



Appeal Decision

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: 25 May 2021

Appeal Ref: APP/P2935/Y/20/3263572

1 Prudhoe Street, Alnwick NE66 1UW

- 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 Mr and Mrs Biggers against the decision of Northumberland County Council.
 - The application Ref: 20/02355/LBC, dated 24 July 2020, was refused by notice dated 21 September 2020.
 - The works proposed are replacement of ground floor window with timber glazed 6 over 6 door in west elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Reference is made in the Council's delegated report to the emerging Northumberland Local Plan (Publication Draft Plan) (Regulation 19) and proposed Minor Modifications, as submitted 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.
3. As the proposed works relate to a listed building which is in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is the effect of the proposed works on the special interest of the Grade II listed building, Nos 1-7 Prudhoe Street and the character and appearance of the Alnwick Conservation Area.

Reasons

Special interest and significance

5. No 1 Prudhoe Street (No 1), is a two-storey, end-of-terrace residential property, which occupies a highly prominent corner position at the junction of Prudhoe Street and Percy Terrace. Along with Nos 2-7 Prudhoe Street, the property is Grade II listed and located within the Alnwick Conservation Area (the CA).

6. Nos 1-7 Prudhoe Street (Nos 1-7) date from the mid-19th century. The properties are part of the late Georgian / early Victorian planned suburban expansion of the southern part of the town around the Howick Street and Percy Street area. They are all constructed of ashlar sandstone to the front with Welsh slate roofs.
7. No 1 provides an attractive end-point to the western termination of the terrace. It possesses a wide projecting flat bow which gives the building presence in the street scene. The north east corner of the bow reflects the single curved elevation of No 11 Percy Street which is diagonally opposite. The main entrance into No 1 is from Prudhoe Street and via steps within the property. The house possesses a very modest garden to the front that is enclosed by a low stone boundary wall and which is only accessible by way of a step and gate from Percy Terrace. The windows to the principle elevations facing Prudhoe Street and Percy Terrace are 6 over 6, sash and case, painted timber units.
8. From the evidence available to me, I consider that the special interest and significance of No 1, both individually and as part of a group, to be largely derived from its historic interest and architectural interest as a mid-19th century domestic property, which forms an integral element of the wider terrace and the historic residential townscape in this area of Alnwick. The dwelling's age, traditional materials and modest Northumberland vernacular style, combined with its distinctive bow frontage and elegant fenestration, augment the reserved, but pleasing, unity of the rest of the terrace. All of these elements make important contributions to the special interest and significance of this listed building.
9. The CA encompasses the historic core and later notable expansions of Alnwick. Its character and appearance are largely derived from the surviving elements of its historic layout and street pattern, combined with the architectural richness of its historic buildings, comprising imposing landmark structures as well as modest retail and domestic properties mainly built in local sandstone, which stem from its long and multifaceted development. The heritage interest and value of the historic residential properties within this part of the CA, including Nos 1-7, positively contribute to its character and appearance as a whole and thereby to its significance as a designated heritage asset.

The appeal proposal

10. The works involve the removal of the ground floor, south west window within the bow frontage; lowering of the stonework to the internal floor level; and the installation of a new, bespoke, painted timber, glazed 6 over 6, door. The purpose of the works is stated by the appellants to allow level access direct from the house to the small west garden and Percy Terrace beyond. The works previously formed part of wider repairs and alterations to the property under a separate application¹. Following concerns raised by the Council, the works were removed and resubmitted as a stand-alone application which is now the subject of this appeal.

¹ 19/03072/LBC External stonework repairs including rebuilding leaning gable, crack stitching and pointing. Internal alteration to remove wall between upper bedrooms in west end of property and refitting bathroom and kitchen (amended description 31.10.2019). Permitted 08/11/2019.

The effect of the appeal proposal

11. I recognise that the curved form of the building's projecting flat bow would remain essentially unchanged and I note the appellants' assertion that the important vertical rhythm of this elevation would be reinforced by the works. I am also aware of the appellants' intention to maintain the width of the existing opening and the internal features; to match the door's depth within the reveal to that of the existing windows; to replicate the form and design of the existing fielded panels on the lower part of the door; and to reflect the glazing pattern and painted finish of the window that the door replaces.
12. Nevertheless, the appeal proposal would result in the irrevocable loss of historic fabric, however negligible, along with the detrimental alteration of a key architectural feature on a principal façade of No 1. This would result in an imbalance in the coherence of the fenestration on this important elevation of the building and in the street scene.
13. Furthermore, to my mind, the door and doorway as proposed, even though of high design quality and incorporating salvaged materials from the works, would appear as a contrived modification of the window which would serve to confuse the legibility of the elevation and would not sit comfortably on the building or within the townscape. Even though the form and design of the door may not disrupt the hierarchy of entrances into the property, the works would still adversely weaken the historic and architectural integrity of the building and would not sustain or enhance its identified significance.
14. I am aware that the change to the elevation would not be visible when travelling south along Percy Street or west along Prudhoe Street. However, it would be readily apparent in close range views from Lisburn Street and when travelling north and south along Percy Terrace, which would reveal its discordance on the elevation and in the street scene. Even if I accepted the appellants' assertions that this part of the building is less prominent and that the alteration would be largely obscured in views up and down Percy Terrace by the existing boundary wall, gate and planting, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not close or long-range public views of the building can be gained.
15. In coming to my decision, I have had regard to the appellants' willingness to accept conditions to control the detail of the works. Nevertheless, the imposition of appropriately worded conditions would not overcome the fundamental objections to the conversion of the window opening to a doorway in the way proposed.
16. Although the Council makes no reference in its reason for refusal to the effect of the works on the character or appearance of the CA, I am mindful that, as a statutory consideration, I am required to have regard to this matter when determining the appeal. In my view, it follows that, if the special interest of a listed building so prominently sited within a conservation area would be materially diminished, the character and appearance of that conservation area as a whole would also be incrementally harmed.
17. Taking all of the above into account, I conclude that the proposal would fail to preserve the Grade II listed building, Nos 1-7 Prudhoe Street, and would not 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

18. 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.
19. 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 limited extent of the works, I find the harm to the listed building and the CA to be 'less than substantial' in this instance. However, this level of harm should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal.
20. The appellants submit that the introduction of a door in this location would sensitively adapt the listed building for modern use by providing step free access to the ground floor of the property, which currently is not possible. It is contended that this would create a more adaptable and accessible property from existing older housing stock in the area to the benefit of the current occupiers, visitors and future occupiers.
21. I acknowledge that the door would provide level access from the building into and out of the small front garden. However, entirely level access to and from the property and its curtilage via this route from Percy Street would not be achieved due to the existing step from the adjacent pavement. Furthermore, no substantive or robust evidence has been provided which verifies that the works are fundamentally necessary to facilitate the 'modern use' of the dwelling. In these regards, the identified harm to the building and CA's significance has not been clearly and convincingly justified.
22. Furthermore, in my judgement, the nature and scale of the public benefit that would flow from the works to the public at large would be minimal. Rather, the works would principally be of private benefit to any occupier of the property in enabling direct and easier level access to the small garden area. As such, the associated public benefit of the works carries little weight in favour of the appeal.
23. I note the appellants' reference to the public benefits delivered by the implementation of the works approved as part of the previous application². Although limited information on these works has been provided, from my observations on site, I do not dispute the high quality of the repairs that have been carried out to date and which undoubtedly contribute to the building's conservation. Even so, these works do not form part of the proposal before me and any public benefits that flowed from that scheme would have been considered in the planning balance in the determination of that application. As such, they should not be double counted.

² Application Ref: 19/03072/LBC.

24. Consequently, in attributing considerable importance and weight to the identified harm to the special interest and significance of No 1 and the CA, I find that this would not be outweighed by the public benefits of the proposal.
25. Drawing all of the above together, I conclude that the proposed works would have a harmful effect on the special interest of the Grade II listed building, Nos 1-7 Prudhoe Street, and the character and appearance of the CA. In doing so, the works would cause 'less than substantial' harm to the significance of these designated heritage assets. In the absence of sufficient public benefits that would outweigh the considerable importance and weight which is given to this harm, the works would fail to satisfy the requirements of the Act and Paragraphs 192, 193 and 194 of the Framework.
26. Applications for listed building consent are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore development plan policies do not carry the same weight as when considering planning applications. Nevertheless, I note that the works would be contrary to Policy S15 of the Alnwick District Core Strategy Development Plan Document 2007, in so far as it seeks to conserve and enhance a strong sense of place by conserving the district's built and historic environment.
27. Whilst referenced in the Council's delegated report but not in its decision notice, the works would also not comply with Policy HD5 of the Alnwick and Denwick Neighbourhood Plan 2014-2031, adopted 2017, in so far as it encourages development to make a positive contribution to local character and distinctiveness; and, enhance the quality of the surrounding suburban townscape and any historic content.

Other Matters

28. In support of the appeal, the appellants refer to several properties within the surrounding area that are stated to be listed buildings and which have been the subject of alterations to their fenestration. I viewed some of these properties when on site. Reference is also made to other works to listed buildings within the locale, the impact of which is judged by the appellants to be considerable. The appellants believe that these works represent an inconsistent approach by the Council.
29. I acknowledge the overall context of changes to historic properties within this area of the town. However, I have not been given the full details or particular circumstances that led to any of the works cited being accepted, or indeed if they benefitted from listed building consent. As such, I am unable to draw any meaningful comparisons with the appeal before me in respect of the works or the approach of the Council and can only give them limited weight in my determination.
30. In any event, the fact that seemingly insensitive and/or intrusive alterations have been carried out to listed buildings in the surrounding area, with or without the benefit of listed building consent is not, of itself, a reason to allow inappropriate works. Similarly, an alleged lack of enforcement action by the Council does not attest to an acceptance of any unauthorised works which may have been carried out. I have considered the appeal proposal on its own merits and the specific context of the appeal site and found that it would cause harm as outlined above.

31. The appellants highlight the Framework's provision that proposals which preserve or better reveal the significance of the asset should be treated favourably. However, this requirement relates to 'proposals that preserve those elements of the setting that make a positive contribution to the asset or which better reveal its significance'³. As the appeal before me does not directly relate to development within the setting of a listed building, this guidance within the Framework is not determinative.
32. I am aware that Alnwick Town Council did not object to the proposed works and note the letter of support submitted by a neighbour. However, these are neutral considerations in the balance and weigh neither for nor against the appeal.
33. I note the appellants' reference to Policy HOU1 in the emerging NLP and their contention that it is a significant material consideration. The works would be an intervention that would result in a degree of improvement to access to and from the property. However, I have found that this would not outweigh the considerable importance and weight given to the harm to the identified significance of the listed building and CA. Furthermore, given that the emerging NLP is not yet formally adopted and that development plan policies do not carry the same weight when considering listed building consent applications as when considering planning applications, this matter attracts little weight in support of the appeal.

Conclusion

34. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

³ National Planning Policy Framework Paragraph 200.