



Appeal Decision

Site visit made on 29 March 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/V2825/W/18/3219548

20-22 First and Second Floors, St Giles Street, Northampton NN1 1AF

- 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 Derek Brown against the decision of Northampton Borough Council.
 - The application Ref N/2018/0835, dated 3 June 2018, was refused by notice dated 23 July 2018.
 - The development proposed is the addition of a rooftop extension to form two additional apartments.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a rooftop extension to form two additional apartments at 20-22 First and Second Floors, St Giles Street, Northampton NN1 1AF in accordance with the terms of the application N/2018/0835, dated 3 June 2018 subject to the conditions set out in the attached schedule.

Main Issue

2. The effect of the development on the character and appearance of the conservation area and a non-designated heritage asset.

Reasons

3. The application site is the Post Office building located on St Giles Street in the Derngate Conservation Area (CA) of Northampton. The CA, in its entirety, is a designated heritage asset. The Post Office building is locally listed. The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas, applies.
4. The appeal building immediately fronts the street, although the actual extension is at roof height. This part of the CA is characterised by tall buildings, mostly from the 19th Century with modern examples throughout. The area retains a busy commercial feel, with various shops and businesses at street level, although there are residential dwellings present as well. St Giles Street is wide with this part of the street leading on to a corner junction with Derngate. The wider site is adjacent to a newly completed development, Derngate Lofts (also referred to as Newspaper House by the appellant) which has a copper coloured roof top feature which stands taller than the appeal site.

- The appeal building is wide and nearby buildings vary in width along the street, and rooflines vary in overall height as well as their design and age.
5. The area is densely developed with tall buildings. The appeal building is three storeys to the street frontage, with four storeys to the rear. The site is in a central location with the street frontage being attached to other properties of similar heights but of differing ages. The frontage is of early 20th Century neoclassical design of stone construction with a concealed roof and parapet. The ground floor is used for retail and post office facilities, with the remainder of the building being recently converted for residential use.
 6. To the rear, there is a small courtyard accessed from Derngate. The rear of the building is predominantly brick with a flat roof and there is a small flat-roofed extension which currently provides access and some living space at this level.
 7. Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan ('the Local Plan') requires new development to sustain and enhance the heritage and landscape features which contribute to the character of the CA, the skyline and landscape settings of towns, to demonstrate an appreciation and understanding of the impact on development and to be sympathetic to locally distinctive landscape features, design styles and materials to contribute to a sense of place.
 8. Policy BN5 of the Local Plan is broadly consistent with the National Planning Policy Framework ('the Framework'), which states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the conservation of the heritage asset. The Framework states that new development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
 9. The proposal would be set behind the parapet with its roof sloping away from the front elevation. From my site visit I was able to see examples of mansard-type flat roof treatments, traditional slate roofs, dormer windows, the modern copper roof, and many flat roofs beyond.
 10. Due to the building's height I consider that the glimpsed views of the extension from the street would be minimal, even from longer distances. The extension would not be seen in isolation, rather within the context of the existing urban rooftop topography. In addition to this, I consider that this is further mitigated by the slope of the proposed roof away from the front elevation of the existing building.
 11. Whilst people seeing the building from upper floors within nearby buildings may be able to see the roof extension, I do not believe that the proposal would have a detrimental impact to the roofscape as seen from these higher vantage points given the extensive variation in roof types I have seen.
 12. The extension would be more visible from Derngate. However, it would not extend beyond the height of the adjacent Derngate Lofts. In addition to this, the proposed patinated colour cladding would help to assimilate the development as seen from the street, within the CA. I do not consider that the proposed extension would significantly harm the character or appearance of the CA. Moreover, the proposed materials and extension would take into account

- the more modern design of nearby buildings, marking the difference between the new and old whilst also respecting the character and appearance of the CA.
13. The main characteristic features of the building would be retained and the new extension would be set back from the front elevation, making use of the parapet. The proposal to the rear of the site as seen from Derngate would be located above the existing flat-roofed red brick building of no particular architectural merit. Given the variance in design and age of nearby buildings and the low level extension proposed, the proposed development would not inherently harm the character and appearance of the building. The detailed and classical stone frontage of the building would remain unaltered.
 14. The Northampton Central Area Action Plan which at Policy 1 discusses promoting design excellence. This sets out a number of criteria to ensure a high design standard is delivered. Those most relevant to the appeal proposal include (but not exclusively) the preservation and enhancement of the character, appearance and setting of the Conservation Area and the promotion of *"...high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact on the character and quality of an area."*
 15. I have also considered the Derngate Conservation Area Assessment, which says that (among other things) its objectives are to ensure that extension of existing buildings will harmonise with other buildings in the area and to preserve or enhance the setting of the area.
 16. I have taken into account the roof-top level of the proposed development, the location behind the parapet with a slope away from the front elevation and the setting of the proposal close to the Derngate Lofts development. I consider that the proposed development would take into account the sensitive nature of the stone front elevation, whilst also incorporating modern design and materials that reflect modern changes in the immediate area and adjacent buildings.
 17. With the above in mind, the characteristics of the CA would be preserved. I find that the development would have a neutral effect on the defining characteristics of the CA. Therefore I find that the proposal would be in accordance with the policies of the Local Plan as mentioned above as well the Central Area Action Plan and demonstrates compliance with the Conservation Area Assessment.
 18. I find no conflict with the policies found in the Framework, which seek to secure developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

Other Matters

19. I have had regard to concerns raised about possible noise impacts from commercial and licensed premises and their associated mechanical ventilation and air handling plant. The Council's environmental health team has suggested a number of conditions. However, notwithstanding this, I consider that the location of the proposed development at roof level is significantly above the level of most, if not all, this equipment. I saw that there are already residential uses close to these commercial uses and I see no particular reason why the

proposed development should significantly exacerbate the risk of conflict or be at risk of any increased conflict. Therefore I do not consider it necessary to impose conditions relating to a noise mitigation scheme. However, taking into account existing nearby residential properties it is reasonable to set construction hours to protect these properties from unacceptable disturbance during the construction period.

Conditions

20. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended and rationalised some of them for consistency and clarity. I have also limited the number of pre commencement clauses to where this is essential for the condition to achieve its purpose.
21. As well as the time limit condition, I have specified the approved plans for certainty. In the interests of the character and appearance of the CA, I have imposed a condition requiring the agreement of external facing materials. Given that what is required by this condition goes to the heart of the planning permission, the details need to be agreed prior to the commencement of development.
22. Construction hours are imposed in the interests of protection from noise disturbance. Given the central location of the flats I consider that the condition requiring refuse and recycling bins is reasonable and necessary and would help to avoid any potential fly-tipping issues.

Conclusion

23. For the reasons set out above and subject to the conditions attached, I allow the appeal.

Rebecca Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
1189C-P-000; 1189C-P-105; 1189C-P-106; 1189C-P-107; 1189C-P-108;
1189C-P-109; 1189C-P-110; 1189C-P-111.
- 3) Notwithstanding the approved plans as set out in Condition 2, no development shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) details of all cladding to be used, including details of their treatment to protect against weathering;
- c) details of the proposed window, door and balcony treatment and;
- d) details of all other materials to be used externally.

The development shall be carried out in accordance with the approved details and shall be retained thereafter.

- 4) Demolition or construction works shall take place only between 0730-1800 on Monday to Friday and 0830-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Prior to occupation, details of the siting and design of refuse and recycling facilities shall be submitted to the local planning authority for approval. The facilities shall be provided prior to occupation and thereafter the facilities shall be retained for their specific purpose.