



Appeal Decision

Site visit made on 3 September 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/U3935/W/19/3230690

Old School, Radnor Street, Swindon, SN1 3PR.

- 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 G & D Estates Ltd. against the decision of Swindon Borough Council.
 - The application Ref. S/18/1997/TB, dated 7 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is the demolition of the old school building and replacement with the erection of 10 flats.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether the proposal would involve the loss of a building of local significance and harm the character and appearance of the area and, if so, whether this is outweighed by the benefits of redevelopment;
 - The effect of the new development proposal on the character and appearance of the area;
 - The effect on the living conditions of the future occupiers of the flats;
 - Whether the proposal would increase the risk of flooding locally through the disposal of surface water; and
 - The effect on highway safety particularly the existing public footpath to the north-east of the site.

Reasons

Background

3. The appeal site forms part of a former Victorian school where, on a sloping site, the infant school faced Radnor Street and the junior school faced William Street. The overall site lies in a generally residential part of Swindon and surrounding development is principally of terraced housing. A previous scheme allowed the conversion of the main school buildings into residential apartments with three units to be formed in the infant school. It is now proposed to demolish the former infants school building fronting Radnor Street, and erect a

three storey building with 10 flats. At the time of my visit part of the roof of the Radnor Street building had been removed and some outbuildings demolished.

Policy context

4. The development plan includes the Swindon Borough Local Plan 2026 (SBLP) adopted in 2015. I have also had regard to the Swindon Residential Design Guide (SRDG) and the Buildings of Significant Local Interest Supplementary Planning Guidance (SPG) (2004) as material considerations as supplementary planning documents.
5. The Council accepts that it cannot demonstrate a five year supply of housing land at the moment in accordance with section 5 of the National Planning Policy Framework (NPPF), and therefore paragraph 11d of the NPPF applies to this case.

Building of Local Significance

6. The existing former school building is neither listed nor located in a conservation area, but the Council regards it as a non-designated heritage asset. The appellant points out that the building is not specifically mentioned in the local SPG on such buildings, however, the SPG sets out criteria for selection and I do not place much weight on the building's omission. Further, in assessing this issue I have had regard to the Heritage Statement prepared by Wessex Archaeology and commissioned by the appellant for the appeal. I note that this appraisal concludes that the school should be considered as a heritage asset of local interest, with local significance particularly with regard to its historic interest. The Report also found that despite its present poor condition, Clifton School is a good example of a late Victorian board school built in an architectural style consistent with that period.
7. The latter appraisal is consistent with my own observations on the architectural form of the building in as much as I was able to see this on site notwithstanding the degree of demolition/dismantling that has taken place. It appeared that all of internal features and fittings have been removed. Even so, the front gable element is mostly intact and the design and form of the brick building, and especially the main fenestration with Gothic arched windows on the front elevation and brick/stone detailing remain positive and interesting features in the street scene.
8. I have also had regard to the scale and nature of the objections submitted at application and appeal stage to the demolition of the building. In short, these representants give an indication of the local community appreciation of the historic and architectural interest of the school and its associated buildings.
9. In terms of the criteria set out in the SPG, I find that criteria 5, 6, 10 and 11 apply to the infant school and thus it should be regarded as a 'building of significant local interest' for historical and architectural reasons. The proposal would result in the total loss of this non-designated heritage asset and be contrary to Policy EN10.

Effect on character and appearance

10. In the vicinity of the appeal site, Radnor Street generally comprises simple two storey terraced properties where the ridge of the roof runs parallel with the street although there are small gable elements at first floor in the roof of the

properties immediately to the north-west of the appeal site. Further, these properties tend to be sited close to the boundary with the highway with minimal front gardens. On the Radnor Street frontage, the formal school building appears to be of a similar roof ridge height notwithstanding its present dilapidated state.

11. The proposed replacement building to form 10 flats would have three floors of accommodation with the upper floor in the high roof space and the front gable and lit by dormers windows in the roof. The relationship of the proposed building to its neighbours in the street scene is depicted on the submitted elevations. Although the eaves height is shown to 'run through' with the properties to the south-west, the overall height of the building, including the mass of the gable, would appear materially larger than the current scale and form of development. Further, the presence of the new building would be more apparent in the street scene by its siting back from the frontage and the use of the space at the front for 8 parking spaces laid head-on to the building.
12. In my judgement, the form of building proposed would appear prominent and out of place in the street scene as it would have a much greater height and mass than the existing terraced housing. This different appearance would be accentuated by the presence of parking along the frontage which would be at odds with the character of the simple terraced housing. In forming this judgement I have taken account of the other development along Radnor Street referred to by the appellant's agent and which I observed at my visit. However, it appeared to me that while there were examples of three/four storey flatted development around the corner with Stanmore Street, the area here sloped to a much greater extent than around the appeal site and other development included commercial properties rather than mainly terraced housing. The new flatted development referred to was also sited close to the pavement and not set back by areas of parking.
13. Overall on this issue, notwithstanding the presence of the existing former school building on site, I find that the scale, form and siting of the proposed replacement building and its parking area would be significantly at odds with the appearance of the local street scene and be harmful to the general context and character of the area. It would therefore not meet the design principles as referred to in Policy DE1 of the SBLP.

Effect on living conditions

14. This issue is concerned with the living conditions of the occupiers of the proposed flats where the Council submits that some of the flats would be single aspect and therefore have poor natural light and little aspect, contrary to the specific guidance in the SRDG.
15. In the proposal the flats tend to run front to back in the building and have windows front and rear although the latter are high level ones to kitchens and bathrooms. Flats 3, 4, 8 and 9 would have no rear facing windows as this part of the new building would be adjacent to the rear of the other former school building facing Williams Street which is now being converted into flats. Although four flats would not have a kitchen window, the habitable living space would have at least a double window or a bay window facing the front. The Council is concerned about the lack of ventilation to these rooms but it would not be unusual for some interior rooms like a kitchen or bathroom to have mechanical ventilation and this aspect could be addressed by a condition.

Although there is a slight conflict with the general guidance in the SRDG, considered as a whole I find that the proposed interior arrangement of the rooms would not result in such a poor living conditions for the occupiers as to justify a refusal of permission on this ground alone.

16. Of more concern is the relationship of the front elevation of the flats and the aspect from the ground floor living room windows to the adjacent parking spaces. As far as I can judge from the submitted plans the gap from space to window would be about one metre. This appears inadequate space to provide a reasonable outlook to the flats or landscaping to moderate this impact. Further, the close proximity of parking to main windows in the development would be seen as a very cramped form of development from the public realm and this adds to my concern about the appearance of the development in the street scene.

Effect on flooding

17. The Council's concern is about the lack of details submitted with the application concerning the disposal of surface water from the development. In the appeal scheme the appellant submits a drainage strategy which proposes to install a cellular tank under the parking area to restrict the run off of surface water and then connect to the existing sewers. The Council had concerns about the suitability of such tanks in proximity to the public highway but now agree that a technical solution to this can be found and can be covered by a condition. From the evidence submitted and bearing in mind that the existing site is extensively covered with buildings and hard surfaces with a high degree of water run-off, I am satisfied that there is no technical reason in principle to establish that foul and surface water cannot be disposed off properly within the development proposed. This issue can be dealt with by a condition requiring the submission and agreement of a suitable scheme before the construction of the development commences on site. I find on this issue that there need not be any conflict with the requirements of Policy EN6(a) in terms of the risk and impact of flooding.

Effect on highway (footpath) safety

18. There is a public right of way/footpath which runs along the north-eastern boundary of the site although at the time of my visit this was blocked off by security fencing for the safety of the public. There is a high retaining wall along the southern side of the alleyway which appears to have been part of the school outbuilding now demolished. The Council is concerned about the proximity of the proposed new building to the retaining wall and the effects of additional loading on the integrity of the wall, notwithstanding the structural report submitted by a structural engineer on behalf of the appellant.
19. Although the Council/highway authority submit that this concern about the future stability of the wall cannot be covered by a 'pre-commencement' condition, there is not sufficient expert and specific evidence before me to make a clear finding on this technical issue as a planning matter. However, guidance in the NPPF paragraph 179 indicates that where a site is affected by land stability issues the responsibility for securing a safe development lies with the developer. I am satisfied that a pre-commencement condition requiring a comprehensive structural assessment and mitigation of the effects of the development on the retaining wall would accord with this principle and meet the tests of conditions specified in paragraph 55 of the NPPF. In its final

comments, the Council accept that this issue can be resolved by the imposition of a condition.

Planning balance

20. Bringing together my conclusions on the main issues, I have found that the existing infant school in Radnor Street, although now partly dismantled, should be regarded as a 'building of local significance', for its historical social and architectural qualities. The proposed redevelopment scheme would result in the total loss of this building, notwithstanding the fact the former junior school building facing William Street is being converted into flats and would remain. The loss of this non-designated heritage asset would be harmful to the social history and architectural character of the area but this loss has to be balanced with the benefits of development.
21. I have also found that the scale, form and siting of the proposed replacement building and its parking area would be significantly at odds with the appearance of the local street scene and would harm the character of the area. These factors mean that the proposal would not accord with the policies in the development plan that I have identified. Nevertheless, I have found that the scheme would provide reasonable internal living conditions for the occupiers of the flats and technical concerns over the disposal of drainage from the site and the stability of the retaining wall adjacent to the public footpath can be met by the imposition of suitable 'pre-commencement' conditions.
22. These factors against the proposal have to be balanced with the benefits of development. It is acknowledged that the Council cannot demonstrate an adequate supply of deliverable housing sites at the moment but the proposal would only make a limited net contribution to increasing this supply. I acknowledge that the NPPF seeks to make effective use of land and achieve appropriate densities and the appeal site is previously developed land in a location with reasonable accessibility. There would also be limited economic benefit particularly during the construction phase.
23. However, in the planning balance these public and other benefits are limited and do not justify the complete loss of a building of local significance and the other harm that I have identified with the redevelopment of the site. I find that these factors amount to significant adverse effects which demonstrably outweigh the benefits when assessed against the NPPF as a whole. I conclude that the conflict with the development plan overall is not outweighed by other considerations and this indicates that planning permission should not be granted.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR