
Appeal Decisions

Site visit made on 13 June 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal A Ref: APP/W1525/W/18/3210352

Saracens Head, 3 High Street, Chelmsford, CM1 1BE

- 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 Langley [Ms Ventures Ltd] against the decision of Chelmsford City Council.
 - The application Ref 18/00782/FUL, dated 26 April 2018, was refused by notice dated 31 July 2018.
 - The development proposed is the part demolition of first and second floors and new building at first and second floor, internal alterations, new mansard roof extension to front of building, to provide 1 no. studio apartments, 4 no. 1-bed apartments and 8 no. 2-bed apartments.
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Appeal B Ref: APP/W1525/Y/18/3210347

Saracens Head, 3 High Street, Chelmsford, CM1 1BE

- 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 Langley [Ms Ventures Ltd] against the decision of Chelmsford City Council.
 - The application Ref 18/00783/LBC, dated 26 April 2018, was refused by notice dated 3 August 2018.
 - The works proposed are the part demolition of first and second floors and new building at first and second floor, internal alterations, new mansard roof extension to front of building, to provide 1 no. studio apartments, 4 no. 1-bed apartments and 8 no. 2-bed apartments.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. My attention has been drawn to draft policies in an emerging Local Plan 2017. However, this has not yet been adopted and no information has been presented as to whether this plan has been formally examined, or what objections remain outstanding to the relevant policies. The weight I can attach to this is therefore limited.

Main Issues

5. The main issues in this case are:
- (a) the effects of the proposed development upon the character and appearance of the area, including:
 - (i) whether the proposed development and works would preserve the Grade II listed building or any features of special architectural or historic interest that it possesses (appeals A & B);
 - (ii) whether the proposals would preserve or enhance the character or appearance of the Chelmsford Central Conservation Area (appeal A);
 - (b) the effects of the proposed development upon the living conditions of future occupants in respect of outlook, outdoor amenity and noise (appeal A);
 - (c) the effect of the proposed development upon the vibrancy and vitality of Chelmsford City Centre (appeal A); and,
 - (d) the overall heritage and planning balance in light of the above considerations.

Reasons

Character and Appearance

Significance

6. The appeal property is located in a prominent position along the High Street of Chelmsford City Centre. It is a historic coaching inn and today it remains in use as a public house and hotel known as 'The Saracens Head.' During World War II (WWII), the building was occupied by the American Red Cross, providing food and accommodation, although the main bars were kept separate and open to the public.
7. It is a 5-bay property which is 3-storey in height with painted stucco walls and glazing bar vertical sliding sash windows. To the ground floor frontage includes a large Ionic porch which forms part of the historic coaching entrance. The building has long and short quoins, rusticated ground floor, moulded string course at first floor level and a small parapet with stucco cornice detailing with a slate roof behind.
8. The historic inn has a long and relatively complex history. A 16th Century building was effectively encased and enlarged during the early 18th Century by Thomas Nicholls with later 19th Century alterations and extensions. To the rear are 2 wings attached to the front range, located each side of the coaching entrance which date from the 19th Century. Today these wings are enclosed by a large glass atrium dating from c1980. Historically, the northern wing extended to the rear of the plot, however, today this range beyond the atrium has been shortened. This is a painted brick wing with a slate roof and sash windows and from my own observations made at the site visit, based upon the architectural detailing this appears to date from the late 19th Century or early 20th Century. To the south beyond the atrium is a modern range in the location of former outbuildings and it is understood that this dates from c1986.
9. Internally, the upper floors have been divided into hotel rooms, although features such as chimney breasts to the end rooms of the front range can be seen today. As depicted on the plans a thick wall forms the rear wall of the

front range which could denote an earlier part of the building. A ballroom is located to the first floor northern wing which includes panelling and other features which was extant during the first part of the 20th Century, as evidenced by submitted photographs dating from the 1940's when in use by the American Red Cross.

10. The property is located within Chelmsford Central Conservation Area (CA). Chelmsford has a longstanding history as a former market town which was prominently located on the main route between London and East Anglia which allowed the settlement to prosper with a longstanding commercial and religious history. The High Street has medieval roots but was greatly rebuilt and re-fronted during the 18th Century.
11. The appellant's submitted Heritage Assessment (HA) cites that the significance of the building should be considered as 'low to medium' and primarily based upon the 18th Century frontage of the building and the coaching entrance. However, while the property has been extensively modified and there are clear phases of development, this does not diminish its significance to the extent claimed.
12. I consider that the significance of the building is derived from its architectural and historic interest as a town centre commercial building which has a number of distinct phases of development indicative of the architectural forms of the 16th, 18th and 19th Centuries. Its continual use as a hotel, along with its role in WWII also add to that significance. The modern part of the southern wing and the glazed atrium do not, however, form part of the buildings special interest. The building also makes a positive contribution to the character of the CA as a multi-phased commercial premises in the historic core of Chelmsford.

Proposals

13. The proposals comprise of the demolition of all of the rear wings, although part of the ground floor of the northern wing would appear to be retained. The northern wing would be redeveloped as a new 3-storey wing which would comprise of a glazed link to the front range, and would have a flat roof and rendered walls with a mixture of casement windows and patio windows with glazed Juliet balconies. This would create residential apartments.
14. It is also proposed to convert the upper floors of the front range of the listed building into further residential apartments. As depicted on the plans, part of the rear wall of the upper floors to the front range of the building would be removed and rebuilt and chimney breasts would also be removed. Other works are proposed in terms of improving noise insulation at the site, including the replacement of windows at the upper floors to new double-glazed timber sliding sash units. As stated in the Design and Access Statement, other (non-specified) investigative works and measures may also be required in respect of noise mitigation.
15. The development and works would also involve be the removal of the roof structure to the front range and as described by the appellant, the creation of a 'mansard' roof in order to provide further accommodation at this level.

Effect on the listed building

16. The National Planning Policy Framework (the Framework) requires that any harm to significance requires clear and convincing justification. Sufficient detail

in terms of the significance of a heritage asset is required in order to understand the potential impact of the proposal on significance (paragraphs 189 and 193).

17. In this regard I am particularly concerned regarding a distinct lack of detail submitted by the appellant as part of the proposals. Specifically, while a HA has been submitted, this is significantly flawed in that it makes a number of assumptions which are not based on objective evidence. Critically, the interior was not fully inspected and assessed, and indeed, the existing floorplans submitted for first and second floor levels also state that the hotel rooms were not surveyed. In order to the discharge statutory duties¹ for listed buildings, as well as meeting the information requirements of the Framework, a much greater level of analysis is required.
18. Turning to the specific detailed proposals, I consider that the works would involve a major intervention to the listed building and a substantial loss of historic fabric. This would include the demolition of the late 18th/early 19th Century northern wing. While the HA considers that this part of the northern wing appears to be 20th Century, this is not explained or justified in any degree, and as I have identified above, I consider the north wing to be of a greater age than suggested, based upon its architectural details. While some fabric does date from the 20th Century, I consider that the historic significance of this wing, used as part of the American Red Cross during WWII would also be lost. Rather than forming a continued evolution of the building and its architectural language, the loss of this wing would harm the architectural and historic interest of the building.
19. In terms of the new replacement wing this has been purposefully designed to be visually separated from the historic fabric, connected by a frameless structural glass link. It would have a flat roof which would be set below the eaves of the front wing and there would be a simple design with a limited palette of materials. However, such design details would not ensure that it would successfully integrate old and new.
20. Instead I consider that it would be a noticeably larger and bulkier appendage where features such as the window design and positioning, the length of the development, and flat roof would give a particularly horizontal emphasis. The extension would form a large monolithic block which would compete for attention to the historic parts of the listed building, in spite of its presence to the rear.
21. The glazed link would also be a contrived and awkward feature and it would be unsuccessful in distinguishing old from new, particularly given the retention of the historic ground floor. The relationship of the extension with the ground floor remains of this wing would also be highly incongruous. I thus consider that the proposed extension would form an overly large and bulky appendage to the rear which would fail to harmonise with the listed building, causing harm.
22. Of further concern are the internal works to the main range of the building. I was able to inspect the individual rooms at my site visit and I saw that these were much altered with limited historic fabric. That said, the chimney breasts remain in situ and give clues to the original form and prosperity of the building.

¹ As set out in s16(2) and s66(1)

As historic fabric, the removal of these would cause harm. I note that this is not justified or assessed in the HA.

23. Similarly, I agree with the Council that without any detailed evidence to the contrary, the loss of the rear wall and the thick masonry as depicted on the plans could involve the destruction of early, potentially original fabric, causing harm. The Framework makes clear that historic building recording should not be a factor in whether such loss should be permitted (paragraph 199).
24. Limited details of the replacement windows are given to allow for a full assessment, but the loss of historic fabric from the removal of the existing windows would be harmful. There are also significant question marks around further unspecified noise mitigation measures and effects on historic fabric. This would not reasonably be able to be conditioned.
25. The HA does not provide any detailed assessment of the roof structure, although I note that the Council consider that this could have been replaced during the works undertaken in the 1980's. I was unable to conduct a full visual inspection of the roof to corroborate those claims. Nonetheless, even if the roof had been replaced, the existing roof still retains its traditional appearance and has used traditional materials.
26. Strictly speaking, in architectural terms, the proposed roof extension would not take the form of a mansard, as this would not have 4 sloping sides to it. Instead, it would comprise of a part steep pitched roof with dormers to the front and rear, and a flat rooftop which is typically regarded as a crown roof design.
27. This would form an entirely modern design which would not emulate traditional mansard roof structures constructed during the 18th Century, as claimed by the appellant. The existing roof is recessive in views, behind a small decorative parapet. I consider that the new structure would add to the bulk and mass of the roof in a way that would appear overly dominant and overbearing in relation to the roof profile of the listed building and would detract from the original simple form, proportions and intrinsic design characteristics of the building
28. The appellant suggests that the proportions, materials and detailing of the new roof could be conditioned. However, I am not persuaded that this would address my concerns. In any case, any re-design would likely to be substantial, and would go beyond the scope of what could be considered reasonable, particularly as a listed building.
29. There is also a distinct lack of information relating to how the old and new would be linked. The staircase appears to date from the 18th Century and it is proposed to access the new roof level accommodation by extending this, but scant detail is provided. Similarly, I am unclear as to how the remnant of the north wing at ground floor level would support the above, no details are provided into any necessary interventions in this regard.
30. Overall, the development and works would cause harm to the special interest of the listed building. The proposals would therefore conflict with Policy DC 18 of the Chelmsford Borough Core Strategy and Development Control Policies 2008 (LP) which reflect the statutory duties imposed for listed buildings in seeking their the preservation of special interest. The development would also

conflict with paragraphs 189, 194 and 199 of the Framework. In accordance with the Framework, the public benefits will be examined later in my decision.

Effect on the conservation area

31. For similar reasons I consider that the proposed extension would fail to preserve the character of the CA. In particular, the proposed roof extension would form a conspicuous addition when viewed from High Street.
32. In addition, as noted in the Conservation Area Appraisal, alleyways and thoroughfares provide visual interest and back land access. While the existing coaching entrance services only users of The Saracens Head, future users of the remaining bar and restaurant would gain views of the rear development and the loss of its subservience within the historic plot. The extension would be prominent and markedly different to any of the buildings in the locality, causing harm to the CA.
33. Overall, the development would fail to conserve or enhance the character and appearance of the Chelmsford Central CA. It would conflict with LP Policy DC17 which also reflects statutory obligations in the preservation and enhancement of the character or appearance of a CA.

Living Conditions

34. A total of 13 new residential units would be created by the proposals and a total of 6 units would be incorporated into the new northern wing. Due to the tight urban grain of the area, these would be single aspect and while this would be south facing, they would overlook onto the service yard of the public house. Flats 3 and 9 would be further compromised by views across towards the flat roof and opposite apartments No's 6 and 11. While the apartments would be centrally located in an area where development is of a high density, I consider the outlook of these particular units would be poor in this regard.
35. There is no adopted development plan policy in terms of minimum internal space standards, but I do accept that level of accommodation within some of the apartments to be poor, particularly the studio apartment.
36. No outdoor amenity space, either private or shared would be provided by the proposals. In a city centre location, this factor would not typically be determinative, but coupled with poor outlook, a lack of amenity space would cause harm to the living conditions of future occupants. I am mindful that matters such as cycle and bin storage have not been adequately detailed and addressed which reinforces my concerns in both regards.
37. The residential units would be located above a bar and restaurant which operates extended licencing hours. To the rear wing, the glass roof and enclosure may reduce some of the effects but in light of the nature of the proposed use, there is a conflict in this regard.
38. Moreover, as stated above, the Design and Access Statement states that the external and internal building fabric would need to be assessed to achieve recommended internal noise levels, in accordance with BS8233:2014 - Sound insulation and noise reduction for buildings. No detailed measures have been provided to allow for my assessment and I have already expressed my concerns regarding whether these would be achievable without causing harm to the listed building. I cannot be certain whether or not adverse or significant

adverse effects would be likely to occur, nor whether these could be adequately mitigated or whether a good standard of amenity can be achieved.

39. On this matter, and in the absence of adequate details in respect of noise effects, I consider that the development would cause harm to the living conditions of future residents in terms of outlook, amenity and noise. The development would conflict with paragraph 127 of the Framework which requires, amongst other things, that developments have a high standard of amenity for future users.

Vibrancy and Vitality

40. LP Policy CP23 seeks to strengthen the regional role of Chelmsford through the development of retail, office, leisure and cultural facilities to the city centre. The Framework guards against the loss of valued facilities and services and ensures that established facilities are able to develop, modernise and are retained for the benefit of the community (paragraph 92). The Framework also seeks to retain and enhance existing markets as part of ensuring the vitality of town centres (paragraph 85).
41. The Saracens Head is a longstanding hotel, bar and restaurant business in a prominent city centre location which remains in use today. The development proposals would retain the bar and restaurant use, but the hotel facilities would be lost.
42. The appellant submits that the hotel is not a viable ongoing concern. Reasons cited for this include the loss of car parking nearby and lack of the ability to use the passageway for this. Concerns are raised in respect of competition from national group hotels and future hotel developments in the city centre. Other cited limitations relate to fire regulations restricting the level of accommodation.
43. However, no evidence has been submitted in respect of the viability of the extant use as part of justifying this change. No details are been given in respect of occupancy figures, figures relating to use of the site for weddings or financial information relating to the turnover of the hotel. I simply have no basis to consider that the extant hotel business at the site would not be viable.
44. I saw that the hotel accommodation was of a basic level and in need of upgrade, particularly to meet the competition of other hotels in the area but again no information has been provided to evidence why such investment would not be feasible.
45. Linked to this, I also have concerns that the remaining bar and restaurant offer would represent a viable and realistic level of service provision which would be sustainable in the longer term for the benefit of the community. The appellant cites that there are significant pressures on the bar and restaurant, again due to competition from other developments, including the recent Bond Street Shopping Centre. I am unable to assess whether the loss of the hotel function would have any effect on the viability of the remaining business.
46. On this matter, and in the absence of any evidence to the contrary, I consider that the development would cause harm to the vibrancy and vitality of Chelmsford City Centre. This would conflict with LP Policy CP23 and paragraphs 92 and 85 of the Framework.

Planning and Heritage Balance

47. Paragraph 193 of the Framework requires that great weight be given to the conservation of designated heritage assets. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
48. I have found harm to the significance of both the listed building and the CA. The appellant claims that the redevelopment proposed is required for the viable and sustainable long-term use of the site. It is held that without an economically sustainable use, the listed building would fall further into disrepair.
49. However, as I have found above, there is no evidence to support the viability arguments presented and indeed I have found harm in terms of vitality and vibrancy. The weight I can attach to such claims as a public benefit is thus limited by this.
50. The development would provide residential units in a city centre location which weigh in favour of the scheme. The accommodation provided would be wheelchair accessible and to lifetime home standards in 25% of the units. This is disputed by the Council who cite that this would fall below the standards as required by LP Policy DC36 which requires all housing to meet such standards. That said, as a listed building, it would be reasonable to balance such requirements and as such I consider this factor would represent a public benefit in this regard, albeit in a limited form.
51. It has been put to me that the existing buildings to the rear are inappropriate for conversion as part of viability and sustainability of the site as the layout as existing would lead to issues of overlooking, failure to comply with space standards and building regulations. In addition to my above conclusions on viability, I have also found that the proposed scheme would cause harm to living conditions in terms of outlook, amenity and noise and accordingly this would not weigh in favour of the proposals.
52. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm. Taking into account the particular circumstances of the case, I therefore conclude that the works would fail to preserve the special architectural and historic interest of the Grade II listed building and character and appearance of the CA.
53. In light of the harm I have identified relating to heritage assets, living conditions and vitality and vibrancy, as well as the associated conflict with the relevant policies of the development plan and the Framework, the proposals cannot be considered as sustainable development for which the Framework presumes in favour.

Conclusion

54. For the reasons above, taking into account all other matters raised, I dismiss both of the appeals.

C Searson INSPECTOR