



Appeal Decisions

Site visit made on 26 April 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal A Ref: APP/P2935/W/20/3263397

1-5 Bridge Street, Berwick-upon-Tweed TD15 1ES

- 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 Miss J Slater, Carrera Computers Ltd, against the decision of Northumberland County Council.
 - The application Ref: 19/04023/FUL, dated 27 September 2019, was refused by notice dated 21 July 2020.
 - The development proposed is demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights.
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Appeal B Ref: APP/P2935/Y/20/3263406

1-5 Bridge Street, Berwick-upon-Tweed TD15 1ES

- 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 Miss J Slater, Carrera Computers Ltd, against the decision of Northumberland County Council.
 - The application Ref: 19/04024/LBC, dated 27 September 2019, was refused by notice dated 21 July 2020.
 - The works proposed are demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights.
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Decision – Both Appeals

1. **Appeal A** and **Appeal B** are dismissed.

Procedural Matters

2. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
3. I have used the description of the proposed development and works as stated in the Council's decision notices and the appellant's appeal forms in the banner headings above as this is more precise.
4. The appellant has submitted two versions of the same plan, Ref: Proposed Plans and Elevations-HWAD-225-JSL-002, revision E and revision F. The Council has confirmed that revision F was received and taken into consideration

prior to the determination of the applications. I have therefore had regard to revision F of this plan in my determination of the appeals.

5. During my site visit I noted that some elements of the proposal have already commenced, namely, the removal of partitions, creation of new openings, installation of new partition frames, framing out of rooms and rewiring. I have therefore determined the appeals on the basis that the proposed development and works have, in part, already occurred.
6. The Council has raised no objections to the principle of the change of use of part of the building to a café (with the remainder to remain as office accommodation); the demolition of the flat roofed single-storey extension; the formation of a new external fire escape stair and doorways; and the installation of new rooflights. From the evidence before me, I have no reason to take a different view. In addition, on plan Ref: Proposed Plans and Elevations-HWAD-225-JSL-002-F, the extractor chimney to the kitchen has been omitted from the proposal.
7. Although the main dispute between the parties relates to the replacement of the existing windows, the Council's delegated report raises concerns about other elements of the proposal, namely, the subdivision of a large room on the first floor to create offices 3 and 4 and the installation of a flue pipe for the wood burning stove. Consequently, I cannot agree with the appellant's assertion that it can be assumed 'all other aspects of the proposal are acceptable.'
8. Given the above, I have focused my considerations of the appeals on the replacement of the existing windows, the subdivision of a large room on the first floor to create offices 3 and 4 and the installation of a flue pipe for the wood burning stove.
9. Reference is made in the Council's delegated report to the emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) and proposed minor modifications, which was submitted for examination on 29 May 2019 (the emerging NLP). However, no policies from it are referred to in the Council's decision notice. The emerging NLP has not yet been formally adopted; thus, I have given it and any relevant policies within it limited weight.

Main Issue

10. The main issue is the effect of the proposal on the special interest of the Grade II listed building, Nos 1-5 Bridge Street, and the character and appearance of the Berwick-upon-Tweed Conservation Area.

Reasons

Special interest and significance

11. The building Nos 1-5 (odd) Bridge Street (Nos 1-5), occupies a highly prominent position on the corner of Bridge Street and Sandgate within the commercial centre of Berwick-upon-Tweed. The property is Grade II listed and forms part of a wider group of listed buildings along Bridge Street. In recognition of its contribution to the townscape, it is also listed for group value along with Nos 1-17 (odd) Bridge Street. Additionally, it is located within the Berwick-upon-Tweed Conservation Area (the CA).

12. Nos 1-5 dates from the early 19th century. It is a two-storey property with a later single-storey extension at the rear. It is constructed of ashlar sandstone to the front and brick/render to the rear with a slate roof. The building's fenestration is largely comprised of a combination of 6 over 6, 2 over 2 and 1 over 1 single-glazed, painted, timber, vertical sliding-sash windows.
13. Internally, the building has been altered to accommodate the variety of uses it has had. Nonetheless, elements of its historic plan form survive and remain legible. In addition, key historic features still exist in some of the rooms. These include decorative cornices, window architraves, shutters, doors, door surrounds and skirting boards.
14. From the evidence available to me, I consider that the special interest and significance of Nos 1-5, both individually and as part of a wider group, to be largely derived from its historic interest and architectural interest as an early 19th century commercial/residential property, which forms an integral component of the wider townscape in this part of Berwick-upon-Tweed. The building's age, historic fabric, attractive architectural form and traditional fenestration, combined with the remnants of its historic plan form and surviving internal features, make important contributions to its special interest and significance and complement the adjoining listed buildings.
15. The property lies within the CA. The special interest and significance of the CA is mainly derived from a combination of the preservation of its historic street pattern and walls along with the quality and architectural coherence of its historic buildings. The heritage interest and value of the historic commercial properties within this part of the CA, including Nos 1-5, positively contribute to the CA's character and appearance as a whole and thereby to its significance as a designated heritage asset.

The appeals proposal

16. The proposal comprises the refurbishment and reuse of the building as a café on the ground floor and office accommodation on the first floor and in the attic space. Externally it includes the demolition of the single-storey rear extension; installation of a new external fire escape stair; the creation of rear access doorways (one from an existing window opening); replacement of all of the windows with 1 over 1, slimline double-glazed, painted, timber, vertical sliding-sash units; and installation of new rooflights. Internally it involves the installation of a wood-burning stove with external flue; creation of new openings; installation of new partitions; provision of new facilities and services, including kitchen, toilets, heating, wiring and lighting; and full internal redecoration.

The effect of the appeals proposal

Listed building -windows

17. The existing fenestration is a principal architectural feature of the property, particularly on the main façades along Bridge Street and Sandgate. There are inconsistencies within the appellant's submitted evidence as to the age and perceived value of the existing windows. The application statements' and final comments with the appeals conclude that they are not original, having been replaced on an ad hoc basis throughout the building's lifetime which reduces their value. Conversely, the appeals statements' declare that they are original

and of some merit, but are in such poor condition that they are no longer fit-for-purpose and require to be replaced.

18. A comprehensive chronology of the building's past uses and occupiers has been compiled by the appellant, but no robust evidence has been provided which corroborates that the existing windows are not original and/or historic. From my observations on site and with consideration of the building's context, the form, design and materials of the windows at the rear of the property are indicative of the early 19th century and the windows at the front are typical of the mid – late 19th century.
19. Taking the above into account, this element of the proposal would result in the irrevocable and detrimental loss of 22 original and/or historic single-glazed, painted, timber, vertical sliding-sash windows. Whilst the loss of one window at the rear may be justified in order to facilitate access to the new fire escape, the extent of the loss overall would adversely diminish the historic and architectural interests of the building and would not sustain its identified significance.
20. I am aware of the historic repairs and/or alterations which have been carried out to the existing windows and I note the findings of the submitted window schedule¹. Nevertheless, from the submitted evidence and my observations on site, I am not convinced that the condition of the existing windows is so poor that they cannot be sensitively repaired and refurbished by an experienced tradesperson. Indeed, the window schedule does not conclude that this could not be done, rather that it would be uneconomical. Consequently, I am not persuaded that all of the windows require wholesale replacement.
21. Even if I accepted the appellant's argument on this matter, no large scale details of the proposed window units have been provided to allow me to make a valid and meaningful assessment of their form and appearance, or to enable any comparisons with the existing windows. Given the centrality of this issue to the acceptability of the proposal, I am of the opinion that it would not be appropriate to leave it to be controlled by conditions.
22. From the very limited information provided, I am not satisfied that the proposed windows would replicate the traditional joinery details of the existing units or allow them to sit as deep within the stone surrounds. Furthermore, it is likely that, even though the separation of the panes would be minimal, the proposed windows would still appear visually different to a single pane of glass in terms of their reflective qualities. Although the highlighted differences may be subtle, when taken together and across the whole building, they would be readily apparent in views from adjacent public routes within the CA.
23. I acknowledge that the guidance prepared by Historic England² identifies that, in certain circumstances, the replacement of windows in older buildings with slim-profile, double-glazed units may be more sympathetic to their character. However, this appears to relate to situations where the existing windows are not original or traditional and where their form, design or materials are not sympathetic to the historic building in question. Given my findings above on the age and merit of the existing windows, this part of the guidance is not pertinent to the appeals before me.

¹ Window Schedule, 1-5 Bridge Street. Mattwood Developments. Dated 18 March 2020.

² Historic England - Traditional Windows Their Care Repair and Upgrading, dated February 2017.

Listed building – subdivision of first floor room

24. The subdivision of a large room on the first floor to create offices 3 and 4 would negatively alter the building's historic floor plan and how this important space within the property is perceived and understood. Whilst the partition would be scribed around the existing cornice and skirting boards and the works could be easily reversed, its physical presence would still weaken the legibility of this designated heritage asset and would not conserve it in a manner appropriate to its significance.

Listed building – flue

25. The twin wall flue pipe for the wood burning stove would rise through the ridge of the roof, close to where the building turns the corner onto Sandgate. It would terminate above the height of the existing chimney stacks. By virtue of the flue's form, design, material and position on the building, it would be an incongruously modern and unduly prominent feature on the property's roofscape and in the townscape's skyline, which would be emphasised by its black finish. As a result, it would adversely detract from the building and its architectural interest within the street scene.

Conservation area

26. Although the Council makes no reference in its reason for refusal to the effect of the proposal on the character and appearance of the CA, as a statutory consideration I am required to have regard to this matter in determining the appeals. In my view, it follows that if the special interest of a listed building, so prominently sited within a conservation area such as Nos 1-5, would be materially diminished, the character and appearance of that conservation area as a whole would also be incrementally harmed.
27. Drawing all of the above together, I find that the proposal would fail to preserve the special interest of Nos 1-5. It would also fail to preserve or enhance the character and appearance of the CA. As a result, the proposal would harm the special interest and significance of these designated heritage assets.

Public benefits and planning balance

28. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
29. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the localised and moderate extent of the development and works, I find the harm to the listed building and the CA to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. This level of harm is agreed by the parties. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.

30. The proposal would result in the refurbishment of this vacant listed building; the removal of modern inappropriate additions and interventions; the retention and repair of surviving features of interest; and improvements to the thermal efficiency and soundproofing of the building. It would also secure the building's continuous use as a café and flexible office space for locals and visitors to the town.
31. Although these effects would generate some private benefits to the appellant, they would also facilitate the delivery of the economic, social and environmental objectives of the planning system as outlined in the Framework. These outcomes would be limited by the extent of the development and works that are proposed, but would still represent meaningful public benefits to the local area and community at large and so carry moderate weight in favour of the appeals.
32. Nonetheless, although the harm in this instance may be considered 'less than substantial', this should not be equated with a less than substantial planning objection. There is no substantive evidence before me which verifies that the replacement of the existing windows, the subdivision of a large room on the first floor to create offices 3 and 4 and the installation of a flue pipe for the wood burning stove are essential to ensure the long term future of the building. Nor am I persuaded that the same public benefits could not be achieved by a scheme which would be less harmful to the significance of the designated heritage assets. In these respects, clear and convincing justification has not been provided for the identified harm.
33. Whilst I give moderate weight to the recognised public benefits, these are not sufficient to outweigh the considerable importance and weight I attach to the acknowledged harm to the significance of the designated heritage assets.
34. Accordingly, I conclude that the proposal would have a harmful effect on the special interest of the Grade II listed building, Nos 1-5 Bridge Street, and the character and appearance of the Berwick-upon-Tweed Conservation Area. In doing so, it would cause 'less than substantial' harm to the significance of these designated heritage assets. In the absence of sufficient public benefit that would outweigh the considerable importance and weight which is given to this harm, the proposal would fail to satisfy the requirements of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 192, 193 and 194 of the Framework.
35. The proposal would also be contrary to Policies F1 and F5 of the Berwick-upon-Tweed Borough Local Plan, adopted April 1999 in so far as they require development to sustain and enhance the Borough's environmental wealth; and that development within Berwick-upon-Tweed accords with its surroundings.

Other Matters

36. The development would not have a detrimental effect on any other neighbouring listed buildings or their settings. However, a lack of harm in this regard does not weigh in favour of the appeals.
37. I am aware that, subject to the imposition of conditions, the proposal was considered to be acceptable by the Highway Authority and the Environmental Protection Team. I also note that the Assistant County Archaeologist and Berwick-upon-Tweed Town Council raised no objections to the proposal.

Nevertheless, these are neutral considerations in the balance and weigh neither for nor against the appeals.

Conclusion – Both Appeals

38. For the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

F Cullen

INSPECTOR