

Appeal Decision

Site visit made on 10 October 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 21 October 2016

Appeal Ref: APP/U4610/Y/16/3153536

12 Spon Street, Coventry CV1 3BA

- 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 M A Hammon against the decision of Coventry City Council.
 - The application Ref LB/2015/4119, dated 30 November 2015, was refused by notice dated 11 February 2016.
 - The works proposed are 1) Replace former mechanical ventilation duct protruding through pitched roof to rear wing with larger duct to comply with building regulations (sprayed black). 2) Install fresh air vents through existing ground floor boarded windows to side elevation (sprayed black).
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Decision

1. The appeal is dismissed insofar as it relates to replace former mechanical ventilation duct protruding through pitched roof to rear wing with larger duct to comply with building regulations (sprayed black).
2. The appeal is allowed, however, insofar as it relates to the remainder of the application, and listed building consent is granted for fresh air vents through existing ground floor boarded windows to side elevation (sprayed black) at 12 Spon Street, Coventry CV1 3BA in accordance with the terms of the application Ref LB/2015/4119 dated 30 November 2015.

Preliminary Matters and Main Issue

3. Listed building consent was refused for the works in February 2016. The works were undertaken after a fire in 2015, and the appeal is therefore retrospective. No 12 Spon Street is a Grade II listed building and lies within the Spon Street Conservation Area (SSCA). The main issue in this case therefore is whether the works preserve the special architectural or historic interest of the Grade II listed building, and whether they preserve or enhance the character or appearance of the SSCA.

Reasons

4. No 12 Spon Street is a Grade II listed 16th century property, constructed in timber frame with a colourwashed brick front and tiled roof. The property is also listed for group value with other buildings in the street. Much of the historic buildings in the street were relocated into the road in fairly recent times; however, the host building is in its original position, which is stated to date from the 14th century. The property has a rear wing which is stated to likely date from the 18th or 19th century.
 5. The age of the property, its medieval timber frame, prominence of the building's façade in the street scene and its wider associations with Spon Street
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and surrounding historic buildings are all important parts of the buildings' special interest and significance. The SSCA is characterised by the age of the buildings within it, and is reasonably quiet in traffic terms, giving the street a traditional and quite intimate feel, in particular contrast to the surrounding areas of the central core of the City.

6. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic 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. Policy BE11 of the Coventry Development Plan 2011(the CDP) states that development which involves the alteration of a listed building will be permitted only if there will be no detrimental impact on the appearance and character and the architectural or historic interest of the buildings, or on the contribution it makes to the area in which it is situated.

Ventilation duct

7. The ventilation duct is situated on the pitched roof of the rear wing of No 12. The flue protrudes through the pitched roof with a 900mm square timber weather apron, with the duct itself being 500mm wide. The outlet has a distinctive atypical design which bends over with a 90 degrees elbow to face downwards. The flue is black.
8. The configuration, size, and colour of the flue all combine to create a stark and obtrusive design, somewhat at odds with the tiled roof and the age of the listed building. Due to surrounding buildings and vegetation, public viewpoints are limited of the duct. The flue can be seen in a confined fashion from Queen Victoria Road to the south east, just to the south of the Town Crier public house and on a footpath to the rear of this pub which cuts through to Spon Street.
9. A more distinct view of the duct can be had from the private IKEA multi storey car park to the south, where the flue can be seen clearly amongst the roofscape. From this view the colour makes the duct stand out against the red tiled roofs of the rear wing and the original building. The appellant notes that the shape of the flue was chosen to minimise public views of the duct and that the design allows a flue to be provided which does not extend above the rear elevation roof ridgeline; however, where views are possible the distinctive shape of the flue adds to the incongruous appearance of the duct and attracts attention to its detrimental impact on the appearance and character of the listed building and fails to preserve or enhance the character or appearance of the SSCA. Furthermore, public views of heritage assets can change over time.
10. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposal on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above I consider the proposal would result in harm being caused to the significance of this listed building and to the appearance of the SSCA. However, and particularly as the works would only affect a small part of the building and the SSCA, I am satisfied that the degree of harm caused would be less than substantial.

11. In such situations the harm should be weighed against the public benefits of a proposal. The vent allows the business in the host building to operate safely, and there is therefore an economic benefit to the scheme. However, I note that the Council states that they accept that there is a need for a flue. A more sensitively designed duct could perform a similar function and not have the same effect on the listed building or the SSQA. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused.

Fresh Air Vents

12. The fresh air vents are placed within some boarded up windows on the side elevation of the property. These are not visible from any public views and are painted black to match the surrounding board. The Council raise no objections to the air vents, and based on all that I have seen and read I have no reason to disagree with their conclusions. I consider that the vents cause no harm to the listed building or to the wider SSQA.

Other Matters

13. There is disagreement between the parties over whether the duct requires planning permission. Whether or not planning is required is not a matter for me to determine in the context of an appeal made under S20 of the above Act. My determination of this appeal does not affect this issue.
14. The appellant describes how the installation of the duct was taken after what they considered to be positive pre-application discussions and that they are of the view that the design of the duct is creative. However, I consider for the reasons given above that the flue causes harm to the listed building and to the SSQA.
15. The appellant considers that the flue is an improvement on one which existed prior to the fire at the property, and which was in place for a number of years. However, I have limited details on the size, external appearance and precise positioning of this former duct.

Conclusions

16. I have found that the duct causes harm to the significance of the listed building and does not preserve the character and appearance of the SSQA. The flue is contrary to Policy BE11 of the CDP and to the Framework. However, those elements of the works that I have found to be unacceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should be dismissed insofar as it relates to the introduction of the ventilation duct and allowed insofar as it relates to the installation of air vents. As these are in place and are coloured to match the surrounding board I have not imposed any conditions on this element of the scheme.

Jon Hockley

INSPECTOR