



Appeal Decision

Site visit made on 2 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/M4510/W/19/3226851

38 Clayton Street West, Newcastle Upon Tyne NE1 5DZ

- 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 Trafalgar Leisure Limited against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2018/0890/01/DET, dated 15 June 2018, was refused by notice dated 21 December 2018.
 - The development proposed is described as "Change of Use of basement to fourth floor from retail (class A1) to offices (class B1) and restaurant and cafe (class A3) at ground floor and pitched roof extension at third and fourth floor levels to rear and external alterations including external plant at roof level and canopy to ground level Clayton Street Elevation."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name is stated as Mr Sam Hamadi on the appeal form. However, since the application form states the applicant is Trafalgar Leisure Limited, I have proceeded with the appeal on this basis.
3. The Council's primary concern relates to the pitched roof extension with no substantial objections to the other parts of the proposed development. I have therefore assessed this appeal solely on the proposed pitched roof extension.

Main Issue

4. Therefore, the main issue is whether the proposed pitched roof extension would preserve or enhance the character or appearance of the Central Conservation Area and the setting of nearby listed buildings.

Reasons

5. The appeal property is a mid-terrace property situated within the Central Conservation Area (CCA). The buildings either side of the appeal property, 40 Clayton Street West and 26-36 Clayton Street West, are both grade II listed and the grade I listed Cathedral of St Mary and the attached grade II Presbytery are located opposite the site.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant

planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7. The CCA, within the immediate setting of the appeal site, is characterised by large buildings with predominantly traditional architectural detailing and materials. The Council have referred to the 'Patterns of Development' Central Conservation Area Character Assessment which describes the view to Clayton Street West as a rich focus of roofscape, materials and facades, edging in to turn various corners. This assessment further stating that the diversity of architectural styles and eaves-lines features heighten the verticality that is compacted into this stunning scene. In my view the significance of the CCA is derived from the architectural character, design and styles of the buildings collectively.
8. The grade II listed properties of Nos 40 and 26-36, either side of the appeal site were built around 1837 with the listings suggesting that they were likely designed by John Wardle for Richard Grainger. The buildings are 4 storey in height with traditional architectural detailing including sash windows with glazing bars in plain reveals and prominent cornices. The grade I listed Cathedral of St Mary was designed by Augustus Welby Northmore Pugin and built circa 1844. This building is a Roman Catholic Cathedral built from coursed squared sandstone with ashlar dressings, roofs of graduated slates with overlapping stone gable copings and a stone spire. The attached Presbytery is grade II listed, a later addition around 1860, and designed by Edward Welby Pugin. This building is of Tudor style with an irregular plan with bays linking it to the Cathedral. These listed buildings both individually and collectively have historical and architectural significance within the area.
9. Although the appeal property is not a listed building, its architectural design, scale and style positively contributes to the character and appearance of the CCA and the surrounding listed buildings. In particular, from views from the south, the building sits in a prominent location amongst the built form and plays an important role in the significance of the setting of the grade I and grade II listed buildings within the wider CCA townscape.
10. The proposed extension would be a large addition, and whilst the glazing attempts to break up the overall massing, the proposal would still sit uncomfortably on the building and appear as a dominant feature. The design and scale of the extension would not be sympathetic and would be at odds with the style and detailing of the appeal property as well as the adjacent listed buildings.
11. Whilst there are some glazed features visible in the area, the combination of the glazing with the proposed zinc material for the extension would not be in keeping with the local distinctiveness of the built form in the immediate area.
12. I acknowledge that the proposed extension would not be visible from some of the surrounding streets, however it would be highly visible from views from the

south. These views, as previously described, have great importance in terms of the setting of the listed buildings and the CCA within the townscape of this area. The proposed extension would be an incongruous feature that would significantly harm the appearance of the CCA and the setting of the listed buildings.

13. At my site visit I observed a glazed link addition to the i6 office building which is a grade II listed building and sits adjacent to the Newcastle upon Tyne defences which is a Scheduled Ancient Monument. This glazed link addition is visually prominent within the surrounding area however, I do not consider this structure to be comparable to the appeal proposal including in respect of design, scale, materials and location. In any case, I have determined this appeal on its own merits.
14. I therefore find that the proposed extension would not preserve or enhance the character and appearance of the CCA or the adjacent listed buildings. The proposed extension would be in conflict with Policies CS15, UC12 and UC14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, Policies EN1.1 and C2 of the Newcastle upon Tyne Unitary Development Plan and the Historic England 'Conservation Principles, Policies and Guidance' Document which seeks development to contribute to the conservation and enhancement of the historic environment and aspire to a quality of design which may be valued.
15. The proposed extension would be harmful to the CCA and the setting of adjacent listed buildings, and thereby the significance of the heritage assets. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use.
16. I have had regard to the appellants statement of case and the information supplied in appendix 1 and 2, which details that the scheme would not be economically viable without the proposed extension. The evidence indicates that the property has been marketed on several occasions since the appellants acquired the site and the conclusion is that conversion to office building is the most viable option. Whilst this may be the case, no substantive evidence has been submitted to convince me that the amount of office space proposed with the new extension is required to secure its optimal viable use.
17. The appeal building has been vacant for over 20 years and scaffolding on the building does detract from the appearance of the CCA and the adjacent listed buildings. The building being brought into use would have public benefits of considerable weight. However, these public benefits would not outweigh the cumulative harm to the CCA and the adjacent listed buildings which I have identified above.
18. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

19. My attention has been drawn to a previous appeal decision¹ and a lapsed planning permission² which relate to the appeal property. I note that the proposed height of the extension is lower than the extension subject of the previous appeal decision. However, it would still be higher than the extension approved in the lapsed planning permission. These matters do not alter my findings detailed above.

Conclusion

20. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

¹ Appeal Ref: APP/M4510/W/17/3172886

² Local Planning Authority Ref: 2012/1382/01/DET