
Appeal Decisions

Site visit made on 22 January 2020

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal A: APP/C2741/W/19/3235766

The Grange Hotel, 1 Clifton, York YO30 6AA

- 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 Jeremy Cassel against the decision of City of York Council.
 - The application Ref: 19/00297/FUL, dated 14 February 2019, dated 14 February 2019, was refused by notice dated 28 June 2019.
 - The development proposed is are the replacement of the floodlighting to Clifton and St Anne's Road elevations. The installation of railings to either side of the portico.
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Appeal B: APP/C2741/Y/19/3235765

The Grange Hotel, 1 Clifton, York YO30 6AA

- 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 Jeremy Cassel against the decision of City of York Council.
 - The application Ref 19/00298/LBC, dated 14 February 2019, was refused by notice dated 28 June 2019.
 - The works proposed are the replacement of the floodlighting to Clifton and St Anne's Road elevations. The installation of railings to either side of the portico.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had regard special regard to sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas) act 1990 (the Act). In addition, I have had special regard to the provisions of section 16(2) of the Act.
3. It is my understanding that the Council considers that the proposals for the installation of railings along the inside of the portico would have a negligible effect on the historic and architectural aesthetics of the building. Consequently, this part of the proposals does not feature in the reasons for refusal for either application. The appellant was given the option of withdrawing the lighting part of the proposals but has opted not to split the applications. Neither main party has specifically requested that I consider split decisions and therefore I will determine these proposals as a whole.
4. I have noted that since the applications were determined the appellant has submitted supplementary evidence with respect to the floodlighting scheme. If an applicant thinks that amending their proposals will overcome the local

planning authority's reasons for refusal, they should normally make a fresh application or applications. If appeals are made, they should not be used to evolve a scheme and it is important that what is considered by me is essentially what was considered by the local planning authority, and on which interested parties' views were sought. In this case the additional evidence seeks to clarify rather than amend the proposals and as such in accordance with case law¹, in my judgement the proposals have not so changed that to grant it would deprive those who should have been consulted the opportunity of such consultation.

Main Issues

5. The main issues in this case are a) whether the proposed works and development would preserve the Grade II listed building known as The Grange Hotel (listed as Bootham Grange, 7, Clifton) or any features of special architectural or historic interest that it possesses, b) whether they would preserve the setting of adjacent listed buildings and c) whether it would preserve the character or appearance of the Clifton Conservation Area (CCA).

Reasons

6. The appeal building was first listed in April 1988 and was originally built as a pair of large houses around 1840. It is now a hotel and is constructed of grey brick with a Welsh slate roof. The building has three storeys plus a cellar with seven bays; bay 1 being set back with a contemporary single storey side wing. Bays 2 to 7 form an attractive and imposing symmetrical façade which is enhanced by corner pilasters with chamfered plinths and composite capitals. The round-arched doors surrounding bays 4 and 5 create clear and welcoming front entrances into the hotel; bay 4 exhibiting an original six panel front door with three-pane overlight and bay 5 with a later twentieth century copy. Window openings display sashes with glazing bars under brick arches. Ground floor windows are articulated by projecting sills whilst the upper floor windows have moulded sill bands. Other admirable features which add to the special interest of the building are the overhanging eaves with wooden cornice on shaped brackets and the hipped roof with end stacks and central ridge stacks.
7. The side wing on the left is subservient to the main three storey part of the building. At ground floor the key features of the side wing include a part glazed door in wooden doorcase which is flanked by sashes with glazing bars under recessed panels, a string course, parapet and hipped roof. The left return has four bays with a number of blind windows.
8. The main historic significance of the listed building relates to its attractive, imposing and prominent exterior and, in particular the elevations facing Clifton and St Anne's Road. The special interest of the listed building, insofar as it relates to these appeals, is primarily associated with the quality of its main elevations and their historical and architectural integrity which are typical of other listed buildings in the locality and the Conservation Area fronting Clifton, in particular. Furthermore, it is a visually prominent and imposing building in its local historic context, having retained many key historic and architectural features on its main elevations and, in particular, the high quality symmetrical frontage.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

9. The Grange Hotel also has value as part of the cluster of late eighteenth century and early nineteenth century houses built close to the junction of Clifton/Bootham and Queen Annes Road. The adjacent property, No 11 Clifton, is a Grade II listed house with attached railings which was built around 1832. Ingram House, which lies to the south east of Queen Anne's Road was built around 1630-1632 as almshouses (now flats) and is Grade II* listed. Given their close proximity and relationship to the street frontage, which also includes the appeal site, they are particularly sensitive to the floodlighting proposal.
10. On the opposite side of the street is a group of Grade II listed buildings, including some of their associated walls, railings and outbuildings which were built between the late eighteenth and early nineteenth century. These include Nos 2, 4, and 8 Clifton, No 6 Clifton which is a former outbuilding, and Nos 67 and 69 Bootham, 71 and 73 Bootham and 75 and 77 Bootham. Although these properties do not form part of the street frontage with the appeal site, they are nevertheless important in the wider historic context of this part of the CAA.
11. The CAA was originally designated in 1968 and extended in 1975 and again in 2002. The conservation area is characterised by late Georgian town houses and Regency villas fronting onto Clifton, and Victorian and Edwardian terraces and semi-detached properties in the new suburban streets. The special interest of this part of the conservation area is the quality of the listed buildings and their associated boundary treatments and structures which mainly date back to the late eighteenth century and early nineteenth century. The cluster of buildings close to the appeal site are typical of the important residential buildings which were built during that period and the quality of materials and overall historical and architectural integrity and detailing contribute to the special interest of the locality.
12. The hotel frontage is currently illuminated by floodlights, including four large floor level lights which are located in concrete pits and two within the gravel area along the Queen Anne's Road elevation. It is my understanding that these have been in place since 1989 when the current owners established the hotel. The appellant has commented that the existing floodlighting is bland with no control over the lighting output, poor colour rendering and high energy consumption. The floodlighting proposal shows a total of 16 individual light fittings on the front elevation; one to each window reveal. The ground floor illumination on the Clifton elevation would be positioned on the top of the window with a downward beam. Those serving the first and second floors would be positioned in the middle of the sill ledge of each window with the beam facing upwards. The light fittings on the Queen Anne's Road elevation would be positioned on the underside of the soffits with a downward beam. Each of the spotlights would have approximate dimensions of 116mm x 113mm x 85mm.
13. The appellant has also advised that the scheme complies with the criteria for assessing the impact of new floodlighting schemes to historic buildings as defined by the International Institute of Illumination/Institute of Lighting Professionals. It is also contended that the proposed replacement lighting scheme would illuminate the rhythmic elements of the building's façade and would have a positive effect on the character or appearance of the building. The appellant goes on to state that the scheme is consistent with Historic England's advice on external lighting.

14. At my site visit I observed that a number of historic and architecturally significant buildings in York which are sensitively illuminated by means of external lighting – these include The Minster, City Walls, and other buildings in the Clifton Conservation Area. However, I have also noted that many of those are public and ecclesiastical buildings of very high significance and importance. Furthermore, as stated by the Council, schemes on churches or other ecclesiastical buildings may be exempt from local authority control through exemptions set out in other legislation.
15. The appeal site is a hotel situated outside the city centre in a prominent corner plot fronting a main arterial road leading to the city centre from the north. The building has a significant street presence both in daylight hours and during the night. The installation of lighting fittings on 16 windows on the front elevation of the property is considered to be excessive. The appellant has not satisfactorily justified why the proposal is for such a proliferation of installations. Neither has it been adequately argued that each window should be illuminated rather than focusing on selected architecturally important features on the building.
16. The overall quality of the frontage, including the symmetrical arrangements of frontage windows is recognised as being architecturally significant, but that does not mean to say that each opening should be illuminated. As such, the proposed scheme would result in an over-cluttered illuminated frontage, detracting from the high quality and architecturally significant facades and the visual integrity of the listed building. The proposal illumination of the Queen Anne's Road elevation would add to the visual clutter and the proliferation of non-traditional features would cause cumulative harm to the architectural integrity of the building.
17. The fixtures and fittings, including cabling, may be small and not be significant as individual elements of the overall scheme. Also, I understand that they could be even glued in place and removed at a later date. Nonetheless, they are non-traditional features which together add to the proliferation of uncharacteristic additions to the building. Furthermore, during the daytime these fixtures and fittings may be visible, constituting visual clutter to the important building elevations, compromising their architectural integrity and their overall architectural and historical significance.
18. Accordingly, I conclude the proposals would cause material harm to the special interest of the listed building, so failing to preserve it, the desirability of which (as required by the Act) has been affirmed by the Courts as a matter of considerable importance and weight, when measured in the planning balance.
19. For the same reasons, the proposals would fail to preserve the settings of the adjacent and nearby listed buildings, again contrary to the expectations of the Act. This merits the same weight in the planning balance. It follows that such works and development would fail to preserve the character and appearance of the CCA, also contrary to the expectations of the Act, which requires special attention to be paid to its preservation. Again, similar weight is to be apportioned to such failure.
20. 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. Paragraph 194 of the

Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or from development within its setting) should require clear and convincing justification. It should be remembered however that less than substantial harm does not equate to less than substantial planning objection, especially when the statutory tests have not been met.

21. 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 considers that the position and presence of the hotel is a significant factor that should be taken into account. Tourism is indeed important to the local economy and as such the hotel provides accommodation and also employment opportunities. However, in this particular case the hotel is classed as providing four-star accommodation of a premier standard and therefore is less reliant on passing trade than other types of accommodation. There is certainly insufficient evidence to conclude that without the proposal the hotel would be unviable and cease to be an important contributor of high quality tourist accommodation in York. As such I give this only limited weight in the balancing exercise.
22. The hotel is in a visually prominent location along a main road leading to the city centre. Other ways of advertising the presence of the building could be used and those looking for the hotel are likely to have modern equipment such as satellite navigation systems or other mapping available. As such, I dispute the argument that the proposed scheme of illumination is needed for visibility and give this consideration little weight.
23. The appellant also contends that there are benefits associated with reducing the intensity of lighting and the scheme being more energy efficient than the one that currently exists. However, these potential benefits attract only limited weight.
24. Given the above and in the absence of significant public benefit, I conclude that the proposals would fail to preserve the LB, the setting of the adjacent and nearby LBs and the character and appearance of the CAA. Although the proposals would bring some measure of public benefits these, for the reasons I have set out, are limited, and are clearly and demonstrably outweighed by the multiple harms identified to designated heritage assets. They would also fail to meet the expectations of paragraph 193 of the Framework and conflict with the local development plan policy (notwithstanding the lesser weight to be apportioned to it through a lack of consistency with the Framework) which seek to underpin and reinforce these national statutory and policy objectives.

Conclusion

25. For all the above reasons and having taken all matters into account I conclude that both appeals should be dismissed.

A A Phillips

INSPECTOR