



Appeal Decision

Site visit made on 14 May 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2019

Appeal Ref: APP/C2741/Y/19/3220972

2 St Helens Square, York YO1 8QP

- 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 Troia (UK) Restaurants Ltd against the decision of City of York Council.
 - The application Ref: 18/00282/LBC, dated 9 February 2018, was refused by notice dated 24 July 2018.
 - The works proposed are reinstatement of original entrance doors and insertion of glazed entrance screen.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In addition, when considering whether to grant listed building consent I have had special regard to the provisions of section 16(2) of the Act.
3. The description of the proposal has changed since the application was submitted since the original entrance doors are now proposed to be reinstated rather than replaced.

Planning Policy

4. The City of York Draft Local Plan Incorporating the 4th set of changes Development Control Local Plan (the DCLP) was approved for development control purposes in April 2005. It does not form part of the statutory development plan. In addition, The Publication Draft York Local Plan 2018 (the Draft Plan) was submitted for examination in May 2018 but does not form part of the statutory development plan because it has not yet been through the examination process.
5. Neither Policy D5 of the Draft plan nor Policy H4 of the DCLP forms part of an adopted development plan and consequently their weight is limited except where they are in accordance with the National Planning Policy Framework (the Framework). Policy HE4 was adopted by the Council for development control purposes before the inception of the Framework. Since the policy does not allow for a balanced judgement to be carried out by the decision-maker, stating only that consent will be granted where there is no adverse effect, the policy

does not accord with guidance within the Framework. Therefore, little weight can be attributed to it in the determination of this appeal.

Main Issue

6. The main issues are whether the proposal would preserve a Grade II listed building, 2 St Helens Square, York, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the York Central Historic Core Conservation Area.

Reasons

7. I understand that the renovation and restoration of the property has been approved under previous planning permission and listed building consents¹. The current proposal is for some alterations to the entrance lobby arrangements. Planning permission for the reinstatement of the original doors was approved in June 2018. The works to the lobby are the insertion of a new frameless glazed screen with a door which would be set back behind the reinstated original doors within the previously constructed internal lobby area.
8. The building was listed in March 1997 and is a corner unit of a group of buildings known as 2-8 St Helens Square and 2 Davygate constructed between 1929 and 1930. The building forms the south-west corner of St Helen's Square, which is an area of eighteenth century designed urban layout. The square was created in 1745 as part of the improvement of central York. The original building along with others along the southern side of the square were demolished in 1929 to allow for further alterations to the townscape, including enlarging the square.
9. The appeal building is constructed of red brick with Flemish bond and sandstone ashlar with ashlar dressings, shopfronts of ashlar with bronze window frames. The ground floor shop front of No 2 has six principle bays which are sub-divided by bronze pilasters with bronze detailed window surrounds, including the doors and fanlights. It had panelled wooden doors within the corner bay before they were removed (proposed to be replaced as part of the current scheme) in an architrave of slender pilaster jambs beneath a fluted frieze and moulded cornice. There is a similar but less ornate door at the left end of the building which forms a side entrance.
10. The appeal site is currently used as a restaurant/brasserie and although the original external composition and key historic and architectural features are still visible, most of the historic internal layout and internal features have been removed. As such, the significance of the heritage asset is mainly gained from the historic and architectural interest of its physical fabric. This is principally held in its role as being an integral part of the planned 1920s St Helen's Square and its key external architectural features.
11. A significant amount of internal works have been carried out in the building during the late twentieth century and in more recent years. There is little remaining of architectural and historic interest inside the property other than the windows, some cornicing and also the vaults in the basement. The reason for refusal relates solely to internal works, specifically the effect of the new internal glazed screen. However, the relationship between internal alterations

¹ LPA references 17/00910/FUL, 17/00914/LBC and 17/02422/LBC

and the external appearance of the building is also a significant issue in determining this appeal.

12. The proposal is of a modern design and would use frameless sheets of glazing in order to avoid the need for additional framing which may be bulky. It would be a simple and transparent feature, with the hinges and door handle being the only solid features. It would be set into the existing lobby which is itself a modern feature which has been granted listed building consent twice by the Council as part of the original scheme to convert and refurbish the building and the subsequently amended proposal. As such, the use of modern glazed features around the entrance of the building has been accepted. However, the proposal would introduce an additional modern glazed feature immediately adjacent to the threshold.
13. The screen would be set only approximately 0.8 metres inside the building behind the original timber doors which are to be reinstated. It is my understanding that the timber doors would be kept open during opening hours. As a consequence of the location of the screen, the external of the building would be physically unaltered. However, the proposed works would complicate the access arrangements and draw further attention to the recent alterations around the entrance to the building. Although the alterations that have taken place to date have been accepted by the Council, the siting and design of the glazed screen in this appeal proposal would be visible from the outside of the building where it would be visually prominent and have a reflective quality which would detract from the retained historic door and access. The effect of the works would be in part mitigated by the recessed nature of the glazing and retention of the reinstatement of the timber doors, but any additional reflection would draw further unwanted attention to the intrusive modern addition to the detriment of the special architectural and historic interest the building.
14. The appellant has suggested that a condition could be used to require a transparent anti-glare film to be applied to the glass to reduce any possibility of reflection. However, in this particular case the application of such a film may actually draw additional attention to the glazing and appear as a poor quality after thought. As such, a condition would not satisfactorily mitigate any harm.
15. The proposed door handle would be a relatively slender linear feature. The hinges and handle would not be overly large or prominent but given their proximity to the entrance to the building they would be clearly visible and add to the obtrusive appearance of the modern alien feature. The Council has cited additional manifestations that would be likely to be required and would draw attention to the proposed modern addition. However, I have based my decision on the scheme before me and there is no indication from the appellant that it is intended to install any additional markings on the glazing. I therefore find that the proposal would fail to preserve the special interest of the listed building. I therefore find that the proposal would fail to preserve the special interest of the listed building.
16. The building is located in the Central York Historic Core Conservation Area. As such, in determining this appeal and in accordance with section 72 of the Act I have had regard to the desirability of preserving or enhancing the character or appearance of the conservation area. Due to the position of the proposal immediately adjacent to the main entrance into the building it would be visible from public views. Given the harm to the historic and architectural interest of

the building, it cannot reasonably be argued that the works would preserve or enhance the character or appearance of the Conservation Area. As such, I conclude that the proposal would fail to preserve the character and appearance of the conservation area.

17. Paragraph 193 of the Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the poor relationship to the visually significant corner bay of the listed building, I find the harm, in the terms of the Framework, to be less than substantial in this instance but nevertheless they are of considerable importance and weight.
18. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because the arrangements would meet the operational requirements of the business, but it is not entirely clear what these are. I understand that the proposal would provide some protection from outside weather conditions and in particular wind that may blow into the premises. It would also benefit the welfare of the member of staff who works in the lobby. However, these benefits would not outweigh the harm to the historic and architectural merit of the building.
19. Given the above and in the absence of any significant public benefits, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. As such, it conflicts with the requirements of the Act, paragraph 192 of the Framework and would also conflict with Policy D5 of the Draft Plan and Policy HE4 of the DCLP.

Other Matters

20. The appellant contends that the proposal is an entirely reversible intervention. However, in determining this appeal I have taken account of the details of the proposal and its effect on the listed building and any of the key features that it possesses. Whilst the proposal may be reversible there would be an immediate harmful effect on the special interest of the building. Moreover, there is no suggestion that it would be a temporary measure.
21. Whilst frameless glazing within listed buildings may be acceptable in some circumstances and thereby be seen as established practice each case must be judged on its own merits as I have done here. In the circumstances of this appeal proposal I have found harm to the special architectural and historic features of the building.

Conclusions

22. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

A A Phillips

INSPECTOR