
Appeal Decisions

Site visit made on 23 March 2015

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

Decision date: 7 April 2015

Appeal A: APP/U1105/W/14/3000197

St Andrew's School, Chardstock EX13 7BX

- 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 Vida Developments Ltd against the decision of East Devon District Council.
 - The application Ref.14/1241/FUL, dated 16 May 2014, was refused by notice dated 26 September 2014.
 - The development proposed is the conversion of Grade II listed old school building into 3 dwellings.
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Appeal B: APP/U1105/Y/14/3000185

St Andrew's School, Chardstock EX13 7BX

- 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 Vida Developments Ltd against the decision of East Devon District Council.
 - The application Ref.14/1242/LBC, dated 16 May 2014, was refused by notice dated 26 September 2014.
 - The works proposed are the conversion of Grade II listed old school building into 3 dwellings.
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Decisions

1. The appeals are dismissed.

Application for Costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. St Andrew's School dates from the 19th Century and is a Grade II listed building. It lies within the Chardstock Conservation Area.
4. In that context, the main issue to be considered in these appeals is the effect of the proposals on the special architectural and historic interest of the listed building and, linked to that, whether the proposals would preserve or enhance the character or appearance of the conservation area. In the parlance of the Framework¹, this can be expressed as the effect of the proposal on the significance of the designated heritage assets affected.

¹ The National Planning Policy Framework

Reasons

5. The Council raises no issue with the principle of conversion but limits its objection to the alterations proposed to the front boundary wall, and attendant changes, to provide two off-street parking spaces for Unit 1. Planning permission and listed building consent have been granted for a similar proposal that does not include those alterations and attendant changes².
6. The starting point for consideration of the proposal is the provisions of the Act³. Put simply, sections 16(2) and 66(1) require the decision maker, in deciding whether to grant consent for works, or permission for development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest it possesses. Section 72(1) requires the decision-maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
7. The Courts have held that the phrases 'special regard' and 'special attention' are synonymous and mean that the decision-maker must apportion considerable importance and weight to the desirability of avoiding harm to a listed building, or its setting, or to the character or appearance of a conservation area, in reaching their decision.
8. To a large extent, these provisions are reflected in the approach of the LP⁴. LP Policy EN9 says that development involving the change of use or alteration of a listed building will only be permitted if it preserves the special architectural or historic interest of the building. LP Policy EN11 stipulates that proposals for development in a conservation area will only be permitted where they would preserve or enhance the appearance and character of the area.
9. The approach of the Framework is subtly different. Paragraph 132 says 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. It then goes on in paragraphs 133 and 134 to differentiate between the approaches necessary when any harm is found to be substantial, or less than substantial.
10. The former school presents an attractive frontage on to the street. The front boundary wall and the original opening in it, frame the main entrance to the building. The strength of the boundary treatment, and the enclosure it provides to the front yard, helps make plain the original purpose of the building. I accept that the boundary wall has been altered, over time, but despite those changes, the original function and format remain readily discernible and make a positive contribution to the building itself, and the conservation area.
11. While the design of the gates could be controlled by condition, the introduction of a large opening into the wall would result in the loss of some historic fabric, dilute its continuity, and thereby its strength, and the sense of enclosure it provides to the front yard. The parking of motor vehicles on the front yard that the opening, and other alterations, are intended to facilitate, would clutter the space, and detract from the sense of it acting as a forecourt to the building.

² Ref.14/2537/FUL dated 10 December 2014 and 14/2583/LBC dated 9 January 2015

³ The Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Adopted East Devon Local Plan - 2006

12. On that basis, the proposal, viewed overall, would fail to preserve the special architectural and historic interest of the listed building, and its setting, and fail to preserve or enhance the character or appearance of the conservation area. I must attach considerable importance and weight to these considerations when reaching my decision. There would also be a failure to accord with LP Policies EN9 and EN11.
13. In terms of the Framework, the proposal would affect one small constituent of a relatively large building and a limited part of the conservation area. As a consequence, it is clear that the harm caused to the designated heritage assets affected would be less than substantial.
14. Paragraph 134 of the Framework tells us that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, where the designated heritage assets affected are listed buildings and conservation areas, as is the case here, the balancing exercise needs to be considered in the light of the statutory provisions of the Act. Moreover, in dealing with any designated heritage asset, paragraph 132 of the Framework tells us that great weight should be given to the asset's conservation.
15. Obviously, bringing the former school back into use, for residential purposes, represents a significant public benefit. However, to underwrite a conclusion that the harm that would be caused by the overall scheme before me, is necessary in order for those benefits to be realised, relies on a demonstration that the scheme would be unlikely to proceed without the provision of off-street parking spaces for Unit 1, in the manner proposed.
16. While the appellant rightly highlights that the conversion of historic buildings is relatively expensive and the concern of the selling agent that it would be difficult to sell Unit 1 with on-street parking at a price close to the projected cost of development, there are no detailed figures provided to bolster those conclusions. An assertion that the suggested difference between the value of Unit 1 with or without off-street parking is in the region of £100,000 means very little isolated from details of the costs of the overall conversion, the likely sale price of the dwellings that would be provided, and the profit margin.
17. In simple terms, it has not been shown that the harmful impact that would be caused by the overall scheme before me is necessary to secure the public benefits of conversion. In that context, I am of the view that the public benefits of the proposal do not outweigh the less than substantial harm it would cause. That is especially so when I must attach considerable importance and weight to the latter consideration, and because there is no convincing evidence to show that the same public benefits could not be secured by a less harmful intervention.
18. For the reasons given above I conclude that the appeals should be dismissed.

Paul Griffiths

INSPECTOR