



Appeal Decision

Site Visit made on 15 March 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2021

Appeal Ref: APP/J0405/W/20/3264431

Walker House, George Street, Aylesbury, Buckinghamshire HP20 2HU

- 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 J Rosebaum of the W D King Group against the decision of Buckinghamshire Council – Aylesbury Area.
 - The application Ref 19/03307/APP, dated 9 September 2019, was refused by notice dated 11 June 2020.
 - The development proposed is a new third floor to create 3 new residential apartments, with 3 new windows to be inserted into the existing building at first and second floor levels.
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Decision

1. The appeal is allowed and planning permission is granted for a new third floor to create 3 new residential apartments, with 3 new windows to be inserted into the existing building at first and second floor levels, at Walker House, George Street, Aylesbury, Buckinghamshire HP20 2HU in accordance with the terms of the application, Ref 19/03307/APP, dated 9 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1734-01A, 1734-02A, 1734-04, 1734-05, 1734-06A, 1734-07A.
 - 3) Notwithstanding condition 2, no development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) Prior to first occupation of the development hereby permitted a scheme for ecological enhancements (swift boxes), including a timetable for their installation, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details and shall be maintained as such thereafter.

Preliminary Matters

2. On the planning application form the appellant's name is spelt as 'Mr J Rosebbaum' but on the appeal form it is spelt as 'Mr J Rosebaum'. As this latter spelling is also used by the appellant's agent in the statement

accompanying the appeal I have taken this as the correct spelling and have used it in the banner header above.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of Aylesbury Conservation Area and the setting of nearby Grade II and Grade II* listed buildings.

Reasons

4. Walker House is located within Aylesbury town centre where the development plan and the emerging Vale of Aylesbury Local Plan are supportive in principle of the residential redevelopment of older offices and upper floors above shops.
5. An extant Prior Approval and a supporting Certificate of Lawfulness exists for the conversion of the upper two storeys of Walker House to residential flats. The proposed third floor would create three additional apartments.
6. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 193 advises that when considering the impact of a proposed development on the significance of designated heritage assets, such as a Conservation Area and listed buildings, great weight should be given to the asset's conservation.

Conservation Area

7. The appeal site is located within Aylesbury Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing their character or appearance. Policies GP.35 and GP.53 of the Aylesbury Vale District Local Plan and emerging policies BE1, BE2, D3 and D10 of the emerging Vale of Aylesbury Local Plan require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
8. The Conservation Area covers that part of the town centre which contains well designed older and historic buildings in a mixture of uses. These buildings are set on the back edge of the pavement and are typically terraced and two to three storeys in height. Use of brick, render and plain clay roof tiles is widespread. Street trees are few and far between. The significance of the Conservation Area and the listed buildings I have been referred to, which date from the 16th to the 18th centuries, is therefore architectural and historical.
9. The appeal property is a three storey office building with brickwork elevations and a mansard roof dating from the 1970s. Unlike the other 20th century office and commercial buildings along George Street, which are flat fronted, its large projecting upper floor bays add visual interest and relief to the building. Its contribution to the Conservation Area is neutral.
10. The proposed third floor (fourth storey) would be flat roofed with an extended double fascia detail and rainscreen cladding on its external walls.
11. George Street has a high degree of enclosure by virtue of its narrow width and the presence of three storey office buildings set on the back edge of the pavement along both sides of the street for the majority of its length. A fourth

storey is currently under construction on the roof of Kingsbury House. As a result, in views up and down George Street the proposed fourth storey to Walker House would be in keeping with the scale and form of development along the western side of the street.

12. Moreover, the proposed floor set within the footprint of the existing roof would build on the tiered effect created by the forward projection of the bays and the setback of the mansard roof. This would have the effect of screening the fourth storey from view when approaching from Kingsbury and reducing its visual presence when approaching along the street from the south or exiting the passageway opposite the building. Given the limited views of the proposed third floor from George Street, and the extent to which its low, flat roofed profile would form a small part of the background in views from Temple Square, it would not harm the character and appearance of the streetscene or the important view from Rickford's Hill. As a consequence, the objective of preservation would be achieved.
13. The scheme would include the insertion of 3 new windows into the existing building at first and second floor levels. The Council does not object to this aspect of the proposal and I consider that the size and location of these openings would be acceptable in design terms.
14. Taking all these matters into account, I therefore conclude that the proposed development would be of an appropriate scale and its good design would preserve the character and appearance of the Conservation Area as a whole. It would therefore comply with the related statutory test, policies GP.35 and GP.53 of the Aylesbury Vale District Local Plan and emerging policies BE1, BE2, D3 and D10 of the emerging Vale of Aylesbury Local Plan.

Listed buildings

15. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
16. Of the buildings referred to, the one with the greatest intervisibility with the proposed development at Walker House is the Queens Head public house, followed by 19 Temple Street and then, from their rears, 1, 3 and 5 Church Street. These buildings¹ are Grade II listed, with 1 Church Street Grade II* listed, and date from the 17th and 18th centuries. With brick or plastered elevations, clay tile roofs and architectural detailing varying from the plain and unadorned to the more ornate style typical of their era. The special interest and significance of these gable ended buildings is historical and architectural.
17. The significance of a heritage asset derives not only from its physical presence but also from its setting, the setting comprising all the surroundings in which it is experienced, or that can be experienced from or within that asset. Due to their position in an inward looking terrace of buildings of similar age enclosing one side of the small, neat Temple Square and the start of Church Street within the historic centre of the town, I find that the elements of the setting of these buildings which contribute to their significance include their relationship with Temple Square, the streets that they front and their immediate plots.

¹ Other than for 5 Church Street which is a non-designated heritage asset.

18. In that context, in certain restricted views Walker House forms part of the backdrop to the buildings, and the proposed flat roofed fourth storey would slightly increase the outline of the appeal building against the sky. However, the appeal building contributes little, if anything, to the heritage significance of these buildings and their setting, and the limited increase in its outline would not visually compete with these heritage assets. As a result, the setting and significance of these buildings would not be harmed. Similarly, whilst the proposed roof extension would just be discernible in a brief view between the Grade II* listed County Museum and Parish Hall, whose significance is architectural and historical, it would be too far away to harm their setting or significance.
19. Walker House also forms part of the backdrop to 14 Kingsbury, a Grade II listed 17th century, 2 storey, stuccoed fronted public house on the corner of the other end of George Street. Its significance is architectural and historical. As this property though is next to Kingsbury House which, as I have noted, is in the process of being increased in height to 4 storeys, the appeal proposal would not harm the setting or significance of this listed building.
20. For all of these reasons, I therefore conclude that the proposed development would not harm the setting or significance of the listed buildings and non-designated heritage assets to which I have been referred. As a result, it would comply with the statutory test, policies GP.35 and GP.53 of the Aylesbury Vale District Local Plan and emerging policies BE1, BE2, D3 and D10 of the emerging Vale of Aylesbury Local Plan.

Conclusion

21. For the reasons given above, I therefore conclude that the appeal should be allowed. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To ensure that the development complements the appearance of the building, further details of the external materials to be used in its construction are required. In the interests of securing a net gain in biodiversity, the development needs to include ecological enhancements such as nest boxes for swifts.
22. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance. Following the site visit, the appellant provided written consent to the Council's suggested condition regarding external materials being a pre-commencement condition.

Ian Radcliffe

Inspector