

Appeal Decision

Site visit made on 25 April 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/C2741/W/16/3164982

Hilary House, St Saviour's Place, York, North Yorkshire YO1 7PL

- 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 St Catherine's Developments against the decision of City of York Council.
 - The application Ref 16/00701/FUL, dated 17 March 2016, was refused by notice dated 13 June 2016.
 - The development proposed is a roof extension to provide additional apartment.
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension to provide additional apartment at Hilary House, St Saviour's Place, York, North Yorkshire YO1 7PL in accordance with the terms of the application, Ref 16/00701/FUL, dated 17 March 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I am advised that the appeal building is now known as Biba House. However, in the interests of consistency I will refer to the building as Hilary House as that is how it is described on the original planning application form and in subsequent submissions.

Main Issue

3. The application was recommended for approval by Council officers but was refused when it was considered by the Council's Area Planning Sub-Committee. The Council have not submitted a Statement of Case but I am satisfied that the refusal reason is sufficiently detailed as to set out the Council's case for refusal. I have also had regard to the representations submitted by a number of interested parties in framing the main issue in this appeal.
4. Thus, from this I consider the main issue to be whether the proposed development would preserve or enhance the character or appearance of the York Central Historic Core Conservation Area.

Reasons

5. Hilary House is a five-storey former office building originally developed in the 1960's but recently converted into residential apartments. The building fronts both St Saviour's Place (to the south) and Aldwark (to the north) and is surrounded by largely residential buildings. The site lies within what I am advised is the Aldwark Character Area of the York Central Historic Core Conservation Area.
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6. It is a matter of agreement between the various parties that Hilary House is a detractor within the Conservation Area. It is of functional design, typical of 1960's office building architecture and bears little or no regard to the surrounding historic townscape, being of noticeably and significantly greater height and scale than the buildings around it. It dominates its immediate setting and surroundings on St Saviour's Place and Aldwark and, due to its siting, scale and massing, St Saviourgate where it closes off views at its intersection with St Saviour's Place.
7. Although the area around Peasholme Green and Black Horse Lane has been, and remains, subject to on-going redevelopment, York Minster retains a prominent skyline presence viewed along the line of St Saviour's Place. However, Hilary House challenges the prominence of the Minster from this aspect, its wide, slab-like south-eastern elevation projecting on the skyline above the lower buildings around it. Hilary House is also visible in views from the City Walls to the north, where its roof sits uncomfortably and incongruously amongst the more traditional roofs of the buildings around it, which I consider were accurately described by the appellant as being akin to a "choppy sea".
8. However, moving away from the appeal site along St Saviour's Place and Aldwark in a north-easterly direction, the building becomes absorbed into the narrow streets and can only be seen in glimpses above the undulating and varied roofscape of these streets. The Conservation Area Plan: Central Historic Core Conservation Area (the Conservation Area Plan) identifies a number of main elements to the character and appearance of the Conservation Area, noting amongst other things that, the narrow and irregular street pattern results in views which are fragmentary with closed vistas and that York is 'a city of streets'. These elements seem to me to be particularly valid in considering the setting of Hilary House in the context of the surrounding streets.
9. The proposed extension at roof level would create an additional apartment, the extension taking the form of interlocking elements, creating a saw-tooth effect at roof level. This would, I acknowledge, represent a significant departure from the somewhat stark functionality of the existing building's form, only slightly softened by the recent redevelopment to residential apartments and the refurbishment of its facades. However, the visual implications of the proposed design approach would be felt in different ways from different viewpoints, both near and far.
10. I am satisfied that the proposed rooftop extension would have a recessive presence at roof level, the walls and roof being inset from the currently unbroken and incongruously horizontal parapet wall that is so jarringly at odds with the variety of levels and angles present in the surrounding roofscape. Indeed, it seems to me that immediately around the building on St Saviour's Place and Aldwark the proposal would sit unobtrusively atop the existing building, largely hidden from ground level views by the parapet wall.
11. In intermediate views, the rooftop extension would become more visible. However, from the southeast at the junction of Aldwark, St Saviour's Place and Peasholme Green, only the end roof element would be visible at skyline level. From this aspect, its profile would sit more harmoniously with the diverse angles of the existing hipped and pitched roofs, exposed gables and broken ridgelines than the heavy-handed horizontality of the existing parapet wall. It

would also be seen in a similar context, and in a similar manner, along Aldwark from its junction with St Andrewgate adjacent to the entrance to the Merchant Taylor's Hall where the articulation of the roof would reflect the existing Aldwark roofscape.

12. Only from St Saviourgate, where the existing building truncates the very clear sense of perspective created by the terraces on either side of that street, would almost the full extent of the inter-locking roof elements and inset apartment elevations become visible from ground level. The proposal would add extra height to the existing structure but it would not, in my judgement, be a disproportionate addition to the building, or otherwise exacerbate its scale and massing. Rather, the distinction in form between the recessed elevations and the broken roof line would avoid drawing unnecessary attention to the proposed extension, whilst the very strong sense of perspective along St Saviourgate naturally draws the eye towards its vanishing point, which is somewhere around first or second floor level of Hilary House, rather than roof level.
13. I observed Hilary House from a number of viewpoints identified by the appellant and agreed between the main parties as being both relevant, and representative, views of, and towards, Hilary House. These included a length of the City Walls between Peasholme Green and Goodramgate and from Palmer Street and the bridge over the River Foss.
14. In both of instances, the existing form of Hilary House is clearly evident, and the additional level of development would be easily discernible. However, views from both are across a greater distance. From the former, Hilary House has a clear skyline presence above the surrounding more traditional roof forms. Here, a combination of the existing building's scale and massing give it a starkly incongruous appearance at odds with the broken roofline and 'choppy sea' of roofs. By seeking to add an extra level to the existing building, the proposal would clearly not reduce the scale of the building in absolute terms. It would, however, introduce a degree of articulation to the prominent and exposed roof level more akin to the buildings around it than is currently the case and would soften its impact on the skyline.
15. From the latter, the end elevation of the building is currently seen in the foreground of the Minster. So it follows that the end element of the new roof would also be seen against the backdrop of the Minster. From certain angles and viewpoints, the added height of the proposed roof would project above the height of the Minster's towers. Whilst I have noted references to recent proposals for the redevelopment of the currently vacant site across which these views are possible, I have to consider the proposal in its current context.
16. However, this view of the Minster would not be reduced by the proposal. The Minster is already framed between Hilary House on the right and the Hiscox building on the left. Although the proposal would add height to the former, it would introduce interest to the roofscape that would reflect the variety found elsewhere, and which is currently absent. As the Conservation Area Plan identifies, fragmented views and vistas at ground level are a typical feature of the Conservation Area's character within the narrow streets and tight urban grain of the Conservation Area. In this context, I am satisfied that this relationship would, as a consequence, be somewhat transitory between buildings and would not have a harmful effect on this view towards the Minster.

Thus, I conclude that the proposal would not have a harmful effect on the character or appearance of the Conservation Area.

17. Hilary House is a building which is already identified as a 'detractor' within the Conservation Area. Whilst works have been undertaken recently as part of its conversion and repurposing to residential apartments, it remains an incongruous building in terms of both its character and appearance and its scale. Of this, there is no dispute.
18. However, I do not agree that the addition of an apartment at roof level would draw further undue attention to the building, or amplify or cause additional harm to the character or appearance of the Conservation Area. The existing building, other than in the key areas noted above, has a limited degree of visibility at ground level due to the nature and grain of the surrounding streets. I am satisfied that the proposals have been designed in such a manner, and taking the character and appearance of the surrounding area as context, so as to ensure that its form, particularly that of the 'saw-tooth' design roof would complement the varied roofscape of the surrounding area.
19. So too, with regard to the scale of the proposal. Due to the fragmented views from surrounding streets, I am satisfied that the addition of an additional level at the top of Hilary house would not harmfully increase its scale or its massing. I accept that it would be more visible from the upper floors of nearby properties, as indeed it is in places from elevated points on the City Walls to the north. However, its design, scale and massing would be a proportionate and contemporary response to an existing, and somewhat challenging, building that, whilst variously considered to be 'of its time', is not considered to be more than a generic example of 1960's commercial architecture.
20. Thus, I conclude that the proposal would not result in an adverse effect on the character or appearance of the host building, or upon that of the surrounding area, which lies within the Central Historic Core Conservation Area. Moreover, I am satisfied that the proposal would introduce a roof form to an already unsightly building that would reflect the varied and active roofscape of adjacent buildings, and respect existing landmarks, settings and views. It would have a positive effect on the building and contribute to reducing the detrimental effect it currently has. There would, therefore, be no conflict with draft policies HE2 or HE3 of the City of York Development Control Local Plan. Together, these policies seek to ensure that development proposals within or adjoining conservation areas must respect adjacent buildings, landmarks and settings and maintain or enhance existing views, landmarks and other townscape elements that contribute to the character and appearance of the area.
21. In reaching this conclusion, I have applied the statutory requirements set out by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a statutory duty on the decision maker in relation to designated heritage assets that, with regard to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I have also had regard to the National Planning Policy Framework (the Framework) regarding conserving and enhancing the historic environment.
22. Section 66(1) (s66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to have special regard to the desirability of preserving a building or its setting or any

features of special architectural or historic interest which it possesses. I am advised that the buildings at 11 – 14 St Saviour's Place and 60 – 64 Aldwark are grade II listed buildings and the majority of St Saviourgate are grade II* and grade II listed. In views along St Saviourgate, St Saviour's Place and Aldwark, I am satisfied that the appeal site lies within the settings of these buildings.

23. Whilst the building is noted as being a 'detractor' within the area, it is noted that the Council's refusal reason did not identify harm to the setting of these listed buildings. Nothing that I have seen or read persuades me to reach a different conclusion in respect of the statutory tests of s66(1) and I too conclude that the proposal would preserve the settings thereof. I have also noted the comments of neighbours that the proposal would breach a Council planning guideline that buildings must not exceed a height of 4 storeys. I have not however been provided with any evidence to support such an approach, but I am satisfied that in reaching my conclusion in respect of the main issue that matters relating to scale and relationship with other features of the city skyline and roofscape have been appropriately considered.

Other Matters

24. With regard to the comments and submissions of local residents that the proposal would not be affordable and would do nothing to address York's housing needs, I have not been provided with any compelling evidence to substantiate such a contention. In any event, I note that these matters did not form part of the Council's reason for refusal and I therefore given them limited weight.
25. Local residents have objected to the proposal on a wider basis, including construction noise and disturbance, a loss of outlook from nearby properties, noise and disturbance arising from the use of outside space and that the redevelopment of the host building has already led to parking issues in the locality that the current proposal would add to. However, I note that these matters did not form part of the Council's reasons for refusal and the evidence before me does not lead me to conclude that these other matters, either individually or cumulatively, would be over-riding issues warranting dismissal of the appeal.
26. I have also noted local residents' concerns regarding the developer's motivation and intentions and the Council's procedures in carrying out notification and publicity regarding the application. However, the former is not a material consideration to which I can attach any significant weight, whilst in the case of the latter, such matters do not fall to me to consider as part of a section 78 appeal.

Conditions

27. In addition to the absence of a Statement of Case from the Council, I have not been provided with a list of suggested conditions. However, the Council's officer report sets out conditions and in the absence of further submissions I have considered those in light of the Framework and Planning Practice Guidance. Where necessary and reasonable, I have made amendments to these conditions.

28. In addition to a time limit condition and a condition specifying the approved plans, which I consider to be reasonable and necessary in order to provide certainty, conditions regarding agreement of external materials and a materials schedule are necessary in the interests of the character and appearance of the host building and the surrounding area. A condition regarding details of cycle storage is necessary in order to ensure that travel by sustainable modes of transport is maximised.
29. Finally, I have also imposed a construction management plan condition in the interests of the living conditions of neighbouring occupiers. Other than the time limit and plans conditions, I consider it to be necessary that the requirements of the remaining conditions are agreed prior to development commencing in order to ensure an acceptable development in respect of character and appearance and living conditions.

Conclusion

30. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HHslp01; STC/344/001 104; PDP076ROOF; STC/344/001 201; DP 02 Rev A; DE 01 Rev A; DS 01 Rev A; DD 01 Rev A and DD 02.
- 3) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall thereafter be carried out using the approved materials.
- 4) Large scale details (at 1:10 or 1:20) showing a typical section of each elevation, including notes on materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall thereafter be carried out in accordance with the approved details.
- 5) Prior to occupation of the dwelling hereby approved details of adequate space for cycle storage, which is covered and secure (i.e. within the building) shall be submitted and approved by the Local Planning Authority and provided for use and thereafter retained in accordance with the approved details.
- 6) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development; and
 - iv) measures to control the emission of dust and dirt during the construction period.