
Appeal Decisions

Hearing held on 29 March 2017

Site visit made on 29 March 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 8th May 2017

Appeal No.1: Appeal Ref: APP/Y3940/W/16/3162171
Angel House, Sherston, Malmesbury, Wilts SN16 0LH

- 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 Paul Jarvis against the decision of Wiltshire Council.
 - The application Ref 15/12574/FUL, dated 17 December 2015, was refused by notice dated 4 May 2016.
 - The development proposed is extension of existing function room and air-extract and air intake equipment mounted on existing flat roof.
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Appeal No.2: Appeal Ref: APP/Y3940/Y/16/3162168
Angel House, Sherston, Malmesbury, Wilts SN16 0LH

- 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 Paul Jarvis against the decision of Wiltshire Council.
 - The application Ref 16/00028/LBC, dated 17 December 2015, was refused by notice dated 4 May 2016.
 - The works proposed are extension of existing function room and air-extract and air intake equipment mounted on existing flat roof.
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Decisions

Appeal No.1: Appeal Ref: APP/Y3940/W/16/3162171

1. The appeal is dismissed insofar as it relates to the installation of air extract and air intake equipment mounted on the existing flat roof. The appeal is allowed insofar as it relates to the extension of the function room and planning permission is granted for extension of existing function room at Angel House, Sherston, Malmesbury, Wilts SN16 0LH in accordance with the terms of the application, Ref 15/12574/FUL, dated 17 December 2015, so far as relevant to that part of the development hereby permitted.

Appeal No.2: Appeal Ref: APP/Y3940/Y/16/3162168

2. The appeal is allowed and listed building consent is granted for extension of existing function room and air extract and air intake equipment mounted on existing flat roof at Angel House, Sherston, Malmesbury, Wilts SN16 0LH in accordance with the terms of the application Ref 16/00028/LBC dated 17 December 2015 and the plans submitted with it (specifically PC22 in relation to the air intake equipment) it, subject to the condition set out in the schedule at the end of this decision letter.

Procedural matters

3. At the Hearing the appellant presented a revised plan (PC22) illustrating a revised air intake vent hood arrangement. This was accompanied by a notification letter and list of consultees, including responses, issued in accordance with the Council's own previous external consultation methodology. Whilst the Council cautioned against their acceptance, I have determined to take them into account in my determination of the appeals. On the first basis they illustrate an arrangement that is, in visual terms, clearly a fixture of lesser physical extent than that initially proposed and to that on site at the moment. Thus to accept them on these terms would not harm or compromise the interests of anyone affected by the proposals. On the second basis, they have been the subject of public consultation and comments received by the notified parties presented for consideration. I have taken these views into account in respect of both appeals and therefore feel assured that those parties interests have also been safeguarded.
4. It was also agreed at the Hearing that the alterations undertaken to the entrance doorway to the Guest Lounge in the front ground floor of the building also be taken into account in the determination of appeal No.2 (these being works to the listed building rather than development as such). As these works have been undertaken and are indeed described on the plans (PC16B) it is appropriate that they are taken into account in the determination of this appeal.

Main Issues

5. These are in respect of both appeals a) whether the proposed development and works would preserve the Grade II listed building known as Angel House (listed as Sherston High Street (west side) The Angel Hotel) or any features of special architectural or historic interest that it possesses and b) whether they would preserve the character or appearance of the Sherston Conservation Area.
6. The effect of the proposed development on the living conditions of adjacent occupiers, by virtue of noise and disturbance, was not a substantive matter identified by the Council in their reasons for refusal in relation to appeal No.1. However, concerns over noise have been raised by local residents in their response to the appeal notification, in responses to the amended plans presented by the appellant and, as the Council advised at the Hearing, there is a complaint in relation to noise associated with the current use being considered by them under parallel environmental protection legislation. Moreover, as the amended proposals presented (and described above) involve a reconfiguration of the air intake equipment, I also consider it appropriate to add a further issue in respect of Appeal No.1 only, that being c) whether the proposed air intake equipment, as amended, has the potential to cause harm to the living conditions of adjacent occupiers as a result of noise thereby emitted.

Reasons

Significance and special interest

7. The special architectural interest and thus significance of the Angel Hotel is most evidently expressed in its east facing elevation to the broad High Street of the settlement. Here the primary linear plan form and chronological and

architectural phasing of the building are on clear display. So too are the range of architectural details and materials that hallmark it as a distinguished vernacular building of the north Wiltshire vernacular building tradition of the C16 and C17s. These include the colour-washed rendered elevation, stone tiles, hood moulded and chamfered stone mullioned windows and part gabled first floor of the south range. Internal structural fabric also remains, including chamfered floor beams on the ground floor front range. The rear court also survives in part with an open area immediately to the rear of the main range and a long access to Cliff Road to the west.

8. The building has however been subject to alteration and extension in the past. The ground floor front range has been previously adapted to office use and much of the finishes and some of the fixtures appear of recent date. Moreover, the rear court and the rear of the building itself has undergone encroachment and extension in turn over the years with additional residential ranges, communication corridors, a kitchen and the existing function facility, which itself incorporates a former skittle alley of tell-tale linier proportions.
9. The Angel Hotel and the altogether grander Swan House, another former Inn, (listed at Grade II*) form the focus of the broad High Street which defines the heart of the historic settlement and of the designated conservation area. Whilst the ensemble of high quality and in many cases designated historic buildings of the High Street embody the significance of the conservation area in many respects, this significance is supplemented by secondary groups and spaces in the wider settlement and also by the narrower winding spaces such as Swan Barton, that allow more intimate views and experience of the lesser areas of the town.

The proposals and their effect on special interest

10. The proposals, although they both relate to the commercial hospitality function of the one enterprise, comprise three distinct and physically separate elements. These are the extended ground floor function room to the very rear of the property (incorporating the former skittle alley) secondly the installed air intake unit with its current curved boxed anodised cowl (as illustrated on drawing PC18A) or the smaller domed vertically set cowl illustrated on the amended drawings (PC22). The last element comprises the part enclosure and door arrangement between the entrance lobby and Guest Lounge already mentioned. Given this discrete division of the proposals, for ease, I set them out sequentially below.

The extension

11. The principle of the extended function room has already been established through the grant of planning permission and listed building consent. This comprised an enclosure of lesser extent and one clad with a glazed roof and rear elevation, with the addition of a new glazed roof for the existing skittle ally. However, that subsequently built and now the subject of these appeals, differs markedly in its design approach. As built, the function room takes its parameters from the top of the coped wall of the skittle ally for height and for its greatest extent a line a little behind its west facing gable, effectively infilling the gap between this structure and the adjacent residential annex. In terms of detailing, the elevations are defined by a pegged hardwood frame of broad square sections incorporating secondary glazed units topped with a deep

coped parapet finished in painted roughcast render. The incorporated skittle ally retains its corrugated sheet roofing.

12. Whilst on first appraisal the deep parapet on the west elevation gives the structure a slightly top-heavy character, this is consistent with and is balanced by the chunky proportions of the framing and fenestration. Indeed, in conjunction with the traditional pegged carpentry detail and distinctive roughcast render finish, this give the structure something of an artisan Arts and Crafts revival character not without empathy for the character of the listed building. Being set within the parameters of the existing modern buildings and structures, it does not unduly obtrude into the open space of the yard, in fact it more effectively resolving the former void between the extant structures.
13. It is the case that an element of the parapet where it abuts the gable of the former skittle ally would be visible from the approach from Croft Road, and indeed that this elevation would open-up as it is approached by guests and visitors to the establishment. However, these views would be fleeting and secondary and would be seen as much against the backdrop of the modern additions to the listed building as to the rear of the building itself. Whilst it is right that the addition would encroach upon some elements of the former yard to the rear of the building, this is more a consolidation of space within extant built parameters than taking more 'open ground'. It is certainly less conspicuous in this regard than the two other enclosed timber structures within the yard subsequently approved by the Council.
14. Taking all these matters into account, I conclude the proposed extension avoids material harm to the character of the Angel Hotel as a building of special architectural and historic interest, so preserving it in accordance with the expectation of the Act and the desirability of which is a matter determined by the Courts as one of considerable importance and weight. Because of its relatively discrete location and also for the reasons set out above, I also conclude it would preserve the character and appearance of the Sherston Conservation Area. Also for the same reasons I conclude it would preserve the setting of the adjacent Swan House, the Grade II* listed building.

The air intake equipment

15. The existing kitchen air management system comprises an extract vent and fan with a flared square-plan cowl and an intake vent and fan with the box-section anodised lateral funnel attached, as illustrated on the drawings refused by the Council. The alternative arrangement presented at the Hearing retains the intake equipment but substitutes a domed cowl for the lateral funnel.
16. Whilst the flared extract cowl is by its nature visually discrete sitting above the fan housing in the roof, the lateral box-section funnel, set parallel with the long range of the listed building, is both large and conspicuous, and can be clearly seen from Cliff Road as the site is approached from there. Moreover, this excrescence can be seen in views from Swan Barton, where again its utilitarian attributes can be perceived against the traditional forms and materials defining its context. Such is its scale and form when viewed from these points that even painting it a suitable colour would not satisfactorily mitigate its incongruous presence. For these reasons therefore I conclude the lateral funnelled intake installation fails to preserve the special architectural interest of the Grade II listed building, the character and appearance of the Sherston conservation area and the setting of the adjacent Grade II* listed building. For

the same reasons I also conclude it would fail to meet the expectations of paragraph 132 of the National Planning Policy Framework (the Framework) and with local development plan policy that seeks to underpin these national statutory and policy objectives.

17. I would agree with both parties in accordance with paragraphs 133 and 134 of the Framework that the magnitude of this harm can be judged as less than substantial. I accept the appellant's arguments that the enterprise currently operating in the Angel Hotel, utilising the facilities and infrastructure the subject of these appeals, does make a meaningful contribution to the local and wider economy of the area, and can rightly be considered a public benefit in the context of paragraph 134 of the Framework. However, the degree to which its viability may depend on this element of the proposals alone is debatable, and in this context may be judged to be clearly outweighed by the balance of harm to the designated heritage assets identified above.
18. Perhaps anticipating such a conclusion in relation to the installed equipment, the amended intake proposals seek to address these visual and aesthetic concerns. The dome-shaped hood or cowl would sit on top of the fan housing and its apex would be only a little above the line of the existing extract vent cow. Moreover, its squat domed form would sit discretely behind the extract unit rendering it recessive and subservient in relation to this existing feature. If it were to be painted an appropriate stone colour (that could be agreed through condition) this would further mitigate its presence in views from Cliff Road and render it undiscernible in longer views from Swan Barton.
19. For these reasons I conclude the proposed amended intake cowl would avoid material harm to the character of the building as one of special architectural interest, so preserving it in accordance with the Act. For the same reasons it would fulfil the expectations of paragraph 132 of the Framework which anticipates great weight being afforded to the conservation of such assets and would again accord with local development plan policy that seeks to underpin these national objectives. As before and for the same reasons, I conclude it would preserve the character and appearance of the conservation area and the setting of the adjacent Grade II* listed building.

The interior alterations

20. The interior alterations involve the installation of an asymmetric two-leaf door in the partition between the Guest Lounge and lobby in the front ground floor range. This is a plain piece of carpentry with a glazed slot in the larger of the two leaves. It is set within what is apparently a modern piece of studwork finished with plasterboard. This cannot be held to be a traditional piece of carpentry either in its finish or asymmetric format. Nevertheless, it is apparent that this section of the front of the building was from its days in office use, open. The studwork infill is therefore relatively recent.
21. Moreover, although historic architectural structural features such as the chimney breasts and floor beams survive, these are complemented by low-key modern finishes and fixtures within these spaces that allow a balance of the traditional and contemporary to coexist without compromise the residual special interest of this part of the building's interior. For these reasons, I conclude the door arrangement presently in situ and illustrated on the submitted drawings would preserve the special architectural interest of the

building in accordance with the expectations of the Act and again in accord with paragraph 132 of the Framework.

Noise emissions in relation to the amended intake equipment and their potential effect on living conditions of adjacent occupiers

22. Whilst the proposals for the air intake equipment may satisfy the key tests in regard to sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the amended proposals for the intake system raise other matters of amenity, specifically the potential effect of the proposed development on the living conditions of adjacent occupiers with regard to noise, in the wider planning context.
23. In relation to the initially submitted details of the air extraction/intake equipment there was held to be no objection on environmental protection grounds subject to a condition limiting noise levels to those equivalent to existing background noise. However, this assessment was based on the equipment incorporating the box-section lateral funnel, not the significantly small and differently configured domed hood latterly proposed. Significantly, the revised drawings circulated for consultation, incorporated no evaluation of the changed (if any) technical or auditory performance of the smaller unit, nor any assessment of any resultant noise levels in relation to the nearest sensitive receptors; this is a point picked-up by respondents to the consultation package.

Conclusion

24. In the absence of a technical evaluation demonstrating that the smaller and less elaborate cowl would not result in any increase in noise levels there has to be a concern that if this were to be the result, material harm would be caused to the living conditions of adjacent occupiers. Such a precautionary approach is appropriate, especially where I am advised (as I was at the Hearing) that the appeal site is currently the subject of a noise complaint under other environmental protection legislation. It is for this reason that, although I have found no harm in respect to the effect of the extension and the amended air intake equipment on the special interest of the listed buildings and the conservation area, I have determined to split the decision in respect of the appeal against planning permission, allowing that element of it in relation to the extension, but dismissing it in relation to the air intake equipment. This is clearly set out in the formal decision at the start of this letter.

Conditions

25. The second element of appeal No.1 being dismissed and the first element being built and requiring no modification, no conditions are attached in respect of appeal No.1. Notwithstanding the dismissal of the component of appeal No.1 in relation to the intake and extract equipment on the basis of concerns over living conditions of adjacent occupiers, having considered their explicit effect on the special interest of the building in relation to appeal No.2, I have determined to add a condition in respect of this appeal. In order to fully safeguard the special interest of the building and the character and appearance of the conservation area, I consider it appropriate that the appellant submits colour samples of the paint to be applied to the equipment cowl to the local planning authority.

26. I have also given consideration to attaching a further condition in respect of details of the door carpentry associated with the internal alterations. However, as these works are now in situ, and I have found them as such to preserve the special architectural interest of the building, I see no purpose in the pursuit of further details that would do no more than record what has been allowed.
27. For all the reasons given above I conclude that the appeal No.1 should be allowed in part and dismissed in part and also for the reasons stated above, appeal No.2 should succeed.

David Morgan

Inspector

Schedule of conditions in respect of appeal No.2

- 1) Within one month of the date of this decision details, including samples of the paint colour to be used in the decoration of the external surfaces of the air intake equipment hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.

APPEARANCES

FOR THE APPELLANT:

Mrs Caroline Jarvis (appellant)

Ms Nicola Sully, Alder King Ltd

Mr Dale Evans Alder King Ltd

Mr Philip Grover Historic Environment Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Sewell

Mr Simon Smith

Ms Caroline Ridgwell

Documents presented at the Hearing:

1. Council's notification letter of Hearing event
2. Historic map sequence of High Street (Council)
3. Drawing PC22 (revised elevations – appellant)
4. A3 drawing of revised fan intake cowl (appendix 8) (appellant)
5. Notification of revised air intake details to those initially consulted on the initial applications (appellant)