
Appeal Decision

Site visit made on 7 August 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/K0235/W/17/3167687

Swan House, High Street, Bedford MK40 1RN

- 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 p4i Ltd against the decision of Bedford Borough Council.
 - The application Ref 16/01424/FUL, dated 17 May 2016, was refused by notice dated 28 December 2016.
 - The development proposed is the extension of existing building comprising additional storey to provide 9 no 1-bedroom apartments and associated external works including replacement windows and cladding.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the Conservation Area, and on the setting of nearby listed buildings.

Reasons

3. The appeal site lies within the Bedford Conservation Area (BCA). The BCA is a large one, covering much of the town centre and surrounding fringe areas. The character and appearance of the area is characterised by its location within a historic market town, with a wide range of historic structures. The presence and relationship of the town with the impressive River Great Ouse on the southern side of the town centre contributes significantly to the character and appearance of the area, with the wide Grade II listed Town Bridge crossing the river just to the south of the appeal site. Despite the busy nature of the streets in the town, the presence of the river and its adjacent landscaping brings a feeling of calm to its immediate area.
4. The proposed development seeks to construct an additional storey upon an existing 3 storey flat roofed building. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

5. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
6. Policies BE9, BE11 and BE21 of the Local Plan¹, policy CP23 of the Core Strategy², and policy TC27 of the Action Plan³ when taken together state that the Council will seek to preserve and enhance the setting of listing buildings by appropriate control of new development in their vicinity, protect the character and appearance of conservation areas and ensure that all development within such areas will preserve or enhance the area. Policies BE30 of the Local Plan and CP21 of the Core Strategy together state that the Council will have full regard to the visual impact, the context and quality of development.
7. The appeal site occupies a prominent position in the town, being dual fronted towards the High Street and the River/Embankment to the south. Retail units occupy the ground floor, with the upper two storeys appearing to have been recently converted to residential accommodation. A small square lies on the southern side of the building, separating the structure from the river; this area also contains the façade of the Grade II* listed Swan Hotel and the Grade II listed Boer War statue. The western façade of the impressive Hotel is symmetrical, with a balustraded central porch and a noted modillion/block cornice framing a central pediment incorporating a small lunette window. Various Grade II listed buildings are located further up the High Street, with the elaborate Nos 19-21 High Street being closest. On the other side of the High Street, diagonally to the north west lies the Grade I listed Church of St Paul. This is separated from the High Street by a square, in which the Grade I listed Statue of John Howard is located.
8. Between 19-21 High Street and the appeal site there are three differing buildings. All these buildings are three storeys high but have different heights and roof forms with two of the buildings seemingly having flat roofs hidden by parapets and the adjacent property to Swan House having a mansard roof. The varied design and roof heights add to the character of the area. The adjacent red brick property has prominent quoins, detailed eaves brackets and coping stones along the side ridges of the roofline. A section of the side gable is visible adjacent to the appeal site, with the word 'Restaurant' in painted brick.
9. Swan House itself dates from the 1960s, and is a flat roofed building, with a canted corner. Recent renovation works including new vertically emphasised windows and grey render panels have improved the appearance of the building, from that shown on the submitted plans, increasing its subservience to the Swan Hotel and enhancing the appearance of the BCA. However, the squat bulk and mass of the building remains prominent in views from the Town

¹ Bedford Borough Local Plan October 2002

² Bedford Borough Council Development Plan Document Core Strategy & Rural Issues Plan, April 2008

³ Bedford Borough Council Development Plan Document Bedford Town Centre Area Action Plan October 2008

Bridge, and the northern side of the building juxtaposes awkwardly with the more detailed adjacent property.

10. The proposed additional storey would be set back from the street elevation on both west and south sides, although clear glass balustrades would be closer to the building edges. Such a design would assist in reducing the visual prominence of the proposal; however, the height and overall extent of the scheme would still be clearly visible from various viewpoints, including noticeably from the Town Bridge, but also from the Embankment, St Pauls /Market Square and open space on the opposite side of the High Street. The required amount of glazing on the proposal and the balustrade, whilst providing some rhythm to the building below, would draw the eye to the additional floor. I am also not convinced that the design would appear as a contemporary version of castellation, or that the roof design of nearby existing buildings appears castellated at present.
11. There is a degree of separation between Swan House and the Swan Hotel, such that the appeal site at present remains fairly subservient to the Hotel despite its overall bulk. This effect is increased by the height of the building appearing roughly lower or around the same as the cornice on the façade of the Hotel when being viewed from the Bridge. The proposal would increase the height of the building reasonably significantly and would compete with the prominence of the impressive central pediment of the Hotel, detracting from the setting of this listed building. Whilst the proposal may provide some minor benefits in terms of enhancing the verticality of the building, the schemes fenestration would not entirely mirror the lower stories of the building and any benefits of this design would be substantially outweighed by the adverse effect of the proposal on the setting of the Swan Hotel.
12. On the other side of the building, the ridge line of the proposal would be higher than the ridge of the adjacent mansard roof, and whilst the extension would be set back, some of the gable end of this property would still be hidden from view by the proposal. Such an effect would detract from the appearance of the adjacent building, having an adverse visual impact and neither preserving or conserving the character or appearance of the BCA. The appeal statement contains a 'white model' of the site detailing the effect of the proposal on the adjacent gable; however, from the picture the location of the viewpoint is unclear. The height of the proposal and the conflict with the adjacent buildings height would also be noticeable in views from St Pauls/Market Square, causing minor harm to the setting of the Grade I listed church.
13. In totality the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the noted heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. The public benefits of the scheme include the provision of new residential units in a sustainable location. The economic benefits of construction and of the future residents, and the social benefits of the new housing are also public benefits, but I have no evidence regarding a lack of housing in the Borough area.

15. It is also stated that the replacement windows and cladding of the overall building are benefits of the scheme. However, whilst I do not doubt that the alterations to the external appearance of the building has had benefits, improving the appearance of the BCA and the setting of nearby listed buildings, much of the external works, including the new windows, appeared to have already been carried out at the time of my visit and do not therefore appear to depend on the scheme. Consequently, whilst there are some public benefits, these are not sufficiently clear and convincing to outweigh the less than substantial harm that the proposed development would cause to the significance of the BCA and the setting of the nearby listed buildings.

Other Matters

16. I note the appellant's views over the Council's case officer's report, considering that the case officer ascribed harm to the scheme over and above that stated by the Council's Conservation Officer. I have considered the scheme on its own merits.

Conclusion

17. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of nearby listed buildings and would neither preserve nor enhance the character or appearance of the BCA. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and Local Plan policies BE9, BE11, BE21, and BE30, as well as policies CP21 and CP23 of the Core Strategy, and policy TC27 of the Action Plan.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR