
Appeal Decisions

Site visit made on 27 September 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 3 October 2016

Appeal A: APP/V2004/W/16/3152111

The Charterhouse, Charterhouse Lane, Kingston-Upon-Hull, HU2 8AF

- 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 James Ledger against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 16/00016/FULL, dated 16 December 2015, was refused by notice dated 6 April 2016.
 - The development proposed is change of use to 14 apartments from former school.
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Appeal B: APP/V2004/Y/16/3152122

The Charterhouse, Charterhouse Lane, Kingston-Upon-Hull, HU2 8AF

- 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 Mr James Ledger against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 16/00015/LBC, dated 16 December 2015, was refused by notice dated 6 April 2016.
 - The works proposed are change of use to 14 apartments from former school.
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Decisions

1. The appeals are dismissed.

Preliminary Matters and Main Issue

2. Although described on the application forms as relating to the Charterhouse, the appeals actually relate to the proposed conversion of the former Charterhouse school, a Grade II listed building, located within the Charterhouse Conservation Area (CCA). Subsequent to the refusal of the consents that are the subject of these appeals, planning permission and listed building consent was granted for a similar scheme¹(the new consents). In essence these new consents provide some internal alterations to allow for an external steel staircase present in the appeal cases to be removed. The decisions for both refused applications refer to the staircase and the appearance and design of the staircase is the only matter of dispute between the parties.
3. The main issue in both cases therefore is whether the proposed external steel staircase would preserve the special architectural and historical interest of the Grade II listed building and preserve or enhance the character or appearance of the CCA.

¹ 16/00578/FULL, 16/00625/LBC

Reasons

4. The former Charterhouse school is a substantial red brick building, located in the tightly defined CCA, just to the north of Hull City Centre. The Conservation Area is split in two by Charterhouse Lane; to the north of the Lane lies the Grade I listed Charterhouse itself, with the Master's House and former school to the south of the Lane. Also included within the CCA is St Mary's burial ground, a rectangular green area which separates the school building from more built up development around Little Mason Street and Trippett Street to the south.
5. The former school is designed in Gothic Revival style, and is dated to 1881 in the listing, which describes the building as a well preserved example of the first wave of Board Schools built in Hull. It consists of two main buildings; the former main school and the infant's school building, which fronts on to Charterhouse Lane. The appeal proposals relate to the main school building. The listing notes that the school is little altered externally and internally and is well detailed. At the time of my visit the building appeared to have been derelict for some time, and some external evidence of decay was present.
6. The Planning (Listed Building and Conservation Areas) Act 1990 requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset, or development within its setting.
7. The significance of the former Charterhouse School derives essentially from its architectural quality and fine detailing, its position in the history of the City and as part of the group of buildings within the CCA, particularly the school buildings, the Charterhouse itself, and the Master's House. The CCA, surrounded by industrial, commercial, healthcare and residential properties derives its significance from the quality of its buildings and the retention of the whole form and complex, as well as its location; described as an "unexpected oasis with a history stretching back over 600 years" in the Character Appraisal².
8. The proposal seeks to convert the former main school to 14 flats. The plans indicate that internal alterations to the building will be kept to a minimum. The building has the rough plan form of a reverse 'G', and to access upper floor flats on the furthest west elevation a steel external staircase is proposed. The plans indicate that this would be a simple open structure, with a longer return than the initial flight to ensure that windows are not cut across by the staircase or its required supports. The precise detail and design could be ensured by conditions, but the appellant indicates that they consider the structure could be painted black.
9. The design of the staircase would be fairly simple, with a slim form. To the west and south a large boundary wall would screen much of the staircase, with the initial flight likely to be hidden by the wall. The upper levels would be

² Charterhouse Conservation Area Character Appraisal, Hull City Council July 2010

- visible from the private rear garden of the Master's House and from within the publically accessible former burial ground to the south.
10. From longer range views from Little Mason Street, Trippett Street, Carroll Place and George Street the visibility of the staircase would be at varying levels, sometimes fleetingly through the substantial trees on the burial ground, and sometimes appearing more prominent, for instance from the corner of Trippett Street and Little Mason Street. The nature of the design and proposed black painted finish would mean that where views were possible they would be limited.
 11. However, such views would still be possible both within the Conservation Area and from the Grade II* listed Master's House. I also note that the listing for the host building specifically notes the building as being little altered externally. Harm would thus be caused to the significance of the building by the proposed staircase. In the context of paragraphs 133-134 of the Framework the Council consider that this harm would be less than substantial; the appellant considers that the proposal would not cause substantial harm to either the listed building or the CCA. I consider that due to the limited intervention on the building and the open nature and positioning of the staircase that the harm caused would be less than substantial.
 12. In such cases the Framework states that this harm should be weighed against the public benefits of the proposal, including securing its optimum use. The appellant states that the proposed scheme would allow higher levels of privacy and floor spaces to individual flats than that provided for by the new consents, as well as noting that communal areas, and related service changes would be reduced. They also note that planning policy seeks to make the best use of land and boost housing delivery. However, I have no evidence that the new consents would be unviable because of the internal alterations required to provide a scheme without the additional external staircase. The new consents would also deliver the same number of flats as the proposed scheme would.
 13. In effect therefore the public benefits of the scheme of securing the preservation, repair and renovation of the listed building could already be realised through the new consents, which would not cause the same level of harm to both the listed building and to the CCA. This limits substantially the weight I can provide to such benefits, and I do not consider that the benefits in terms of the internal alterations detailed above would outweigh the less than substantial harm that I have outlined.
 14. I therefore conclude that the proposed external steel staircase would not preserve the special architectural and historical interest of the Grade II listed building; nor would the proposal preserve or enhance the character and appearance of the CCA. Such harm has not been shown to be outweighed by the public benefits of the proposal. The proposal would be contrary to policy ENV6 of the JSP³, as well as to policies BE1, BE18, BE19 and BE27 of the CP⁴ which together state that the character and appearance of listed buildings and Conservation Areas should be protected, preserved, and where possible enhanced, and that the design of development must be acceptable in terms of its relationship to surrounding urban features or views.

³ Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire, 2005

⁴ Hull City Plan, 2000

Other Matters

15. I note that previous consents were granted in May 2009⁵ for a scheme which involved converting the former main school into 13 apartments. The plans for this proposal show a more dominant scheme than in the case before me, with a solid external staircase shown to access upper floors. However, I note that these previous consents have now expired; furthermore I also note that they predate the Framework. As such I place little weight on these expired consents.
16. The appellant raises concerns over the handling of the applications, noting that they were not made aware of any concerns over the staircase until the Officer's report and considering that the Council committee should have taken into account their previous decisions. I note in this respect that complaints over the handling of the applications should be made in the first instance through the Council's complaints procedure.

Conclusion

17. For the reasons given above I conclude that the appeals should be dismissed.

Jon Hockley

INSPECTOR

⁵ 08/00017/COU, 08/00018/LBC