



Appeal Decision

Site visit made on 15 November 2019

**by David L Morgan BA (Hist) MA (T&CP) MA (Build Con) IoAAS MRTPI
IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2019

Appeal Ref: APP/W0340/W/19/3228008

5, Centrix House, Oxford Road, Newbury RG14 1PD

- 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 Nicholas Wallwork, Wallmer Properties Limited, against the decision of West Berkshire Council.
- The application Ref 18/01762/FULD, dated 25 June 2018, was refused by notice dated 27 November 2018.
- The development proposed is extension of the existing second floor and construction of a new third floor on existing building to provide five extended and two new residential units, construction of refuse storage, provision of car and cycle parking and associated landscaping.

Decision

1. The appeal is dismissed.

Procedural matters

2. The address of the site above is taken from the planning application form. In the appeal form it is however referred to as Redbrick Property Services, Redbrick House, 5 Oxford Road. The Council's decision notice refers to the site as Redbrick House, 5 Oxford Road. As this latter appears the consensus name, I shall refer to it as such in the reasoning below.
3. The Council's decision notice and Appeal Statement both refer to 'harm to (the setting of the Grade II* listed building) and to the character and appearance of the conservation area'. However, both parties acknowledge in evidence that the site lies outwith but adjacent to the boundary of the Newbury Town Centre Conservation Area (NTCCA). Section 72 of the Act makes clear that in the exercise of planning functions, these should be undertaken in respect of 'any buildings or land **in** a conservation area' (my emphasis). Applying the letter of this duty, section 72 does not therefore apply in this case.
4. Having said that, paragraphs 193 and 194 of the Planning Policy Framework (the Framework) make clear that great weight be given to the conservation of designated heritage assets, and this can include their setting. I have therefore adopted the approach of considering the effect of the development on the setting of the adjacent Grade II* listed building (The Chestnuts) under the terms of section 66 of the Act and the Framework, and its effect on the setting of the NTCCA with reference to the same relevant paragraphs of the Framework.

Main Issues

5. These are a) whether the proposed development would preserve the setting of the Grade II* listed building known as The Chestnuts (listed as No 2 (The Chestnuts)) and b) whether it would preserve the setting of the (NTCCA).

Reasons

Context

6. The appeal site comprises a modern former commercial building set back from the Oxford Road on ground that rises to the north on the periphery of the historic town centre. The building is of an undistinguished post-modern architectural character comprising two storeys with a basement and set-back attic storey behind an articulated parapet. To the south of the site lies The Chestnuts, a distinguished and imposingly set detached residence dating from the first half of the C18. This house is set (one is drawn to conclude quite self-consciously) at the bifurcation of Oxford Street (the north westerly point of egress from the historic town) where it forms both the Bath and Oxford Roads. The boundary of the appeal site and The Chestnuts marks the northerly limit of the NTCCA at this point on the west of Oxford Road, though a nib of the designated area extends beyond the appeal site on its east side.

Significance

7. From its essentially four-square plan and individually elevated frontages it is evident that The Chestnuts was always intended as a free-standing house, in contrast to the dense pattern of terraced buildings forming the core of the historic town. There is no dispute that a house such as The Chestnuts, when built, would anticipate an open landscaped context; this is still evident from the earliest map record provided (1881), where the landscaped grounds of the house remain legible. Indeed, although unquestionably on the margins of the C18 town, this nevertheless peripheral location may reasonably justify a description of the house as a *villa*, a term readily applied to the later detached Minerva Villa to the north on the east of the Oxford Road. This underscores its detachment, not only from the physical fabric of the town but also, to a degree, from proximate development of similar kind in this location.
8. It is self-evident that the special architectural interest and significance lies in the Neo-Classical Artisan Baroque articulation of its principal elevations and the richness of its worked timber interior details. Together, these form an ensemble of outstanding architectural interest and this is reflected in its continued listing at Grade II*. As anticipated above however, a measure of its significance is also drawn from its setting, not only in the context of the proximity of the historic town, but in its degree of visual autonomy, and the space around it that allows its primacy in the street scene to still be understood.
9. It would be delusional however to argue that the scene of bucolic rurality prevailing at the time of the construction exists in anything approaching a similar form today. Indeed, the progressive annexation of this part of the town was well progressed by the later mid C19, and as the map evidence and a tour of the environs of the site will attest, this is a process that has continued into the later C20. These successive waves of development have progressively encroached upon the setting of the house, the most extreme event being the

very significant extension of the house to the west, which effectively screens it from the north and resulted in the almost total loss of the former pleasure grounds to the west of the house. This has significantly diminished the landscape context of the house, eroding the sense of openness this once afforded and yes, diminishes its significance as a consequence.

10. However, despite the encroachments of modern development, including its own extension, and indeed that of Redbrick House, The Chestnuts still maintains an air of primacy within the street scene. Whilst this may not be as apparent when the listed building is approached from the north of west, it is still most evident when it is viewed from the south along Oxford Street. Critically, Redbrick House plays its part in maintaining this delicate balance, in this view the leading edge of its parapet maintains a near parity with the eaves of The Chestnuts' eaves. This allows the roof structure of the latter to lead the eye to focus on the historic house whilst the modern structure sits deferentially in its context. Thus, this context still affords the sense of space for the listed building, still playing that critical role in defining its setting, so contributing to its significance.
11. Insofar as The Chestnuts serves to define the edge of the NTCCA at this point, that residual sense of openness beyond the listed building also serves to evoke the former open spaces beyond the limits of the historic town. It follows therefore that the site also contributes to the setting of this part of the NTCCA and so to its significance as a whole.

Proposals

12. The proposals are to extend the second floor to add a further storey to the existing structure, although the latter would be set back from the leading edge of the existing attic storey and would terminate at the point the Oxford Road elevation cants back into the site to facilitate access. A sense of cohesion is brought to the upper superstructure by a uniform cladding and fenestration pattern throughout the enlarged building.

Effect on significance

13. We can only speculate on the design rational for Redbrick House at the outset. However, what seems evident from the key perspective along Oxford Street and Oxford Road is that the main body of the building (the eponymous redbrick element) expresses a low horizontal emphasis. Whilst the attic story has a visual presence, this is set back from the brick parapet and is further mitigated through a change of materials. This allows it to defer perceptively to the form of the listed building, remaining below the eaves line of the house in these critical views.
14. The proposal, notwithstanding the setbacks on both elevations, would conspicuously fail to achieve that objective. Not only would the upper floors, through their attenuated height, distort the proportion of the key elevations, they would, by virtue of scale and proximity, also visibly challenge the primacy of the listed building in the street scene. This would materially diminish the sense of openness immediately beyond the house, thus encroaching and degrading its setting and significance.
15. Such an outcome would fail to meet the clear expectations of section 66 of the Act that the setting of the listed building be preserved, a consideration the

Courts have affirmed is a matter of considerable importance and weight. It would also fail to meet the requirements of paragraphs 193 and 194 of the Framework, referred to at the outset. Also, for the same reasons, it would conflict with the policies of the development plan referred to by the Council that seek to underpin and support these national statutory and policy objectives.

16. For the same reasons the proposals would fail to conserve the setting of the NTCCA in accordance with the expectations of paragraphs 193 and 194 of the Framework and specifically Policy CS19 of the West Berkshire Core Strategy that sets out a framework for the consideration of development affecting the historic environment and landscape character.

Planning balance and conclusions

17. Paragraphs 195 and 196 of the Framework require the decision maker, having identified harm to an heritage asset, to quantify its magnitude. Looking at the instance of harm here I would characterise this in both cases to be less than substantial. However, it should be remembered that this should not be taken to mean less than substantial planning objection, especially where the national statutory and policy tests have not been met.
18. Having quantified harm, the Framework also anticipates this being balanced against any public benefits proposals might bring. The proposed development would provide further units of residential accommodation in a sustainable location. In the context of the need to boost significantly the supply of new homes whilst mitigating harmful changes to climate, I can readily accept this outcome as a public benefit. It is also apparent that the proposals as a whole will bring a vacant building back into beneficial use, and this must in general terms assist the local economy. These all manifestly weigh in favour of the proposals.
19. However, I understand from the planning history that the site already has approval for residential development and no arguments are being advanced that that scheme could not progress without the inclusion of the scheme the subject of his appeal. Moreover, the additional residential units proposed in this context are relatively modest and the weight they add in favour of the scheme must be calibrated accordingly. Whilst I also acknowledge the absence of all other harms in respect of residential amenity, highways and other matters, this can only be judged as neutral in the planning balance.
20. All told then, whilst the scheme does offer some degree of public benefit, these would be significantly and demonstrably outweighed by the harm identified to the setting of nationally designated heritage assets.
21. For the reasons given above, and having considered all matters raised in evidence, I conclude that the appeal should be dismissed.

David Morgan

Inspector