures. The Council has also produced Supplementary Planning Guidance (SPD) on Flooding in 2012 to amplify Policy LO1. In addition, section 10 of the NPPF sets out the government's policy on flooding.
42. The site lies adjacent to the towpath of the River Thames where it falls within flood zones 3a and 2 i.e. partly within the 1:100 (1%) and partly within the 1:1000 (0.1%) chance of flooding. There appears to be no dispute that the site is not at risk of flooding from the River Colne. However, there appears to be some dispute between the parties as to the extent to which the proposed development would lie within flood zone 3a. From the undated plan put in by the Council, the 2-storey block and the 4-storey block would largely be located within flood zone 3a while the converted Fire Engine Shed would fall within flood zone 2. From the EA Plan created on 4 February 2013 put in by the Appellant, the Town Hall, the Fire Engine Shed and the land either side of it mostly lie within the 1% AEP flood extent. The historic flood map indicates the site may have flooded in the 1947 event, but has remained dry in the subsequent floods of 1974, 1993, 2000, and 2002/03.
43. The Appellant's FRA says a comparison between the floodplain levels provided by the EA and the surveyed ground levels suggests that the 1% + CC flood level of about 15.90m is significantly lower than the proposed threshold level of 16.28m or the ground level at the front of the Town Hall which is 16.2m. The Appellant's FRA comments that the footprint of the previous buildings occupied an area of 498 m<sup>2</sup> while the footprint of the proposed development would be some 520m<sup>2</sup>. I note however that there is currently no provision for the storage of refuse or cycles which could potentially increase the built development.
44. The design does not incorporate voids but the finished floor level would be 16.28m AOD which would be 300mm above the 1:100 year climate change level. The EA has advised that the small increase in floorspace is acceptable as the development proposes improvements which would improve the flood resilience of the development.
45. However, it is the LPA's role to interpret planning policy, which is that inappropriate development in areas at risk of flooding should be avoided if possible and that it should not exacerbate the risks elsewhere. Having had



regard to Policy LO1 and the NPPF, I consider that little weight should be given to the existence of a building which was demolished so long ago especially given that that part of the site has remained clear of buildings since that time, albeit the hardstanding may have remained in place. The site currently provides flood plain volume which would be eroded by the proposed housing development. So it would increase flood risks elsewhere, unless some form of compensation arrangements are included.

46. The scale of the current proposals within the flood plain would reduce flood storage capacity and potentially impede the flow of flood water within flood zone 3 which would increase the risk of flooding into areas not currently at risk. Thus, as things stand, the current proposals would be contrary to local plan flooding policy.
47. The FRA indicates that the main safe route in times of emergency would be onto Market Square and thereafter onto Clarence Street, both of which are in the 1:1000 zone. This aspect would be in accordance with the Council's SPD on Flooding and is, therefore, acceptable.
48. Given that the Council has a housing land supply in excess of 5 years, there is no requirement to permit residential development within the flood plain which conflicts with national and local flooding policy.
49. In my overall conclusion, whilst some elements of the proposal would be satisfactory, some would not. I consider first, that the 2-storey block needs to be reduced in height in order not to truncate views of some of the features of special interest at the rear of the Town Hall; secondly, that the Doulton mouldings in the gables of the Fire Engine House should be retained; thirdly, that satisfactory arrangements should be made for the storage of cycles; fourthly, that satisfactory arrangements need to be made for the storage and collection of waste and materials for recycling; and finally, that satisfactory arrangements need to be made to minimise the risk of flooding. For these reasons, the proposals would conflict with the national and local policies to which I have referred.
50. I do not consider that my concerns could be addressed by the imposition of conditions because in combination the required amendments to the scheme could result in a development which bears all of the hallmarks of "a camel being a horse designed by a committee". In particular, both from Market Square and from the riverside, the proposed scheme needs to be a very carefully balanced composition, and one which does not cause harm to the setting of the listed buildings, their features of special architectural and historic interest, the character and appearance of the CA or to the setting of the river. As such, a fresh application is required.
51. I therefore dismiss both appeals.

*Jane V Stiles*

INSPECTOR

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