
Appeal Decision

Site visit made on 9 December 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 24th January 2020

Appeal Ref: APP/A0665/Y/19/3225646

5 Sealand Road, Chester CH1 4LD

- 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 Mr David Robson against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04461/LBC, dated 7 November 2018, was refused by notice dated 15 January 2019.
 - The works proposed are change of use from B1 offices to provide 5 no. self contained flats with associated parking, new external staircase and internal alterations.
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Decision

1. The appeal is allowed and listed building consent is granted for change of use from B1 offices to provide 5 no. self contained flats with associated parking, new external staircase and internal alterations at 5 Sealand Road, Chester in accordance with the terms of the application Ref 18/04461/LBC, dated 7 November 2018, and the plans submitted with it, subject to the following conditions:

1. The works authorised by this consent shall begin not later than three years from the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: L03 Rev D, L05 Rev A, L06 Rev A, L07 Rev A, L09 Rev A, L010 Rev A, L011, L12, L14 and L14 Rev A, and with Front Bay Window Elevation and Sections Plan, Roadside Sash Window Elevation and Sections Plan, Classical Cast Iron Rainwater Pipe and Gutter Systems Specification, and Velux Sun Tunnel TLF-VGB-0213-2003.
3. The extent of works to the chimney and the materials to be used shall be as specified in Appendix 1 to Nexus Heritage Impact Assessment (file reference 3372).
4. No works shall commence until full details of the extent of repair and alteration, including a method statement of works, have been submitted to and approved in writing by the local planning authority. The details shall include brick and mortar samples, repair and alteration to attic panelling and doors, infilling of existing doors, making good exposed gable, and roof repair works. The works shall be carried out in accordance with the approved details.
5. Notwithstanding the details submitted, the bay window dimensions are to be of a traditional 2 over 2 sliding sash timber window construction, with sash weights and cords, and vertical sliding openings. The replacement bay

window shall be an exact replica of the original window and completed in accordance with the approved plans.

6. No works shall commence until sectional and elevational drawings of the external timber door/s have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved drawings.

7. Rainwater goods shall be cast iron and shall be installed in accordance with Classical Cast Iron Rainwater Pipe and Gutter Systems Specification.

8. The conservation rooflights specified in the approved plans shall be flush to the plane of the roof and shall be vertically aligned with the upper ground floor windows in the northern elevation.

9. No works shall commence until details of the fire protection and acoustic separation of the walls, floors, ceilings and doors, including 1:20 sections through walls and ceilings, 1:20 elevations of internal doors, and 1:5 scale moulding sections, have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details.

10. No works shall commence until details of thermal insulation have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details.

Reasons

2. The main issue is the effect of the proposed works on the architectural and historic interest and significance of 5 Sealand Road, a Grade II listed building.

3. 5 Sealand Road was built about 1800 as a small house, but at the time of the listing survey carried out in 1992 the building was in use as offices. The building has three storeys, a basement with an exterior door on the rear elevation facing Sealand Road, a ground floor with a main door in a front elevation facing the River Dee, and a first floor. Planning permission 17/02719/FUL was granted for 'change of use from B1 offices to provide 5 no. self contained flats with associated parking, new external staircase and internal alterations' and this was amended by a Section 73 application 18/02906/S73. Corresponding listed building consents 17/02720/LBC and 18/02907/LBC were also granted. The permissions and consents are currently being implemented.

4. The appeal application is for the same works that are the subjects of the aforementioned permissions and consents except in one respect. If allowed and implemented the consent would result in the installation of an en-suite shower room, to the bedroom in one of the two basement flats, in the rear part of the hallway. Throughout the recent planning history of the building the Council has sought to resist the installation of an en-suite shower room in this location principally because it would block access from the hallway to a cellar that is located beneath an outdoor paved area in front of the ground floor entrance door.

5. The building has been subject to many alterations both before and after the date of listing, and is the subject of many other alterations as a result of implementation of the planning permissions and listed building consents. The Council claims that "...it is not a coincidence that the cellar entrance is directly opposite the stair access". It was installed in this location because it provided direct access to the building that was first in use as a single dwelling house. That

relationship has been lost due to the grant of permission and consent for the use of the building as five self-contained flats. The significance of the cellar, in this regard and given that the former service areas in the basement no longer exist, is no longer that which it was originally intended to be.

6. The door to the cellar, and therefore access to the cellar from within the building, would be maintained, albeit from an en-suite bathroom. The location of the en-suite in the hallway would result in the bedroom, an original room in the building, retaining its original proportions, and access through the three floors of the building would be maintained. In the context of all the alterations that have been made and will be completed to the building, the introduction of an en-suite shower room in the rear part of the basement hallway would not harm the architectural and historic interest and significance of the listed building. The proposed works do not conflict with policy ENV5 of the Cheshire West and Chester Local Plan or with saved policy ENV45 of the Chester District Local Plan.

Conditions

7. The Council has suggested ten conditions. The Appellant was asked to comment on the suggested conditions but failed to respond. They have therefore been considered as suggested. The conditions generally repeat those imposed on listed building consent 17/02720/LBC, and they have been imposed though they have been amended in the interests of clarity and precision and in the light of advice in the National Planning Practice Guidance. Condition 1 is the standard time limit condition, condition 2 is for the avoidance of doubt and in the interests of proper planning, and conditions 3-10 are necessary to preserve the architectural and historic interest of the listed building.

John Braithwaite

Inspector