

Appeal Decision

Site visit made on 2 May 2017

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/V2004/Y/16/3162428

The Boulevard Centre, 172-190 Boulevard, Kingston Upon Hull, HU3 3EL.

- 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 Olivia Clarke against the decision of Hull City Council.
 - The application Ref 16/00156/LBC, dated 25 May 2016, was refused by notice dated 15 July 2016.
 - The works proposed is the erection of canopy to south side of building (4m long x 16m wide x max. 3.2m high).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal on the special architectural and historic interest of the Grade II listed building at The Boulevard Centre and on the character and appearance of the Boulevard Conservation Area.

Reasons

Description

3. The Boulevard Centre is a school, which includes an on-site children's day nursery. The Centre is located on the west side of Boulevard behind railings and a parking area and is within the Boulevard Conservation Area. The main two-storey building on the site is Grade II listed and was built in 1914 for the purpose of educating boys involved in the fishing industry. It was designed by Joseph H Hirst in a Neo-Early Georgian style, is finished in red brick with ashlar dressing, and retains its original appearance. To the south of this building is a fenced playground for the nursery.
 4. The appeal proposal seeks consent for the construction of a single-storey external canopy along the south side of the listed building over part of the playground area. The outdoor covered area that would result would offer protection from the weather and be used for teaching and learning. The canopy would be along the full 16m width of the building's southern elevation, project out by some 4m, and have a maximum height of 3.2m. It would have a sloping roof with an eaves height measuring approximately 2.4m. The structure would be constructed from galvanised and powder coated steel finished in black, with a poly-carbonate roof to allow light to permeate through.
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National legislation and policy

5. *Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)* require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. *Section 72(1) of the Act* requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. *Paragraph 132 of the National Planning Policy Framework (the Framework)* makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset the greater the weight should be.

Local planning policies

7. The development plan for the area is a material consideration in the determination of this listed building consent case and should be accorded due weight. The development plan includes the saved policies of the *Hull City Plan (HCP)*, adopted in 2000, and the *Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (JSP)*, adopted in 2005. *HCP Policy BE27* makes it clear that altering or adding to a listed building will not be allowed if it adversely affects, or is not in keeping with, its special architectural or historic interest. *JSP Policy ENV6* is of similar intent. These policies are at their core in line with *the Act* and *the Framework*. However *the Framework* also makes it clear that any harm to designated heritage assets should be weighed against the public benefits. In view of this I have afforded only limited weight to the development plan as a material consideration in this case.

Impact on the Listed Building & the Conservation Area

8. In my judgement the architectural significance of the Grade II listed building at The Boulevard Centre derives from its strong cuboid form, its symmetrical appearance, and the uninterrupted and clean lines and patterns of the fenestration and stone quoins across its facades. However the proposed canopy would project well beyond the southern elevation of the listed building thereby eroding its cuboid form and detracting from its symmetrical appearance. As the canopy would cut across the ground floor windows and over-light, and obscure the stone quoins, it would also disrupt the patterns of fenestration and stone quoins across this façade. Consequently the significance of this Grade II listed building would be harmed by the appeal proposal. The listed building is an imposing and distinguished presence within this part of the Boulevard Conservation Area. The proposed canopy, which would be clearly visible from the street, would appear as an incongruous and discordant addition to the existing building. This disharmony would cause harm to the character and appearance of the Conservation Area.
9. I conclude, therefore, that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building at The Boulevard Centre, and would also fail to preserve or enhance the character and appearance of the Boulevard Conservation Area.
10. Having regard to the effects of the appeal scheme and the high threshold required for 'substantial harm' I consider that the proposed development would

cause 'less than substantial harm' to heritage assets in terms of *the Framework*. It is accepted and well-established that any harm to the significance of heritage assets should be given considerable importance and weight and any harm or loss must be clearly and convincingly justified. *Paragraph 134* of the *Framework* specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.

Public benefits

11. The proposed extension would provide an accessible and convenient covered space within the playground area thereby facilitating outdoor teaching and learning throughout the year. As a result the school's environment would be improved and children would be able to spend more time outdoors. These public benefits should be accorded some weight. There is little to indicate, however, that the current use of the property would be unduly prejudiced if the appeal is dismissed. Taking account of these matters I do not consider that the public benefits advanced outweigh the harm that would be caused to the Grade II listed building and to the Conservation Area, to which I attach considerable weight. In view of this the appeal proposal fails to comply with national policy relating to conserving and enhancing the historic environment as set out in the *Framework*. It is also at odds with local planning policy insofar as it is a material consideration.

Overall conclusion

12. My overall conclusion, therefore, is that there are compelling grounds for dismissing the appeal. None of the other matters raised, including the examples of other canopies and temporary structures submitted or the removable nature of the proposal, outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector