

Appeal Decisions

Site visit made on 12 October 2020

by C Jack BSc MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal A - Ref: APP/L3815/W/20/3256080

3 Franklin Place, Chichester PO19 1BL

- 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 Mrs Annie Shand against the decision of Chichester District Council.
 - The application Ref CC/20/00609/DOM, dated 28 February 2020, was refused by notice dated 20 May 2020.
 - The development proposed is a first floor rear extension and replacement conservatory.
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Appeal B - Ref: APP/L3815/Y/20/3256083

3 Franklin Place, Chichester PO19 1BL

- 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 Mrs Annie Shand against the decision of Chichester District Council.
 - The application Ref CC/20/00610/LBC, dated 28 February 2020, was refused by notice dated 14 May 2020.
 - The works proposed are a first floor rear extension and replacement conservatory.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Main Issues

3. The proposal relates to a listed building in a conservation area. Having special regard to sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the main issues are i) the effect of the proposal on the special interest of the Grade II listed building and ii) whether the proposal would preserve or enhance the character or appearance of the Chichester Conservation Area.

Reasons

The significance of the Listed Building and the Conservation Area

4. 3 Franklin Place is a two-storey house forming part of a Grade II listed terrace of 1-1A and 2-41 Franklin Place. The terrace was first listed in 1971 and, according to the list description, dates from the early 19th century. The front of the terrace has particular architectural and historic interest with its elegant

neo-classical proportions and colourful stuccoed elevation, and many intact details including sash window glazing bars and semi-circular fanlights over front doors. The modest set-back of No 4 and the juxtaposition of the adjacent hipped roofs, make it visually apparent that Nos 1-1A, 2 and 3 Franklin Place were constructed separately from the rest of the terrace. Nevertheless, there is a very attractive and overriding sense of uniformity to the terrace as a whole, with its combined historic streetscape also contributing to its significance.

5. The rear of the terrace is also significant, though its character is more utilitarian by comparison. It is distinctive for the number of rear closet wings, with evidence from historic maps indicating the likelihood that closet wings were part of the original plan form of Franklin Place. The closet wings along the row are not entirely uniform in dimensions and appearance but they provide a historic rhythm to the rear elevation, particularly at the first floor and roof levels along the terrace which I saw are largely visible from the public path along the City Walls behind. At ground floor level, there is a significant variety of extensions, infills, and alterations, including several predominantly glazed examples. Many of these can also be seen from the City Walls, although a combination of boundary treatments, trees, and other garden planting tends to limit their visibility to some degree.
6. The generally uniform appearance of Franklin Place, particularly at the front, together with the length and visibility of the terrace, make a strong contribution to the character and appearance of the conservation area as a good example of late Georgian development. Indeed, the Chichester Conservation Area Character Appraisal 2005 states that, "the best townscape is along Franklin Place", when referring to the Northgate and Old Sommerstown character area of the city. The conservation area as a whole covers the compact and well-preserved historic city centre and includes areas of good quality 19th century housing. Its significance therefore derives from its wealth of historic buildings, extensive good quality townscapes, and other assets such as the surviving Roman City Walls, part of which forms the rear boundary to Franklin Place.

The effects of the extension and replacement conservatory

7. The first-floor closet wing extension would enlarge the second bedroom rearwards, above a non-descript 1960s ground floor toilet addition. The scale of the extension would be modest and the appearance, with hipped roof and matching materials, would be similar to the existing rear elevation of No 3. The wide 1960s casement window at ground floor would be replaced with a narrower, more sympathetic sash window.
8. An additional sash window at first floor level would serve the enlarged bedroom. The evidence indicates that historically a fireplace was positioned on the rear wall of this bedroom, albeit this and the rear chimney stack were removed some time ago and thus the prospect of reinstatement of the remaining chimney breast is very limited. Given the chimney breast, a rear-facing first floor window in the closet wing is unlikely to have been a feature. Nevertheless, I saw examples of nearby closet wings have a first floor, rear-facing window. Further Georgian style, single glazed, timber framed, windows are proposed to replace the casement windows currently serving the two

- bedrooms, and the design of these would tie the extension visually with the house and wider terrace.
9. While the extended closet wing would be deeper than the historic closet, it would be sensitively deferential in scale to the house. It would also be generally in keeping with the varied closet wings along Franklin Place. I saw that the first-floor extension would be partially visible in limited views from the City Walls path, but the effect in the context of the wider terrace would be very minor in this regard.
 10. The existing mainly timber framed conservatory infills the space between the closet wing and the boundary wall with No 2, in a position that is screened from views from the City Walls by the existing closet wing and 1960s extension. The replacement conservatory would occupy the same position and would be very similar in scale. However, it would have a marginally more 'solid' nature with the introduction of a new side wall adjacent to the historic boundary with No 2, and maintenance valleys at either side resulting in a 'lantern' type roof.
 11. The area beside the closet wing historically would have been an open space. The proposed infilling of this modest space, and the design, would not relate well to the historic building and its plan form. However, this becomes an essentially neutral factor when considered in the context of the size, position, and appearance of the existing conservatory. Furthermore, the historic layout of No 3 would still be generally legible given the extensive glazing to the infill. Some harm would arise from the introduction of the new wall in this space, but this would be limited in the context of its scale and the more substantial modern extensions, including a glazed-roof infill extension beside it at No 2. Moreover, it is apparent that the poor condition of the existing conservatory has allowed significant water ingress and associated damage, including to the historic rear elevation of No 3, which the conservatory adjoins.
 12. In the light of above, while a small part of the back of the listed terrace would change, the proposed extension and infill would generally be sensitive in their scale and detailing. As such, the design and appearance of the proposals would not harm the character or appearance of the conservation area and there would be no conflict with the heritage and design requirements of Policy 47 of the Chichester Local Plan: Key Policies 2014-2029 (the Local Plan) in this regard.
 13. However, in terms of the historic form and fabric of the listed building, the rear wall of the closet wing, including the remaining chimney breast and a small part of the roof, would be demolished. The demolition would involve a substantial proportion of the closet wing albeit in the context of the house, the back of the extensive terrace, and the overall listed building, the amount of demolition would not be extensive. Nonetheless, this is a significant component of the special historic value of No 3 and retains evidential value and historic significance as a surviving closet wing example. While the back of the house and the closet wing have been previously altered, including in relation to the fireplace, which has a bearing on its historic significance, this does not deny the evidential value, and nothing in the information provided suggests persuasively otherwise than that, for the most part, this remains intact.
 14. Therefore, the demolition of the rear closet wall would amount to harm to the historic significance of No 3, and thus to the wider terrace to a degree. It follows that this would fail to preserve the special interest of the Grade II listed

building. In this respect, the proposal would conflict with Policy 47, which seeks to conserve and enhance the historic environment.

Other Matters and Planning Balance

15. The proposal would fail to preserve the special historic interest of the listed building, contrary to the clear expectations of the Act. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development 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. Although the degree of harm here would clearly be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.
16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would improve the accommodation in the house, including from an enlarged bedroom and addressing the water ingress problems. Modest conservation benefits would arise from the latter, and from elements such as more sensitive rear fenestration.
17. While I understand the appellant's personal motivation behind the proposal, and recognise the potential social benefits, they would be principally private benefits of limited benefit to the public at large. While there is national and local policy support for meeting the housing needs of older people, the owner's living arrangements cannot usually be a primary consideration in the case of a listed building. The appeal decision¹ cited by the appellant relates to a temporary internal lift rather than permanent extension works, and thus differs significantly from this proposal. Moreover, there is no substantive evidence that the second bedroom is too small to accommodate the envisaged future needs, or that without the extension the residential use of the building would cease. In any event, the combined benefits do not outweigh the great weight that is to be given to the conservation of the designated heritage asset, or the failure to meet the statutory expectations that the building be preserved, a consideration the courts have determined is a matter of considerable importance and weight.

Conclusion

18. While the proposal would preserve the character and appearance of the Chichester Conservation Area, I conclude that it would fail to preserve the special historic interest of the Grade II listed building. Therefore, it would not satisfy the requirements of the Act, the development plan as a whole, and paragraph 192 of the Framework. The public benefits arising would be insufficient to outweigh the harm to the designated heritage asset. No other material considerations have been advanced of sufficient weight to justify a planning decision other than in accordance with the development plan with which, in terms of Policy 47, it would clearly conflict. For the reasons given, both appeals should be dismissed.

Catherine Jack - INSPECTOR

¹ APP/Z3825/Y/18/3216524