



Appeal Decisions

Site visit made on 13 May 2014

by **P N Jarratt BA(Hons) Dip TP MRTPI**

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

Decision date: 19 May 2014

Appeal A Ref: APP/J1860/A/13/2208232

Russell and Co, 125 Church Street, Malvern, WR14 2AH

- 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 Russell and Co. against the decision of Malvern Hills District Council.
 - The application Ref 12/01298/FUL, dated 7 September 2012, was refused by notice dated 10 May 2013.
 - The development proposed is the conversion of existing building (B1 use) (front and facing Church Street) demolition and rebuilding of rear modern extension to form 6 new residential apartments.
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Appeal B Ref: APP/J1860/E/13/2208231

Russell and Co, 125 Church Street, Malvern, WR14 2AH

- 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 Russell and Co. against the decision of Malvern Hills District Council.
 - The application Ref 12/01299/LBC, dated 7 September 2012, was refused by notice dated 10 May 2013.
 - The works proposed are the conversion of existing building (B1 use) (front and facing Church Street) demolition and rebuilding of rear modern extension to form 6 new residential apartments.
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Procedural matters

1. The Council changed the descriptions of development and works in both applications to "demolition of rear extension and conversion and extension to form 6 residential apartments". As the appellant had not agreed to these changes, I have retained the appellant's original descriptions above.
2. On 6 March 2014 the government published Planning Practice Guidance. The content of the guidance has been considered but in light of the facts in this case it does not alter my conclusions.

Decisions

Appeal A Ref: APP/J1860/A/13/2208232

3. The appeal is dismissed.

Appeal B Ref: APP/J1860/E/13/2208231

4. The appeal is dismissed.

Main Issue

5. The main issue in both appeals is whether the proposal would preserve the grade II listed building or its setting or any features of special architectural or historic interest that it possesses, and its effects on the character or appearance of the Conservation Area.

Reasons

6. The appeal property is a Grade II listed building on two storeys, stuccoed and with a hipped slate roof with wide eaves, dating from the 1830s. Attached to the rear of the original building is a large two storey 1960s flat roof extension. The grounds are generally used for parking with a small garden at the front and there is a two storey former coach house at the rear of the site. The premises are currently used as professional offices.
7. The site is within part of the Great Malvern Conservation Area that is characterised by large individually designed Victorian/Edwardian buildings on large plots.
8. The proposed development would involve the replacement of the rear extension with a new extension with the resulting scheme providing five apartments within the extended and converted building and one within the converted coach house. The proposed extension would be on four floors as the sloping site enables a lower ground apartment to be created and for the roof space to be used as part of Unit 5.
9. The extension would be of similar width to the existing extension but longer and higher through the introduction of a hipped roof although this would be slightly lower than the roof of the original building. The design of the extension attempts to respect the design of the original building through the introduction of a hipped roof with wide eaves and string courses. It is also intended to appear as a distinct and separate addition through the use of a linking element although this is achieved through a change of materials and different roof form, rather than the linking element being set back from the face of the existing and extended parts of the building.
10. The demolition of the rear extension is acceptable in principle as it does not make a positive contribution to the character and appearance of the Conservation Area or to the significance of the listed building. However, the justification for the proposed extension appears to rely greatly on the fact that it would replace an inappropriate extension which, although this is a material consideration, does not outweigh the need to achieve a design that is sensitive to the original 1830s building. The proposed extension would be of a scale and massing that would compete with the original building and would not appear subordinate to it. This is emphasised further through the absence of any set back of the building line between the new and the old or any set back of the linking element. The introduction of four habitable levels would introduce a discordant relationship of the fenestration and string courses between the new and old elements. Whilst the roof design of the extension seeks to emulate the original roof with its wide overhanging eaves, this would compete visually with the original roof thereby diminishing its intrinsic architectural value.
11. The conversion of the original building would alter the internal layout which has square well-proportioned rooms and reflects the period and status of the

building. Access to the upper level apartments would be through a new entrance lobby and via the existing staircase. This would require the blocking of the ground floor archway and two door openings and the creation of new doorway openings in existing walls. Further interventions would be necessary on the first floor. These interventions fail to respect the plan form, they would disrupt the historic circulation pattern of the building and would result in the loss of historic fabric.

12. It follows that in view of the effect on the listed building, the proposals would fail to preserve the character and appearance of the Conservation Area. Although the extension would be to the rear of the building there would be some limited views of it from Church Street. The site abuts Portland Road from where its scale and massing would be particularly evident, notwithstanding the perimeter vegetation to the site and the change in levels.

Other Matters

13. The appellant states that there is a lack of a five year supply of housing in the District. Notwithstanding that this might be the case, the absence of such a supply would not outweigh the harm to the listed building that I have identified. Additionally, in view of the harm caused the proposals would not represent sustainable development in the context of the Framework.
14. The conversion of the coach house would be acceptable and the proposals would not adversely affect the living conditions of adjoining occupiers but these factors do not outweigh the harm caused.
15. An executed Unilateral Undertaking (UU) under s106 has been submitted by the appellant. This makes provision for financial contributions towards educational and recreational facilities on the implementation of the proposals. No justification for these contributions has been submitted by the Council in order for me to assess whether the obligations meet the tests set out in the Framework at paragraph 204. I therefore attach little weight to the UU.
16. A separate application has been submitted for the conversion to apartments of the existing building that modifies the existing extension and reduces the level of intervention into the historic fabric. Although I note that the Council is minded to approve this alternative scheme, I have considered the appeal proposals on their merits.

Conclusion

17. I conclude on these appeals that the proposals would fail to preserve the grade II listed building, its setting and features of special architectural or historic interest that it possesses. It would lead to substantial harm to the listed building and it would fail to preserve the character and appearance of the Conservation Area. Accordingly it would be contrary to paragraphs 132 and 133 of the National Planning Policy Framework (the Framework) as the benefits arising from the demolition of the 1960s extension or the provision of additional housing accommodation would not outweigh the substantial harm that the proposals would otherwise cause. Furthermore, the proposals would be contrary to Malvern Hills Local Plan Policies QL1, QL7, QL10 and QL13 regarding design, development in Conservation Areas and development affecting listed buildings. Although the Local Plan pre-dates the Framework the

policies are consistent with the Framework and I am therefore able to attach considerable weight to them.

18. For the reasons given above and having had regard to all other relevant matters I conclude that the appeals should be dismissed.

P N Jarratt

Inspector

Richborough Estates