

Appeal Decisions

Hearing held on 6 September 2016

Site visit made on 6 September 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/C1625/W/16/3145445

Days Mill, Fountain Street, Nailsworth, Gloucestershire GL6 0BL

- 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 Days Mill Partnership against the decision of Stroud District Council.
 - The application Ref S.15/1664/FUL, dated 13 July 2015, was refused by notice dated 3 September 2015.
 - The development proposed is the addition of a third floor, conversion of the top three floors into 6 flats, and the erection of an external stairwell.
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Appeal Ref: APP/C1625/Y/16/3145444

Days Mill, Fountain Street, Nailsworth, Gloucestershire GL6 0BL

- 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 Days Mill Partnership against the decision of Stroud District Council.
 - The application Ref S.15/1665/LBC, dated 13 July 2015, was refused by notice dated 27 August 2015.
 - The works proposed are the addition of a third floor, conversion of the top three floors into 6 flats, and the erection of an external stairwell.
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Decisions

1. The appeals are dismissed.

Procedural Matters

2. Subsequent to the refusal of the applications that form the basis for these appeals, the Stroud District Local Plan was adopted¹ (the LP). This superseded the previous plan from 2005. Both parties had the opportunity within their evidence to refer to this change in the development plan.

Main Issue

3. The main issue in these cases is whether the proposal would preserve the special architectural and historical interest of the Days Mill, a Grade II listed building, and preserve or enhance the character or appearance of Nailsworth Conservation Area

¹ Adopted November 2015

Reasons

4. Days Mill lies in the heart of Nailsworth, close to the Old Market. The stone building is located on the Nailsworth Stream and is thought to have been rebuilt around 1800 for Jeremiah Day. The eastern elevation of the Mill faces onto Fountain Street; the original block is hidden behind a later 19th century façade to this road, constructed when the street was realigned. The Mill houses a variety of commercial uses, and the property lies close to the centre of the Nailsworth Conservation Area (NCA).
5. Planning permission and listed building consent was granted for a conversion of the upper two storeys of the building, including the attic area, to residential use in 2013². This included some catslide type dormers. The proposal seeks to also convert the upper two storeys but also raise the roof to add another storey to the building. 3 floors would then be used for residential purposes.
6. The Mill has evolved over time to reflect the circumstances of the day and the aspirations of the owner. The current building was erected around 1810. At this time the building was 10 bays long, with a central pediment on the northern side encompassing the central 2 bays. Around 1893, when Fountain Street was realigned the eastern end of the Mill was removed and the building was reduced in height by a storey. It is said that this alteration was brought about due to the changing fortunes of the cloth industry in the Stroud valley, and was likely to have been a cost saving exercise by the owner at that time, or prompted by structural problems. The Mill now consists of 3 main elements; the Fountain Street façade, the stone block to the rear and a later 3 storey brick extension, thought to be constructed as an engine house.
7. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. The significance of Days Mill derives from its presence in the centre of the town, its historical form, the rhythm of its north and south elevations, and the evidence within the building of the history of the differing phases of the development both of the Mill and the town itself. Internally the Mill appears surprisingly large; this is mainly as a result of its location surrounded by other buildings, thereby masking the true external size of the Mill.
8. Section 72(1) of the Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The NCA is a reasonably large area, and covers much of the historic core of the town, along with some more modern ancillary areas, such as the Old Market. The oldest part of the town is unified primarily by the use of stone and tightly packed groups of buildings. The Old Market has various fairly modern infill buildings. Although not without charm, it is to a certain extent dominated by hardstanding and car parking, including the town's bus station. The Nailsworth Design Statement (2008)³ notes that the Old Market is the centre of town and should be the focus of the town, but that there is a desire to make the area more attractive.
9. Policy ES10 of the LP states that the District's historic environment will be preserved, protected or enhanced. Proposals that seek to conserve and

² S.13/2595/FUL, S.13/2596/FUL

³ Document 2

enhance heritage significance will be supported, especially those elements which contribute to the distinct identity of the District, including listed buildings and the District's historic towns. Any harm or loss will require clear and convincing justification.

10. Six flats would be constructed within the scheme, with an external staircase on the southern elevation of the building. The new additional floor would have ashlar gables and quoins on the north and south elevations, with metal cladding in between the windows, which would be irregularly spaced and positioned on both primary elevations. The staircase would have glazed curtain walling on the south elevation with metallic finish cladding to sides. The roof would have numerous rooflights situated within it, and the northern elevation pediment would be partially built up and effectively reinstated.
11. I note that the Council consider that it is theoretically possible for an exceptional design for an additional storey to exist, although they equally state that such an exceptional design may not be possible. I see no issue in principle with raising the Mill by one floor; if designed and constructed sensitively, such a scheme could potentially reinstate the Mill to its former prominence within the town, providing a focal point for the town centre and the Old Market. Such a proposal could also be designed to show the history of the Mill, through the removal of the original upper floor and reinstatement of a new floor over 100 years later.
12. However, I am not convinced that the scheme manages to do this. Whilst the proposal uses contrasting materials so the evolution of the building is clear, the scheme seemingly fails to carry over any details from the original Mill block. The size, design, positioning and spacing of the windows fails to respect the architectural harmony of the Mill and the materials proposed could appear stark, drawing undue prominence to the extension. The lack of harmony is maintained by the proposed rooflights, which would seemingly not relate to either the original Mill or the new floor. Whilst I appreciate that the proposal does not wish to mimic the original building, the harmony and proportions of the Mill form part of its significance. To fail to pay heed to any of these factors diminishes the significance of the Mill. I do not consider that such matters could be resolved by conditions; substantial changes to the fenestration and intervening materials would effectively be a redesign of the scheme.
13. In doing so, the strident nature of the design of the proposal would also cause harm to the wider conservation area, failing to preserve or enhance the character or appearance of the NCA. The appellant considers that the proposal would not be seen from the majority of the town. I noted on my site visit that due to the topography of the site and the surrounding town the building is not particularly visible to the east, and that the proposal would not be especially visible from Fountain Street or from Tabram's Pitch. Consequently much of the surprise of the large interior would be retained when entering the Mill from Fountain Street. However, the proposal would be prominent and noticeable from the busy Old Market to the southwest, despite the engine shed attached to the building. The proposal would also be visible from the steeply climbing hill which George Street ascends to the north east.
14. The appellant considers that the glazed extension is at a similar level and alignment to that in the approved scheme, and that the proposed pitched roof is more appropriate to the surroundings than the approved catslide dormer

roof. However, the glazed extension referred to in the decision notice appears to me to refer to the additional floor, as opposed to the circulation tower. For the reasons given above I consider that the design of this new proposed floor would harm the listed building. Catslide dormer roofs appear on other Mill buildings in the area, including the Council offices at Ebley Mill and at Dunkirk Mill, a Grade II* listed building prominent when entering or leaving the town to the north.

15. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposed development on the significance of heritage assets, such as listed buildings and conservation areas, great weight should be given to their conservation. Significance can be harmed or lost through alteration of the heritage assets, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider that the proposal would result in clear harm being caused to the significance of the listed building and that in so doing it would also fail to preserve the historic character and appearance of the NCA to which the Mill makes an important contribution.
16. Having regard to the advice in the Government's planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
17. The scheme would provide 6 new flats for the area. I can appreciate that this would provide a small boost to the housing supply of the District, and would also contribute towards retaining life in the centre of Nailsworth, as well as constructing dwellings on a brownfield site. However, the approved scheme provides for 4 flats. In reality therefore the proposal would provide just 2 additional flats to that already approved. The appellant also notes that the additional flats would divide future maintenance costs between a greater number of flats, thereby making the long term viability of the heritage asset more resilient. However, I have no substantive evidence on this point.
18. The appellant also considers that as the existing roof could be raised, the proposal would involve the loss of less historic fabric than the approved scheme, whose catslide dormers would involve more intervention. However, I note in this respect that the roof is not noted as being particularly historic by the Council, and also that the proposal would still require significant intervention in terms of the sheer number of rooflights proposed.
19. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused. Furthermore, for the reasons given above concerning the design of the proposal, I do not consider that the reinstatement of the previous floor would provide a public benefit by restoring the building to its former prominence; conversely the design would bring undue prominence to the building, harming both the listed building and the conservation area.

Other Matters

20. The appellant refers to Policy SP14 of the Local Plan, considering that the proposals would comply with all aspects of this policy, and that any conflict with design and appearance matters would be outweighed by compliance with the rest of the policy. I note that this policy provides a checklist for proposed development, and the list appears exclusive. I consider in this respect for the reasons given above that the proposal would conflict with subsection (5) of the policy. Furthermore, I also consider that the proposal would not comply with policy ES10 and would therefore be contrary to the development plan.
21. I was referred to various other buildings surrounding the Old Market, with the appellant considering that such buildings do not conserve or enhance the NCA. However, these buildings do not appear to necessarily constitute examples of sympathetic development in a conservation area and do not therefore justify the appeal proposal.
22. At the visit I was shown around the Mill and various businesses within it. The Mill is clearly well used and an asset to the town. I also have no doubts that the appellant's desire is for the Mill to continue to be a sustainable asset for Nailsworth and to play its part in the regeneration of the town. However, for the reasons given above I consider that the proposal would harm the listed building and the wider conservation area.

Conclusion

23. I therefore conclude that the proposal would not preserve the special architectural or historic interest of the Grade II listed building; nor would the proposal preserve or enhance the character or appearance of the NCA. It has not been shown that public benefits would outweigh this harm, and the proposal would conflict with the Framework and the Local Plan. Therefore, for the reasons given above, and having regard to all other matters raised, including the support of the Town Council, I conclude that the appeals should fail.

Jon Hockley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mike Nicholls	Appellant
David Nicholls	Appellant
Nigel Henry	Appellant's Agent

FOR THE LOCAL PLANNING AUTHORITY

Kate Russell	Stroud District Council
Jamie Cooper	Stroud District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter of appeal notification.
2. Nailsworth Design Statement, October 2008.
3. Approved plans S13/2595/FUL & S13/2596/LBC.
4. Appellant's additional statement and appendices.