



Appeal Decisions

Site visit made on 30 June 2020

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 2 July 2020

Appeal A

Appeal Ref: APP/L2820/W/19/3239352

25 Montagu Street, Kettering, NN15 8XG

- 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 Modern Amusement Ltd against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0106, dated 8 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is 1No one bedroom apartment and 5No 2 bedroom apartments on land to rear of 25 Montagu Street, together with associated off street parking and amenity area.
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Appeal B

Appeal Ref: APP/L2820/Y/19/3239351

25 Montagu Street, Kettering, NN15 8XG

- 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 Modern Amusement Ltd against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0113, dated 8 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is 1No one bedroom apartment and 5No 2 bedroom apartments on land to rear of 25 Montagu Street, together with associated off street parking and amenity area.
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Decision

1. The appeals are dismissed.

Procedural Matters

2. The site address is given as 25 Montagu Street, which is the address of the Conservative Club, a Grade II Listed building. The Conservative Club building is adjoined by a bowling green to the rear, which is enclosed by a rubble stone wall fronting Eden Street. Access to the rear of the Conservative Club building is via a gateway in the wall along Eden Street. In 2018 planning permission and listed building consent¹ were granted for conversion of the listed building to use as 10 flats. The whole of the site area for the proposal now before me lies within the site area of this permission.
3. The consented development would include access from Eden Street to the rear with parking provided on part of the bowling green and the remainder of the

¹ KET/2017/0237 & KET/2017/0239

bowling green given over to landscaping. The development before me proposes the erection of 6 flats on the space allocated for landscaping within the consented scheme. It would also require the reconfiguration of the proposed parking within the site.

4. The appellant appears to dispute whether the site lies within the curtilage of the listed building, but has nonetheless submitted a listed building application for the works. The site is clearly associated with the Conservative Club and is located immediately adjacent to it, having been used in conjunction with it for some considerable time. I have not been advised that the bowling green and the Conservative Club were not in the same ownership or were not being used together when the building was listed, and although I note that the bowling green is not described in the listing I am conscious that not every aspect of the property would necessarily be referred to in a listing in any case. The site, comprising the building and the bowling green is enclosed by a rubble wall to Eden Street with no intervening structures. The physical characteristics of the site, and its historic usage therefore lead me to the view that the development site lies within the curtilage of the listed building, and that the wall to Eden Street is curtilage listed. I have therefore determined both applications on this basis.

Main Issues

5. The first main issue for both appeals is whether the proposal would preserve the special interest of the grade II Listed Conservative Club and any features of historic or architectural interest that it possesses, and whether the proposal would preserve or enhance the character or appearance of the Kettering Conservation Area.
6. The second issue for Appeal A is whether the proposal would result in an unjustified loss of Protected Open Space.

Reasons

Heritage Assets

7. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. Policy 2 of the North Northamptonshire Joint Core Strategy (CS) states that proposals should conserve and, where possible, enhance the heritage significance and setting of an asset in a manner commensurate to its significance and this reflects the statutory duty within the Act.
9. The Conservative Club was constructed in the late 1800's by a prominent Leicestershire architect of the period. The front elevation has an imposing presence along Montague Street due to its scale and position relative to the road, and also due to the ornate appearance of the building. To the rear the appearance of the building is less imposing, in part due to the more utilitarian form and scale of later additions to the west. However, the height of the rear gable and the depth and spacing of the fenestration within it are in keeping with the decorative appearance and strong vertical emphasis of the front

façade. The degree of ornamentation of the building, sets the building apart from the more functional form of the buildings around it, particularly to the east, and the bowling green to the rear of the building provides it with space in which to viewed. The significance of the asset lies in its status as a relatively well preserved example of a purpose designed commercial building of its period, and in the contribution the appearance of the building, particularly the front façade makes to the surrounding streetscene.

10. The proposal comprises the erection of a block of 6 flats along the frontage to Eden Street on land currently occupied by the bowling green. In views into the site the Conservative Club is seen within a diverse and densely developed rear streetscape. The asset's setting also includes the intrusive form of the flank elevation of the Open Door Church, the utilitarian form of the rear of properties along Montague Street, and views of the long rear gardens of adjoining properties along Eden Street. In this regard the space provided by the bowling green, when seen alongside the large and imposing Open Door Church is striking. It enhances the character of the building, drawing attention to its presence and contributes to the varied character of the streetscape.
11. The building would be 2 storeys in height and the frontage would be designed to broadly reflect the form of existing housing along Eden Street. The Council have expressed no concerns in relation to the appearance of the development. Having regard to the extent to which the Eden Street façade would broadly reflect the proportions and detailing of adjacent properties, I am satisfied that development towards the front of the site could be accommodated comfortably within the wider streetscape.
12. A small amenity area intended to serve the proposed conversion along with parking and access arrangements would occupy the remainder of the site. The position of the proposed access would also allow for views of the rear gable. However, in addition to the Eden Street frontage the block would project some distance to the rear with an outrigger which extends towards the Conservative Club. The Council estimate the separation distance between the buildings to be around 15 metres. Taking into account the height and proportions of the rear façade of the asset, and its appearance as a civic building, this juxtaposition would appear unduly close and the extent to which the proposal would intrude upon the space around the building would have limited regard to the imposing proportions and character of the adjoining asset.
13. Whilst I note that part of the rear outrigger would be single storey, the erosion of space around the asset would nonetheless change how the building is perceived and would diminish any appreciation of its former importance derived from the extent of the space around it. It would also reduce opportunities for viewing the entirety of the rear façade. It therefore follows that as a result of the extent of development proposed, and having regard to how the existing open setting contributes to its character as a locally important building, the loss of space around the asset would also lead to some loss of significance for the listed building. As the site lies within the Kettering Conservation Area it follows that there would also be some limited harm to the character of that Conservation Area.
14. The proposal would also involve the removal of sections of the wall fronting Eden Street. The wall is listed by virtue of forming part of the curtilage of the Listed Building. Although it forms a strong presence in the streetscene, its

significance lies in how it defines the rear boundary of the Club, rather than any particular aesthetic value or historic significance. The existing permission already allows for substantial alterations to the wall and I noted on site that it was in poor repair. The proposed alterations would further reduce the extent to which the wall would enclose the site. However, the remaining sections would still provide a strong boundary and would allow the original historic curtilage to be appreciated. I am therefore of the view that the proposed works to the wall would not harm the significance of the asset.

15. I consider the level of harm caused to the significance of the heritage assets to be less than substantial. The National Planning Policy Framework (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, the harm should be weighed against the public benefits of the scheme.
16. The proposal would provide 6 homes and would increase local housing choice. This would make a relatively small contribution to housing supply. Nevertheless, having regard to the impetus in the Framework to provide housing, I attribute this matter some moderate weight in favour of the proposal.
17. I am advised that the site has provided a focus for anti-social behaviour and it has been put to me that the proposal would remedy this. However, it seems to me that the existing permission, which would landscape the site as part of the conversion would also put the site to use and reduce its potential as a venue for crime and disorder, and I therefore give very limited weight to this matter as a public benefit.
18. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation and that any harm should require clear and convincing justification. I therefore attribute greater weight to the harm which would arise to the significance of the listed building as a result of this proposal and find the benefits identified to be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework and with local policy 2 of the CS outlined above.

Loss of Open Space

19. The site is identified as Protected Open Space within the Kettering Town Centre Area Action Plan (AAP). The proposal would result in the bowling green being lost as Protected Open Space. However, I am advised that the bowling green has not been in use since 2014 and did not, in any case provide for public access to facility. Furthermore, permission has been granted for the loss of the bowling green to use as private landscaped space in association with the conversion of the Conservative Club². I have no indication that this permission will not be implemented.
20. It therefore seems to me that regardless of the designation in the AAP, the proposal would not lead to the loss of a Protected Open Space as planning permission has already been granted which would result in its loss and I find no conflict with Policy 13 of the AAP. Furthermore, as acknowledged by the

² KET/2017/0237 & KET/2017/0239

Council in granting the existing permission, the site does not fulfil any meaningful recreational function and so its loss would not conflict with Policy 7 of the CS which seeks to support and enhance community services and facilities.

Other Matters

21. I take into account the concerns of the adjoining occupier regarding the height of the intervening boundary wall to their property. As this matter could be remedied by means of appropriate planning conditions it does not add to my concerns above.
22. I also note the comments of the County Highway Engineer regarding parking provision on site and the location of the site access. However, I concur with the Council, that the town centre location would provide some scope for reduced parking at the site, given the availability of public car parking nearby. Furthermore, the parking access and circulation matters could be resolved by means of a condition if the scheme was otherwise acceptable. This matter therefore does not weigh against the proposal.

Conclusion

23. The proposal would not lead to harm as a result of the loss of Protected Open Space but would harm the significance of the Grade II listed Conservative Club through harm to the building's setting. The benefits of the scheme would not outweigh this harm. Accordingly, the proposal would conflict with guidance in the Framework and with Policy 2 of the CS. This provides a clear reason for refusing the proposal.
24. Accordingly, having regard to all other matters raised, the appeals are dismissed.

Anne Jordan

INSPECTOR