

Appeal Decision

Site visit made on 26 June 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 30th July 2019

Appeal Ref: APP/K0235/W/19/3224919
52 Chandos Street, Bedford MK40 2JP

- 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 Queensbridge Homes against the decision of Bedford Borough Council.
 - The application, ref. 18/01417/MAF, dated 1 June 2018, was refused by notice dated 5 March 2019.
 - The proposal development is the demolition of the existing Car Sales Showroom / Workshop, to be replaced with a new build residential development comprising 14 apartments, plus amenity space.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development upon the setting of the Bedford Conservation Area (CA) and the setting of listed buildings (Nos 123-129; and 131 & 133 Tavistock Street).

Reasons

3. Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special attention and regard to the desirability of preserving or enhancing the character or appearance of a conservation area as well as the desirability of preserving the significance of a listed building or its setting.
 4. The appeal property is a brick commercial building with strong vertical definition which is typical of late twentieth century development. The building lies to the rear of Tavistock Street, which is one of the historic thoroughfares leading into the town centre which contains a number of historic buildings to either side. The activation of the rear of properties appears to have occurred during the late 20th Century when streets like Chandos Street were modified in order to facilitate access to the construction of three large tower blocks to the rear which are of a considerable height, like nothing surrounding.
 5. With regards to the CA, the site is adjacent to the boundary of sub-area 7 – 'The Borders,' where the relevant section of the CA Appraisal to the appeal site notes that the significance of the area is largely characterised by a small residential
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and domestic form, and that a number of the buildings that front Tavistock Street make a positive contribution to the CA's historic character. The Appraisal also notes that later development such as the large blocks of flats have had an adverse impact upon the setting of the listed buildings fronting Tavistock Street and the CA.

6. The current layout of Chandos Street has exposed the rear of properties along Tavistock Street, and whilst some properties are in both commercial and residential use, their domestic form is still evident with undeveloped rear gardens which have an open aspect and are utilised for parking, gardens and ancillary outbuildings. Whilst not physically part of the rear of these historic properties along Tavistock Street, the appeal property is experienced as part of the character and appearance at the rear, and whilst it contributes negatively to the character and appearance of the area, the harm is more subdued as a result of its height.
7. I note a previous planning approval¹ for the appeal site which consisted of a two – three storey building and whilst this proposal has a similar design, it would be a floor taller and would be between 3 and 4 storeys in height. The differences between the appeal proposal and that approved are considerable with the additional storey being of a competing scale to the historic development along Tavistock Street. The proposed height of the development would have an increased status within the street scene which is detrimental to the character and appearance of the small residential and domestic form which is experienced at the rear of these plots.
8. Whilst I appreciate that there are three towers of considerable height opposite the appeal site, these are specifically noted as causing harm to the significance of the CA and are like nothing surrounding and should not be used as a benchmark as to what heights are appropriate within this historic environment. The appeal site is much more closely experienced with the domestic scale at the rear of properties along Tavistock Street, and as such the scale and lack of subservience of the appeal site fails to respond to the wider character of the historic environment.
9. I therefore find that there is adverse harm caused to the character and appearance of the CA via its setting as a result of this proposal which would cause conflict with Saved Policy BE09 and BE11 of the Bedford Borough Local Plan 2002 (LP) (which amongst a number of principles, seeks to support development that preserves and/or enhances the character of a conservation area and its setting); and Saved Policy BE30 of the LP (which amongst a number of design principles, seeks a development be appropriate as a result of its visual impact, and relationship with its surrounding context which reinforces local distinctiveness); Policy CP21 of the Core Strategy and Rural Issues Plan 2008 (CS) (which amongst a number of design principles, seeks that development fully consider the context of the site and preserve, and where appropriate enhance the setting of conservation areas); and Policy CP23 of the CS (which seeks to protect, and where appropriate, enhance the character of CAs).
10. With regard to the listed buildings, there is a visual and spatial relationship between the appeal site and two Grade II listings which consist of Nos123-129

¹ Bedford Council Planning Ref: 16/03462/MAF

Tavistock Street; and Nos 131 & 133 Tavistock Street. Whilst each of the buildings will have their own heritage values which make up their significance, the setting of these particular buildings is predominantly due to how they are experienced within the street scene, and in particular their domestic proportions, design, scale, layout and construction which denote the eighteenth and nineteenth century expansion of Bedford during the Georgian period.

11. The appeal site closely relates to the historic form at the rear of the listed buildings, and whilst it has a negative impact upon the setting of the listed buildings, the appeal site is of relatively low scale as not to compete with the form and scale of the listed buildings in front. The increased height of the appeal site would not be subservient, but be of a scale that would remove some of the open aspect to the rear currently experienced, and compete with the scale of Nos 131 & 133, and 123-129 Tavistock Street. The increase in height of the appeal site would be of a significant form and height that would compete with the status of the listed buildings and would introduce massing which is incongruous to the rear of these plots.
12. That said, the scale and lack of subservience of the appeal site fails to respond to the wider character and open aspect to the rear of the historic environment, causing harm to the setting of Nos 131 & 133 and Nos 123-129 Tavistock Street. The scheme would therefore be contrary to Saved Policy BE21 of the LP (which seeks to preserve and enhance the setting of Listed Buildings); Saved Policy BE30 of the LP (which amongst a number of design principles, seeks to assess the development be appropriate as a result of its visual impact, and relationship with its surrounding context which reinforces local distinctiveness); and Policy CP23 of the CS which seeks to protect, and where appropriate, enhance listed buildings.

Overall balance of harm vs benefits

13. It is clear to me that the proposal would cause unacceptable harm and fail to preserve the character and appearance of the wider conservation area via its setting, and the setting of nearby listed buildings.
14. Although serious, the harm to the heritage assets in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the National Planning Policy Framework (the Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
15. The benefits of the scheme include increased housing supply on a previously developed site which has good accessibility to the town; the short term employment provided in the construction of the scheme; the increased expenditure locally from future residents; as well as the removal of a building that has a negative impact upon the setting of surrounding heritage assets. All of these benefits are important policy objectives. However, I do not consider that these benefits are sufficient to outweigh the harm caused to the Conservation Area and the Listed Buildings where great weight should be given to their conservation.
16. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ...

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance’.

17. To summarise, I consider the proposed development would cause less than substantial harm to the significance of the Grade II listed buildings and the CA via their setting. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with Saved Policies BE09, BE11, BE21, BE30 of the LP; and Policies CP21 and CP23 of the CS and National Planning Policy in the Framework.

Other Matters

18. I note comments from surrounding residents with regards to parking problems and potential for the appeal site to cause problems with regards to living conditions in relation to waste, noise, pollution and privacy. As the proposed scheme is considered to be detrimental to the setting of the surrounding designated heritage assets, I have not found it necessary to delve into any of these issues.

Conclusion

19. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR