

Appeal Decision

Site visit made on 14 November 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 9th December 2016

Appeal Ref: APP/D0840/Z/16/3157647

Whirlwind Sports, Harmsworth House, Lemon Quay, Truro TR1 2LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Schroder Real Estate Investment Management against the decision of Cornwall Council.
 - The application Ref PA16/03705, dated 14 April 2016, was refused by notice dated 9 June 2016.
 - The development proposed is described on the application form as 'alterations to shop frontage'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Cornwall Council against Schroder Real Estate Investment Management which is the subject of a separate decision.

Procedural Matter

3. The Council did not cite within their decision notice that the proposal would conflict with policies from the then emerging Cornwall Local Plan: Strategic Policies 2010-2030 (the 'Local Plan'). However the Local Plan was adopted on 22 November 2016 and planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. I am satisfied that the parties have had appropriate opportunity to comment on the changing policy context and have therefore approached this appeal with reference to the Local Plan.

Main Issue

4. The Council set out in their officer report associated with the application that in their view Harmsworth House may be described as a non-designated heritage asset on the basis of its architectural merit. Whilst it is disputed as to whether Harmsworth House may justifiably be described as such, the property falls
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within the Truro Conservation Area and it is not disputed that it makes some degree of positive contribution thereto.¹

5. Consequently, I have taken the first main issue in this case to be whether or not the development proposed would preserve or enhance the character or appearance of the Truro Conservation Area (the 'Conservation Area'). The second main issue, in the event that the development proposed would not preserve or enhance the character or appearance of the Conservation Area, is whether or not the benefits of the proposal would outweigh the harm arising.

Reasons

Effect upon the Conservation Area

6. Harmsworth House lies to the south of Lemon Quay and Back Quay, a principally pedestrianised space located centrally within Truro. I understand that Lemon Quay, which now hosts a diverse range of main town centre uses, was redeveloped as an extension to the commercial centre of the City around 2002, which accounts for the presence of some relatively modern and spacious retail units nearby.
7. Nevertheless Harmsworth House falls within the Truro Conservation Area, and properties around it, particularly to the north and north-east, are generally of greater age (although some more modern buildings are also present nearby). It faces at various angles the grand nineteenth century Grade II* Listed City Hall and a number of retail units of some vintage and of more understated design served by Back Quay.² At an oblique angle Harmsworth House is also partially visible from the junction of Lemon Quay and Lemon Street, the latter being flanked by historic terraces many of which comprise commercial uses at ground floor level.
8. Despite some architectural variety in buildings nearby, surrounding properties commonly reflect classical form and proportions in their design. Such is the case of City Hall and indeed of No 29 Back Quay opposite. Aside from certain modest commercial units in the wider area, it appeared to me that most building frontages in the immediately vicinity of the appeal site are symmetrical or largely so.
9. Harmsworth House is an imposing three storey building of neoclassical appearance, the façade of which is largely traditional stone. Originally constructed in the mid twentieth century, it appears that only the façade of the property was retained during the redevelopment of Lemon Quay referred to above. The ground floor level of the property is split into two commercial units of greater depth than frontage width; the larger unit, unit 1, is in use as a public house and the smaller, unit 2, as a shop occupied presently by Whirlwind Sports.
10. Notwithstanding the difference in floorspace of units 1 and 2 and the different arrangement of windows and openings at different levels of Harmsworth House,

¹ The appellant's appeal statement sets out how the building makes 'some contribution to the immediate Conservation Area through the imposing nature of the upper levels and the fact that the building stands out as an older façade along the otherwise modern south side of Lemon Quay'.

the façade of the property is at present rigidly uniform.³ As a consequence of its classical proportions, symmetry and traditional materials in my view Harmsworth House reflects and reinforces such unifying characteristics of the Truro Conservation Area.

11. I appreciate that there have been some alterations, both proposed and implemented, to the façade of the property in the course of time which either directly or by virtue of enabling development nearby have a bearing on how the façade is experienced.⁴ In particular I note that permission has previously been granted and implemented in whole or part for the installation of doors in place of windows and for the alteration of window sill height levels at ground floor level.⁵ I also note that permission has been granted for outdoor seating associated with the public house use of unit 1 and for planters nearby.⁶
12. However these latter developments do not notably disrupt the symmetry of the property or significantly diminish the extent of traditional materials present. It appeared to me that, although the main visual presence of the building in the area is above ground level,⁷ its ground floor units are nevertheless clearly apparent despite the presence of intervening seating, planters and other items which have only a partial screening effect from most vantage points.
13. The Council set out in its decision notice that the proposal would conflict with saved policies 4F and 4Q of the Carrick District Local Plan adopted originally in April 1998 (the 'former plan') which were part of the development plan at the time the application was determined. However these policies have been superseded by those within the Local Plan. Policy 24 'Historic environment' thereof sets out that development must sustain the distinctiveness of Cornwall's historic environment.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework (the 'Framework') sets out that great weight should be given to the conservation of designated heritage assets including Conservation Areas, that planning should always seek to secure high quality design, and that any harm that would result from proposed development should be balanced against the public benefits that would arise.⁸
15. The proposal is to remove a stone column at ground floor level which presently divides the display of unit 2 to create a single larger window.⁹ Although I accept that Harmsworth House is most imposing above ground floor level, for the reasons given above it is nonetheless visible at ground floor level and any

³ I acknowledge that this symmetry may in part result from the installation of a door serving unit 2 related to application Ref C1/PA03/1414/05/B.

⁴ As summarised in the planning history section of the appellant's appeal statement.

⁵ Permissions Ref: C1/PA03/1445/04/G, C1/PA03/1414/05/B and C1/MC03/1871/05/G.

⁶ Permission Ref C1/PA03/2071/05/B, which I understand was refused but upheld at appeal, and Ref PA14/08728 respectively.

⁷ A finding broadly consistent with that of the appellant's Design, Accessibility & Planning Appraisal, prepared by Laurence Associates, dated April 2016.

⁸ The Council refer to paragraph 126 of the Framework in their decision notice, which guides as to how local planning authorities should prepare a positive strategy for the conservation and enjoyment of the historic environment rather than as to how to approach decision-taking. I have consequently found it unnecessary to conclude as to whether the proposal complies with paragraph 126 of the Framework.

⁹ As illustrated in particular on a photomontage in support of the application.

change here would be noticeable on account of the area being regularly frequented by pedestrians making use of Lemon Quay.

16. The proposal would clearly disrupt the rigid symmetry of the property which is both a pleasing characteristic thereof at present, and indeed reinforces the symmetry present in many other buildings nearby within the Conservation Area. The extent of traditional materials present would also be reduced. As a consequence I conclude that the proposal would appear incongruous and would fail to preserve or enhance the character or appearance of the Conservation Area.
17. However the change would be relatively minor given the modest scale of the proposal, particularly considered in the context of the Conservation Area as a whole. Consequently in my view it is reasonable to describe the harm arising from the proposal as limited and less than substantial.¹⁰ Accordingly, and in line with the approach in the Framework, it is necessary to balance this harm against the benefits of the proposal.

Benefits

18. The Council's officer report associated with the proposal references the encouragement given in the Framework to ensuring the vitality of town centres, and indicates that as a consequence in principle the Council has no objection to the upgrading of an existing retail outlet to enhance its performance. The Framework moreover accords significant importance to meeting the development needs of business.
19. In support of the benefits of the proposal the appellant submitted at appeal an untitled report prepared by CBRE and SBC which is dated 23 August 2016 (the 'economic report'). This elaborates upon arguments made in favour of the proposal at application stage and the Council has made comments in respect of it.
20. I accept that unit 2 has a comparatively modest window display compared with the depth of the unit, and that this may limit its suitability for uses other than retail, and that the stone pillar which is proposed to be removed may constrain external signage that can be put in place. However permission is not sought via this appeal for an alternative use or external signage, and as such the benefits of the proposal in these respects cannot be accorded significant weight. Moreover whilst there is an indication within the information before me that such a unit should ideally benefit from at least a 6 metre wide window,¹¹ there is no robust evidence in support of how this metric has been arrived at.
21. Clearly a larger window display would be more convenient for the unit in affording greater space to display wares in the context of a more challenging high-street environment resulting from online competition and out-of-town retailing. However the economic report addresses the pressures on high-street retailing in general terms rather than specifically in relation to unit 2 and its surrounding context. There is moreover limited information before me as to the

¹⁰ A finding which broadly accords with that of the appellant's Heritage Statement, prepared by Armour Heritage, Ref AH412/1, dated August 2016.

¹¹ Within the appellant's Design, Accessibility & Planning Appraisal, prepared by Laurence Associates, dated April 2016.

effect of online retailing or out-of-town facilities in relation to Truro specifically and no methodological quantification of the benefits of the proposal to the retail unit or indeed to footfall within the area more generally.¹² There is furthermore no indication that the current retail use of the unit is unviable or would be rendered unviable by the absence of the proposal.

22. For the above reasons I can therefore accord the benefits of the proposal advanced by the appellant highly limited weight. Consequently I conclude that the benefits of the proposal do not outweigh the harm that would arise to the Conservation Area, notwithstanding that such harm would be limited and less than substantial.

Other Matter

23. Given my finding in respect of the main issues in this appeal it is unnecessary for me to consider whether the proposal would preserve or enhance the setting of nearby Listed Buildings, and indeed there is some ambiguity in the information before me as to the Council's position in this respect.¹³ Even were I to find that no harm would result, this would merely be a neutral factor rather than one that weighs positively in favour of the proposal.

Conclusion

24. For the above reasons, and taking all other considerations into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the proposal does not represent sustainable development and accordingly that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

¹² Although there is therein reference to the marketing of a commercial unit at Nos 13 and 14 St Nicholas Street, this unit is in a different location within the historic core of Truro. There is also limited information before me as to the comparison between that unit and the nature of its frontage and unit 2 Harmsworth House.

¹³ The effect of the proposal on the setting of nearby Listed Buildings is not referenced within the Council's decision notice, however reference is made within their appeal statement to the effect of a former proposal for alterations to the frontage of Harmsworth House on the setting of the City Hall.