

Appeal Decision

Site visit made on 14 March 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 30th March 2017

Appeal Ref: APP/V2825/W/16/3165204

Victoria Inn, 2 Poole Street, Northampton, NN1 3EX

- 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 Mr M Rahman against the decision of Northampton Borough Council.
 - The application Ref N/2016/1236, dated 25 August 2016, was refused by notice dated 7 November 2016.
 - The development proposed is the conversion of a public house to flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Boot and Shoe Quarter Conservation area; and
 - Whether the proposal would provide adequate living conditions for future occupiers with particular reference to outdoor amenity space, bin storage and cycle storage.

Reasons

Character and appearance

3. The appeal property is a vacant pub within the Boot and Shoe Quarter Conservation Area. This covers the urban area north east of the town centre which is associated with the industrial heritage of the footwear industry in Northampton. It is characterised by tightly knit late 19th and early 20th century terraced housing originally intended for workers that is intermingled with workshop buildings along with pubs, schools and places of worship.
 4. The appeal property is an attractive two storey pub building that is prominently located on the corner of Poole Street and Military Road (with its main frontage to Military Road). It retains many of its original features including its distinctive corner entrance door and is recognised in the Boot and Shoe Quarter Conservation Area Appraisal and Management Plan (CAA) as a candidate for inclusion on the Local List of Buildings of Interest. The CAA identifies it as a well preserved building which is typical of 19th century public houses.
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5. Thus the appeal property plays an important role in defining the character of the area, which is part of the Conservation Area's significance as a heritage asset. It also has heritage interest in its own right, and some degree of significance that in my view merits consideration. I therefore confirm that whilst it is not a listed building, I regard the appeal property to be a non-designated heritage asset.
6. The CAA recognises the importance of corner buildings to the character of the Conservation Area and identifies corner pubs, such as the appeal property, as being significant. It also highlights the loss or erosion of detail on corner buildings as an example of change which would adversely affect the character of the area. Furthermore, the CAA advises that the Council will strongly discourage the change of use of buildings to residential, especially where this involves significant external alterations and loss of corner architectural details.
7. The proposal seeks the conversion of the pub to 6 flats and includes changes to the building and an extension to its Military Road frontage. In terms of the alterations, I appreciate that the main part of the pub would not be demolished and its principal elevations, along with a number of its original features, would be retained. Nevertheless, even though the original lintels would be kept, a new door would be provided to the Poole Street elevation in place of a window, and the existing door on the Military Road elevation would be replaced by a window. Moreover, the distinguishing corner entrance to the pub would be closed off and bricked up. The loss of this important and characteristic feature, along with the insertion of a door in the side elevation to Poole Street, would appear as unsympathetic alterations that would detract from the host property's traditional appearance. Important elements of its architectural detailing would be lost and the significance of its notable corner position would be eroded.
8. The appeal property has been extended along its Military Road frontage at both ground and first floor level (as well as at roof level) and I accept that these appear as a rather ad-hoc collection of additions. That said, the existing flat roofed first floor off-shoots are set back from the property's Military Road frontage and sit well below the height of the ridge of the pitch of the main roof. They also retain a gap at first floor level to the adjoining terrace of houses to the south. As such, they maintain an open area at first floor level and allow the original flank elevation of the main part of the building to be appreciated. They also ensure that the appeal building appears separate from the adjacent terrace. This being so, the existing additions appear subordinate to the main two storey corner element of the host building which remains very much the dominant feature in the street scene.
9. In contrast, the proposal would replace the existing additions with a considerable first floor extension with a pitched roof that would sit flush with the Military Road frontage. Although set down slightly, it would be almost as tall as the existing ridge height and would effectively infill the whole of the site at first floor and roof level. It would also extend to the full width of the site's frontage to adjoin with the immediately adjacent terrace of houses to the south. Therefore, although it would reflect the existing pattern of development nearby in terms of its position hard up to the boundary with the highway, the proposal would introduce an unduly large and bulky addition that would completely dominate the scale of the original building and would not be subservient to it.

10. Furthermore, by infilling the existing first floor level gap between the pub and the adjacent terrace, the proposal would lead to the appeal property being joined on to the terrace and seen as a continuation of it. Thus, the visual primacy and separate identity of the main part of the building would be compromised. Additionally I share the Council's concerns regarding the number, size and position of the doors and windows in the proposed extension. I note that the windows are intended to be similar in design to those on the host property, but smaller so as to appear subordinate. However, in my view their smaller size and the variation in their proportions between the first and ground floors, would appear directly at odds with those on both the host building and the adjacent terrace.
11. Taking all these factors into account, I consider that the proposal overall would appear unsympathetic and incongruous. It would detract from the attractive traditional appearance of the host property and seriously undermine its role as a distinctive corner building in the street scene and within the wider Conservation Area. This would be at odds with the advice in the CAA which seeks to avoid significant external alterations to corner buildings and the loss of corner architectural details.
12. The appellant suggests that, if they are of concern, the precise design of the scheme and use of materials could be secured via a condition. However, the appearance of the building forms part of the proposal before me and I am mindful that the appeal process should not be used to evolve a scheme. In any event, the unacceptable visual impact that I have described could not be overcome by such conditions seeking minor amendments only to the proposal.
13. For the reasons given, the proposal would therefore fail to be in keeping with, and would detract from, the appearance of the host building and the historic character of the area, which are both of significance to the area's heritage. Paragraph 131 of the National Planning Policy Framework (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area (as described at paragraphs 133 and 134 of the Framework), the harm caused would nevertheless be material.
14. Accordingly I conclude on this main issue that the proposal would be harmful to the character and appearance of the host property and fail to preserve or enhance the character or appearance of the Boot and Shoe Quarter Conservation Area and would therefore adversely affect the significance of this designated heritage asset. This would be contrary to Policy E20 of the Northampton Local Plan (Local Plan) which is permissive of new development provided that its design adequately reflects the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials. It would be at odds with Local Plan Policy E26 which is permissive of development provided it preserves or enhances the appearance and character of a Conservation Area (A).
15. The proposal would also conflict with Policy S10 of the West Northamptonshire Joint Core Strategy (Core Strategy) which sets out sustainable development principles and advises that development will protect, conserve and enhance the natural and built environment and heritage assets and their settings (i). It would undermine Core Strategy Policy BN5 which indicates that designated and

non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to local distinctiveness and sense of place. It would also fail to support the core planning principles of the Framework of preserving the significance of designated heritage assets and securing high quality design.

Living conditions future occupiers

16. The proposal would completely fill the triangular plot and would not make provision for any private amenity space, bin storage or cycle parking.
17. The appellant points out that there is no policy requirement for dedicated outdoor amenity space and the Council accepts that it does not currently have minimum amenity space standards. Even so, Core Strategy Policy H1 expects housing developments to make the most efficient use of land having regard to (amongst other things) the living conditions provided for future residents (f).
18. The proposal concerns one bedroom and studio units which are intended for single people or couples rather than families. The site is also close to Racecourse Park, a large area of public open space. Nevertheless, in practical terms the proposal would provide no space at all for the future occupiers of the flats to undertake normal domestic activities such as hanging washing outside to dry, or to sit and enjoy the outdoor environment. Although the appellant considers the proposal to be no worse in this regard than the existing rooms above the pub, the flat roof of the rear extension appears to serve as a roof terrace that provides outdoor space for the occupiers of the existing residential accommodation.
19. Since there is no provision for refuse storage within the site, and in the absence of any further information from the appellant, it seems likely to me that the bins that would be associated with the 6 flats would be accommodated on the street. This would be unsatisfactory in terms of its impact on both residential amenity and the character and appearance of the area.
20. Northamptonshire County Council's revised parking standards set out a minimum requirement of one cycle parking space per flat. I have some sympathy with the Council's view that the provision of cycle parking at the appeal site is particularly important since the proposal would provide no off-street car parking. The appellant suggests that there is sufficient space within the flats for cycles to be stored if required, particularly in the large hallways of flats 4, 5, and 6 and recommends a condition to require the installation of higher level cycle racks. However, I am mindful that flats 4, 5 and 6 are on the upper floors and the storage of bicycles within these flats would require them to be carried up and down stairs. Additionally flats 2 and 3 on the ground floor do not have hallways and open straight onto the street. As such, the storage of bicycles in those units would have to be accommodated in the open lounge/kitchen areas.
21. Bringing these matters together, in my view the proposal's failure to provide basic amenity space and bin and cycle storage would mean that the standard of the resultant residential accommodation would fail to provide satisfactory living conditions for future occupiers.

22. The appellant thinks that it is not unusual for conversions to fail to provide amenity space and cites other developments (one for a house in multiple occupation and another for two flats) that have been approved by the Council in the absence of amenity space provision. However, I am not aware of the full circumstances that led to those approvals and so cannot be sure that they are the same as is the case before me. Thus, those permissions do not justify allowing development that I have found to be harmful. I confirm in any event, that I have considered the appeal proposal on its own planning merits.
23. I therefore conclude on this issue that the proposal would not provide adequate living conditions for future occupiers with particular reference to outdoor amenity space, bin storage and cycle storage. This would be contrary to Core Strategy Policy H1 and Core Strategy Policy S10 which requires development to achieve the highest standards of sustainable design. It would also be at odds with the core planning principle of the Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings. Local Plan Policy E20 is also referred to on the decision notice, but although criterion B of that policy seeks to ensure adequate standards of privacy, daylight and sunlight, it is not directly relevant living conditions in terms of amenity space, or bin or cycle storage.

Other matters

24. The appellant indicates that the Council has a shortfall in housing supply and refers to the presumption in favour of sustainable development. Whilst the Council accepts that the proposal would contribute towards its housing land supply it does not confirm whether or not it can currently demonstrate a 5 year supply of deliverable housing sites. In any case, the proposal would help to deliver a wide choice of housing and align with the Framework's aim to boost significantly the supply of housing. This is a public benefit of the scheme.
25. The appellant advises that the pub has been closed for some time and does not have a viable future. The proposal would bring the property back into use and this is a further public benefit. That said, the Council does not resist the loss of the pub itself and confirms that it has no policy to protect its conversion to an alternative use. As such, I am conscious that a different conversion scheme could secure these benefits.
26. Overall, with paragraphs 49 and 14 of the Framework in mind, I confirm that that even if the development plan were considered to be out-of-date, for the reasons given and in view of the harm that would be caused, the adverse impacts of granting permission in this case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR