
Appeal Decisions

Site visit made on 28 July 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal A: APP/Y3940/W/20/3252922

Barchester House, 45-49 Catherine Street, Salisbury, Wiltshire SP1 2DH

- 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 N Pratt of NEP Estate Ltd against the decision of Wiltshire Council.
 - The application Ref 19/04479/FUL, dated 1 October 2019, was refused by notice dated 12 May 2020.
 - The development proposed is described as additional floor to create 3 x one bedroom flats and 3 x two bedroom flats.
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Appeal B: APP/Y3940/Y/20/3253399

Barchester House, 45-49 Catherine Street, Salisbury, Wiltshire SP1 2DH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr N Pratt of NEP Estate against the decision of Wiltshire Council.
 - The application Ref 19/05270/LBC, dated 1 October 2019, was refused by notice dated 12 May 2020.
 - The works proposed are described as additional floor to create 3 x one bedroom flats and 3 x two bedroom flats.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relate to the same scheme but address separate applications relating to planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. The Council's decision was made on the basis of revised plans which omitted a roof terrace which originally formed part of the proposal. As the roof terrace formed part of the description of development/works provided on the application forms, I have used the edited versions from the decision notices in the banner headings above.
5. Conversion of the existing floorspace to provide 2 one bed flats, and 2 two bed flats has been previously approved in relation to applications 18/07726/FUL

and 18/07827/LBC (the previous approvals). Insofar as the current proposal relates to the existing floorspace, it would be much the same, albeit with a bedroom added to one of the previously approved one bedroom flats at first floor level, and means of access added to the proposed second floor above.

6. The decision notices each make reference to a neighbouring listing building, however neither of the buildings which neighbour the site is listed. This is confirmed in the Council's appeal submission which instead makes reference to the 'unlisted historic building next door'. I have therefore assessed the scheme on the latter basis.

Main Issues

7. The main issues are:

- the effect of the scheme on designated heritage assets including: whether the scheme would preserve a Grade II listed building, 45-49 Catherine Street, its setting, or any of the features of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the character or appearance of the City of Salisbury Conservation Area (the Conservation Area); and
- with regard to Appeal A, the effect of the scheme on the living conditions of neighbouring occupants at 41 and 43 St Catherine Street, with regard to privacy.

Reasons

Listed Building and Conservation Area

8. The decision notices highlight past adverse alteration, enlargement and external changes to the listed building. It is however apparent that the building as originally listed in 1952 no longer exists, having been demolished during the 1980s. The demolition of the building is indeed acknowledged in the current list description.
9. The current building is thus modern, albeit, at and towards the front of the ground floor, its design incorporates elements of the sixteenth century timber frame and walling of the previous building. This notably includes the beam and a bracket that once supported a first floor overhang, which are key features on the frontage. Insofar as is relevant to the appeals, the special interest and significance of the building lies in the evidential value held by remnants of the previous building, and the extent to which the form and appearance of the existing building enables these to be interpreted in relation to the historic plot and street pattern. Though the list description also notes a window, door and doorway, these features were not apparent during my visit, and have not otherwise been identified within the submissions.
10. As the scheme would not have any obvious physical impact on the surviving historic fabric, the issue is more specifically the extent to which the proposed changes to the form and appearance of the building would affect the interpretation of historic fabric.
11. The existing building is of greater height, scale and massing than that described in 1952, has a different overall form and roof shape, and the internal layout has been partly merged with that of No 43, including the flat

roofed structure to the rear of the latter. Crucially however, the width of the current building appears to be no greater than the maximum width of the previous building. In this way, despite the above differences, the external form and appearance of the current building, in common with that of the previous building, expresses the dimensions of the historic plot. Continuity in this regard provides a primary context within which the retained historic fabric, and most particularly the beam and bracket on the frontage, are understood both relative to the historic plot, and relative to the surrounding historic townscape.

12. The scheme would not involve any change to the width of the building at the front. The width of the building would however appear increased at the back, with some overlap to the rear of No 43. The width of the building would thus no longer wholly correspond to that of the historic plot. As both the front and rear elevations each have a strong visual presence within the public realm, both the changes and lack of consistency front to back would be clearly viewed externally. The loss and blurring of the linkage between the external form and appearance of the building and the dimensions of the historic plot, would undermine the ability to perceive the same linkage between surviving historic fabric and the historic plot. The effect would not be avoided in any meaningful way by varying façade finishes on the rear elevation. The significance and special interest of the building would thus be harmed.
13. Enlargement of the roof would change the appearance of the building, moderately increasing its scale and massing at the front, and more substantially at the back. Taking into account the fact that the existing scale and massing of the building do not match that of the previous building, this would not be harmful viewed from the front. Viewed from the back it would however accentuate the change in the width of the building, as too the harm that this would cause.
14. The site is located within the Conservation Area. Insofar as it is relevant to the appeals, the significance of the Conservation Area resides in the historic planned layout of the townscape, the high concentration of historic buildings it contains, including many of timber framed construction, and the quality and composition of views, including those of the Cathedral.
15. The beam and bracket lend interest to the frontage, and, as noted above, provide clear evidence of the timber framed building once present on the site. As also outlined above, the existing building emphasises the historic dimensions and rectilinear character of the plot, relative to other historic plots. In each regard an important positive contribution is made to the significance of the Conservation Area.
16. Viewed from within St Catherine Street the additional floor would not appear incongruous given that it would be seen amongst and alongside other buildings of similar or greater height. The loss of historic plot definition to the rear would however harm the significance of the Conservation Area for the much the same reasons as outlined in regard to the listed building. In this case the harm would be accentuated by the awkward physical and visual relationship which would be created with No 43, which would appear to be partly enveloped by the enlarged building when viewed from the rear.
17. The Council additionally states that the roof would be visible in long views towards the Cathedral from the bypass. However, no location is identified. In nearer views towards the Cathedral from Gigant Street the existing roof causes

no obstruction. It is apparent that even if the roof height and bulk is increased, the situation would remain largely unchanged given that other roofs surrounding and opposite the site would remain higher or of similar height. As such it is unlikely that the roof of the building would be clearly discernible or obtrusive in static views across a long distance, and less so from the window of a vehicle traversing the bypass.

18. In view of my findings above, and with reference to paragraph 196 of the National Planning Policy Framework (the Framework), I consider that the proposal would cause less than substantial harm to the significance of both Nos 45-49, and the Conservation Area. Having further regard to the considerable importance and weight to be given to the statutory objective of preserving or enhancing conservation areas, I attach considerable importance and weight to the harm that would arise in this regard. In accordance with paragraph 196 it is necessary to balance this harm against the public benefits advanced in favour of the scheme.
19. The principal benefit advanced is that the scheme would enable disused offices to be brought back into use, providing additional housing. However, the previous approvals already provide a basis for residential reuse of the offices. In this regard, the benefit over and above the previously approved scheme would be restricted to the provision of 2 additional one bed flats, and increased bedroom accommodation for one of the flats previously approved. The scale of the additional benefit provided would thus be limited, and accordingly attracts limited weight in favour of the scheme. The economic benefit of the relatively small amount of additional construction work that would be required also attracts limited weight as a consideration in favour of the scheme. This would be insufficient to outweigh the harm that would be caused to the significance of designated heritage assets.
20. For the reasons outlined above I conclude that the scheme would not preserve the special architectural or historic interest of Nos 45-49, and that it would fail to preserve or enhance the character or appearance of the Conservation Area. With regard to Appeal A, and insofar as it is relevant to Appeal B, the scheme would thus conflict with Core Policy 58 of the Wiltshire Core Strategy 2015 (the CS) which states that designated heritage assets will be conserved, and where appropriate enhanced in a manner appropriate to their significance. With regard to Appeal B it would additionally conflict with Core Policy 57 of the CS, which, amongst other things, requires new development to be sympathetic to and conserve historic buildings and historic landscapes. In regard to both appeals the scheme would otherwise fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Living Conditions

21. The Council states that the north window facing window in the mansard roof would overlook the windows of flats in neighbouring buildings. Though there would in fact be 4 north facing windows, it is clear that the Council's concern relates to the rearmost window.
22. The windows in the wall of No 41 facing the appeal site are set around 2 storeys lower than would be the window in the roof, and the gap between the facing elevations is narrow. The resulting angle of view is such that it is highly unlikely that any clear or easy view into the flat at No 41 would exist. The fact

that the windows serving the flat at No 41 are also very small, further reduces any potential which might exist.

23. The windows serving the flat at No 43 are again set either one or 2 storeys lower, and in this case do not face the elevation in which the roof window would be located. The angles of view are again acute, and additionally oblique. Furthermore, any view into the room served by the small dormer in the roof of No 43 would be limited by the form of the roof itself. Again, I consider that it is highly unlikely that it any clear or easy view into the flat at No 43 would be possible.
24. For the reasons outlined above I conclude that unacceptable harm would not be caused to the living conditions of occupants at No 41 and 43 due to loss of privacy. Therefore, in this particular regard, the scheme would comply with Core Policy 57, which amongst other things requires regard is had to the compatibility of adjoining buildings and uses, and that new developments ensure that appropriate levels of amenity are achievable; and provisions within the Framework which seek to ensure a high standard of amenity.

Other Matters

25. The application subject of Appeal A was dismissed partly on the basis of a failure to mitigate the impact that nutrient discharge in waste water would have on the River Avon Special Area of Conservation (the SAC). In this context nutrients would enter the SAC via water treatment works, and could, in combination with other plans or projects, have an adverse impact on the integrity of the SAC due to eutrophication. Had I been minded to allow the appeals and thus the circumstances existed in which permission/consent could be granted, it would have been necessary for me to undertake an Appropriate Assessment in order to confirm the impact of the scheme on the SAC and the need for mitigation. As I am dismissing the appeals for other reasons, further consideration of this matter is not required.
26. I acknowledge the appellant's concerns regarding the way in which the Council handled the applications. However, this matter falls outside the scope of these appeals.

Conclusions

27. For the reasons set out above I find that whilst the scheme would be acceptable with regard to its effect on the living conditions of neighbouring occupants, it would nonetheless cause unacceptable harm to designated heritage assets. I therefore conclude that both Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR