
Appeal Decisions

Inquiry held on 11 and 12 March 2014

Site visit made on 12 March 2014

by Ava Wood Dip Arch MRTPI

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

Decision date: 25 March 2014

Appeal A: APP/V3120/E/13/2204399

Thames Valley Police, Police Station, Church Street, Wantage, Oxfordshire OX12 8BW

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Churchill Retirement Living Limited against the decision of Vale of White Horse District Council.
 - The application Ref:P13/V1050/CA, dated 10 May 2013, was refused by notice dated 13 August 2013.
 - The demolition proposed is development to form 45 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.
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Appeal B: APP/V3120/A/13/2204192

Thames Valley Police, Police Station, Church Street, Wantage, Oxfordshire OX12 8BW

- 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 Churchill Retirement Living Limited against the decision of Vale of White Horse District Council.
 - The application Ref:P13/V1049/FUL, dated 10 May 2013, was refused by notice dated 13 August 2013.
 - The development proposed is development to form 45 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The proposal for conservation area consent is incorrectly described as a "development" on the application form. The demolition proposed is of existing buildings on the appeal site comprising a redundant police station, magistrates' courts and a third building (also formerly used for police purposes) on the site.
 3. The appeal scheme seeking planning permission comprises a development of 44 sheltered apartments and not the 45 number described in the application form. That is the basis on which the Council determined the application and I have considered the appeal accordingly.
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4. The decision notice relating to the planning application cites four reasons for refusal. However, amended plans showing revised car parking arrangements (to be secured through demolition of the boundary wall with the adjacent property) overcome reasons for refusal 3 and 4, as agreed in the Statement of Common Ground (CD3.24). Furthermore, a Supplementary Statement of Common Ground (CD3.25) confirms that the parties have agreed that an off-site contribution towards affordable homes is appropriate in this case. A completed unilateral undertaking securing the agreed contributions was submitted at the Inquiry.
5. I have no reason to take an opposing view on the matters described and agreed between the main parties. Furthermore, it was confirmed that the amended plans were subject to consultation and my accepting them does not prejudice anyone's interests. The main issues identified below therefore focuses on the matters of dispute between the parties.

Main Issues

6. In both appeals the two main issues are:
 - The effect on the character and appearance of the Wantage Town Centre Conservation Area, and
 - The effect on the settings of nearby listed buildings.

Reasons

Conservation Area Issue

7. The conservation area boundary washes over the front third or so of the appeal site and extends each side of it to take in all of Church Street. The character of the conservation area is essentially that of a market town displaying a wide range of building styles and variety in scale as well as quality, not untypical of market towns that have developed over a long period of time. The focal point of Church Street is undoubtedly the Grade I listed Church of St Peter and St Paul dominating the north western end of the street. The pattern of development on the north side of Church Street is tight grained, reflecting the north/south arrangement of historic burgage plots. Along the southern side of the street the pattern is more linear. The street has a low key but pleasant and traditional feel to it, in keeping with its lesser commercial importance and former backstreet functions.
8. The buildings proposed for demolition were constructed in three phases and comprise the police station building dating from the late 1960s, the magistrates' courts completed in the 1970s and a two storey block erected in the 1980s. The former two stand out in the street largely because of the relative modern style of their construction and their positioning in relation to the site frontage. The design is utilitarian and of a style commonly used in public buildings of that period. The uncluttered facades and shallow pitched roofs of the 1960 and 1970s buildings, however, render them unobtrusive and they are part of the established and varied fabric of Church Street.
9. It was agreed that, while there is no objection to removal of the buildings, demolition without an acceptable replacement scheme would create an unsatisfactory gap in the streetscene. In other words, the fate of the conservation area consent appeal is dependent on the outcome of Appeal B.

From this point onwards my considerations are, therefore, confined to the scheme forming the subject of Appeal B.

10. The proposal for planning permission comprises a single building mostly of two and a half storey construction. The Council considers that it is essentially of three storey construction and the height of it is unacceptable in relation to nearby buildings within the conservation area. The survey undertaken on behalf of the appellant confirms that the eaves and ridge heights of the new building would be comparable with a number of buildings on Church Street, including those opposite, and the listed former Infants' School and No. 16 (the former Woolpack public house). However, considerations of scale and compatibility with context involve an assessment of a number of factors, of which height is only one element.
11. Thus, in terms of footprint, the proposed building would be substantially larger than any individual building on Church Street. It would occupy a large share of the plot frontage with a floor plan depth substantially greater than is typical of traditional neighbouring buildings. The building would extend towards the public car park with blocks of similar or deeper floor plates. The adequacy of amenity space for use by future residents of the new apartments is only one measure of the manner in which the development would relate to its plot and wider context. The single, unbroken expanse of building extending to about 72m towards the rear of the site, to a height reaching close to 11m along most of its length and in close proximity to its eastern boundary would read as an unremitting, monolithic structure occupying a large area of the plot.
12. The new building has been consciously designed with variations in wall alignment, heights of eaves and ridges in an effort to create bays that would respect the pattern and rhythm of buildings on Church Street. The scaling down measures, however, would only emphasise the bulk and volume of what is a disproportionately large building with an extensive footprint. Furthermore, wide roof spans, the roof profiles and profusion of dormer windows dominating roof slopes would result in a building of a style and scale unrelated to local historic tradition or forms. Modern equivalents referred to in the evidence are either sited outside the conservation area and/or do not represent good examples to aspire to.
13. The need to introduce artificial variety using a wide range of facing materials and the addition of details drawn from local buildings would serve to reinforce the inappropriateness of what is proposed. I agree that external facing materials could be the subject of a condition, but the measure would not mitigate the wider, deep-seated deficiencies in the design or the architecture, which leaves a lot to be desired. The proposal would represent an unhappy compromise and the sort of unfortunate outcome arising from *"attempting to change the architectureinto a more contextual form."*¹
14. The appeal site occupies a prominent corner location alongside a route that the public use to access the Market Place from the car park. The combined factors of extensive footprint, height, bulk and points of detail adding to its visual mass, would cause the new building to stand out as a large and ungainly feature dominating the streetscene. For reasons of poor aesthetic appeal and incompatibility with the scale of its context, the development would cause harm to the area's inherent character as well as its heritage interest.

¹ English Heritage/CABE publication – Building in Context

15. Although the existing buildings on the site could not be regarded as attractive or sympathetic to their surroundings, they are (as described earlier) relatively unobtrusive. Replacing them with a development of the size and fundamental design shortcomings identified would not preserve, let alone enhance, the character or appearance of the conservation area. Even with the softening effects of additional landscaping on a site currently devoid of any greening, the proposal would be an unwelcome addition to this conservation area.

Listed Building Issue

16. Alongside the church, historic buildings of note nearby are: No. 16 Church Street, the former Parish Infants' School, the Vale and Downland Museum and buildings forming the rear of The Bear Hotel and the Victoria Cross Gallery. They are all listed as Grade II. The gable end of No. 16 is prominent in west facing views along Church Street. Its setting (and that of other listed buildings) comprises the conservation area in which it lies and is appreciated. The historic significance of elements of the Bear Hotel and Victoria Cross Gallery facing Church Street lies mainly in the way that the buildings respect and contribute to the street's established grain.
17. Loss of all or part of the views of the church tower could be an inevitable outcome of any development on the appeal site. These are important views in the approach to the town centre from the car park and should not be sacrificed to a design of less than high quality.
18. Because of its size and poorly considered design, the new development would compete with the significance of the listed buildings on Church Street and diminish their standing in the streetscene. Of particular concern is the way that the proposed building would dominate views of the gable end of No. 16. Furthermore, having concluded that the proposal would cause harm to the conservation area, so too would it impact adversely on the settings of the listed buildings on Church Street, given the extent to which the buildings are viewed from within and outside the conservation area.

Conclusions and Other Considerations

19. The scale of the new building, combined with its inherent design shortcomings and relationship to context, would cause the proposal to fail against Policy DC1 of the Vale of White Horse Local Plan (LP). The policy expects developments to aspire to high quality and inclusive design. The development would additionally fail to comply with LP Policy HE1 and its broad aims of preserving or enhancing the established character or appearance of conservation areas. As the proposal would not be respectful of the listed buildings' settings, it would be out of step with LP Policy HE4.
20. LP Policy HE1 is not fully compliant with the National Planning Policy Framework (NPPF), as it does not allow for weighing the public benefits of a proposal in the circumstances of substantial or less than substantial harm to the significance of a designated heritage asset. Nevertheless, it reflects the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and should be accorded substantial weight.
21. The recently issued Planning Practice Guidance confirms that in general terms substantial harm is a high test and may not arise in many cases. By way of example, the adverse impact of works to a listed building would constitute

substantial harm if it seriously affects a key element of its special architectural or historic interest.

22. In this case, the key components of the conservation area would not be affected to the extent of total loss of its significance. The scale of harm would be less than substantial, as the proposal would be an unwelcome but not wholly destructive addition to a conservation area defined by a number of different and overlapping features of historic interest. Nevertheless, the harm needs to be weighed against the public benefits of the proposal, as required by paragraph 134 of the NPPF.
23. A number of benefits would flow from this proposal. Delivery of 44 new housing units would be economically and socially beneficial in a District unable to demonstrate a five year deliverable supply of housing land. The Council may have measures in place to reduce the shortfall, but accepted that currently there is not a favourable five year supply. Sheltered housing also brings a range of benefits in the form of housing for elderly people for which there is a local demand², and who are then likely to release under-occupied homes. The residents would be close to facilities in the town centre thus reducing the need to travel by car. They would have the comfort and security of a warden assisted environment. Such housing also reduces the burden on the health service and, being centrally located, future residents would help sustain local facilities and services.
24. The proposal additionally provides for financial assistance towards the District's affordable housing needs, which I have taken into account in my consideration of the scheme. The relevance or need for contributions towards other local services (as provided for in a separate unilateral undertaking) is unclear from the evidence but, in any case, they are offered as necessary mitigation rather than benefits specific to this scheme alone. On the benefits side of the argument they can be accorded little material weight.
25. As established by recent case law, the duties under Sections 72(1) and 66(1) should be given considerable importance and weight. The harm to heritage interests of the conservation area and settings of listed buildings that I have identified above are very real and would prevail for the long term. The countervailing public benefits, either individually or collectively, are not sufficient to set aside the weight of harm caused to these matters of heritage importance. Indeed, the benefits described could be realised in part from a different type of housing development on the site or from a design for a sheltered housing scheme better suited to the area.
26. The harm to the historic environment would not bring the environmental gains necessary to render the development sustainable in the terms described in the NPPF, notwithstanding the economic and social advantages of a sheltered housing scheme. The alternative scheme presented by the Council is very different in terms of its form and usage. Furthermore, there is no assurance that a scheme for 15 (non-sheltered) houses is a viable option for the site. Assessing its comparative advantages serves no useful purpose in establishing the acceptability or otherwise of the appeal scheme.

² Comments from third parties suggest that a number of sheltered apartments in Wantage remained unsold or unoccupied, but the Council did not deny that a demand existed.

27. Given the material harm that would be caused to the character and appearance of the conservation area and to the settings of listed buildings, the proposal would fail against the development plan and NPPF policies looking to conserve the historic environment and achieve high quality design. Appeal B is therefore dismissed. In the light of this conclusion, it follows that Appeal A also fails.
28. A letter on behalf of King Alfred's School suggests that the appeal site should be reserved for educational use. The site has not been allocated for that purpose. Furthermore, as the principle of residential use on the site is not at issue, the objection carries no force. No other matters raised alter the balance of my considerations or my decision to dismiss both appeals.

Ava Wood
INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Mary Cook of counsel	Instructed by Vale of White Horse District Council
She called:	
Mr Edmund Booth BA	Director, The Conservation Studio
DipUD MRTPI IHBC FSA	
Ms Sally Davis BA MSc	Planning Consultant, PCL Planning

FOR THE APPELLANT:

Mr Neil Cameron QC	Instructed by Planning Issues Limited
He called:	
Mr John Shelbourn Dip	Group Design Director, Planning Issues Limited
Arch (Hons) RIBA	
Mr Jason Clemons BA	Director and Head of Historic Buildings, CgMS
MA MSc MRTPI	Limited
Mr Simon McFarlane	Senior Associate Planner, Planning Issues Limited
BA(Hons) DipTCP MRTPI	

INTERESTED PERSONS:

Mrs J Maberley	Local Resident
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DOCUMENTS

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| 1 | Lists of persons notified of the Inquiry |
| 2 | County Council summary of related infrastructure requirements |
| 3 | Decision Letter Appeal ref: APP/X1118/A/12/2182606 |
| 4 | Aerial photograph - Wantage Town Centre and surroundings |
| 5 | Unilateral Undertaking dated 10 March 2014 |
| 6 | Unilateral Undertaking dated 10 March 2014 |