



Appeal Decision

Site Visit made on 13 July 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2021.

Appeal Ref: APP/U3935/W/21/3273507

Former Telephone Exchange, Fire Fly Avenue, Swindon, SN2 2GA.

- 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 Highworth Homes Ltd against the decision of Swindon Borough Council.
 - The application Ref S/20/0526/PIMO, dated 6 April 2020, was refused by notice dated 18 December 2020.
 - The development proposed is the change of use from former telephone exchange (sui generis) to 7 apartments (C3) and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was submitted by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matter

3. The appellant has submitted with the appeal documents amended plans of the internal arrangements of proposed flats 1 and 5 and corresponding changes to fenestration, to try and overcome some of the objections raised by the Council. Taking account of the principles established in the case of *Wheatcroft*, I am satisfied that the changes are minor in nature and within the broad context of the proposal and do not need to be subject to additional consultation. I will therefore have regard to these amendments.

Main Issues

4. The main issues are the effect of the proposed external staircase associated with the change of use to 7 apartments on the character and appearance of the host building and its setting in the Swindon Railway Conservation Area and the setting of listed buildings; and secondly the effect on the living conditions of the occupiers of two of the intended apartments by restricting the outlook from the windows.

Reasons

Background

5. The appeal site comprises a two storey mid 20th century building which was formerly a telephone exchange for the Great Western Railways site. The railway runs to the rear of the appeal site. The Council's Conservation Officer describes the building as "typical of its time and takes a simple functional and

industrial form and appearance. It is constructed in mock dressed stone with a rectangular footprint and pitched and gable roof covered in slate." There is an existing external metal staircase, partly enclosed by cladding, on the north west elevation which provides access to the first floor.

6. The site lies within the Swindon Railway Conservation Area and the site forms part of a collective group of listed buildings (Grade II). The appeal site building is not listed but it is of local significance and could make a positive contribution to the area. Moreover, it lies alongside the 'dog-leg' in the public right of way (PROW) leading to a subway under the railway line.
7. It is proposed to convert the building into 7 apartments. In addition to the minor alterations to the building and its fenestration, the proposal involves the removal of the external partly covered staircase and the formation of a new open metal staircase with open balustrade, the first element of which would start along the west facing flank elevation, turn the corner of the building, and project at first floor level along about two-thirds of the south facing elevation alongside the PROW.

Effect on heritage assets

8. The representations made by the Council's Conservation Officer and appellant's Heritage Statement set out the significance of the heritage assets and their surroundings. What appears to me to be critical in the case is that while the functional design of the host building is relatively modern, its significance is that its simple form allows the presence of the more historic buildings around the railway site to dominate.
9. The conversion of the building to residential use is broadly supported as the building has been vacant for some time and is showing signs of deterioration. Most of the other alterations to the building to facilitate residential use retain the form and details of the building however, the Council's objection relates to the installation of a new external staircase to the flats on the first floor and stepped access to these.
10. Although evidence of the history of the partly covered existing external metal staircase varies in that it may be a wartime addition, in my view, it is now a very discordant feature on the building, particularly alongside the PROW. Its removal would be a positive enhancement of the building and its visual relationship with the adjoining National Monuments and Records Office.
11. However, the proposed new external staircase is not a better replacement of what is there. The proposed one would wrap around the corner of the building. Its presence on the corner and the south-west elevation means that it would be more visually exposed to the public space and would be seen in long views along Fire Fly Avenue between the two main listed buildings of the Records Office and Cardean House. I find that this part of the proposal would harm the character and appearance of the host building and its setting in the Swindon Railway Conservation Area as well as the setting of the listed buildings.
12. The appellant says that such external access is needed on the outside of the building as there are structural reasons why breaking through the first floor to form an internal stairway should be avoided. These are set out in the Structural Report prepared for the appellant by MJA Consulting. There is no expert assessment of the structural report from the Council and I am unable to

judge whether all reasonable attempts to explore alternative structural solutions to accommodate an access to the first floor within the building have been explored so as to amount to a clear and convincing justification. However, given the harm that I have concluded that the proposed external staircase would cause, this raises doubt over whether a residential conversion of the whole building is practical and appropriate.

13. The appellant also refers to other external metal staircases on buildings within the overall Railway Works site but at the visit these appeared to be few in number and visually discreet. The circumstances of these structures appear materially different to the appeal scheme and do not set any precedent in favour of it.
14. Overall, I find that the proposed external metal staircase to facilitate some of the residential conversion would not preserve or enhance the character or appearance of the host building and the Conservation Area or the setting of listed buildings, but would harm them on a permanent basis.
15. In the context of the National Planning Policy Framework (the Framework) (as published in July 2021) I have considered the proposal in the context of section 16 and applied great weight to the assets' conservation. I find that the proposal amounts to 'less than significant harm' to the significance of the heritage assets, as referred to in paragraph 202 of the Framework (previously 196). However, the harm that would result is not outweighed by the public benefits of the removal of the existing external staircase or by bringing the building back into reasonable use or that the one proposed is the optimum viable use.

Effect on living conditions.

16. This issue is concerned with the effect of the external staircase, either on restricting the aspect from the windows of the flats or by resulting in potential overlooking of the occupiers from people passing on the walkway/stairs and causing a loss of privacy.
17. In terms of the effect on aspect, the impact has to be assessed in the context of the surroundings of the site and at the visit I noted the three storey building (National Records Office) on the other side of the walkway, which results in the general overshadowing of the host building. In this context it has not been demonstrated that the projected form of the walkway would materially restrict the light available to the ground floor windows or the outlook from them.
18. In relation to loss of privacy, the amended plans show that the internal arrangement of the flats 1 and 5 can be re-organised so that there would be no clear windows at ground level or minimal windows at first floor to habitable rooms on this elevation facing north-west. Moreover, the number of people using the initial part of the walkway would be limited to the occupiers of two flats and this level of movement would not be significant. It also appears to me that the occupiers of the flats would be likely to want to screen the windows for privacy from overlooking from windows in taller buildings close-by.
19. Overall I find that the layout shown on the original plans or the amended ones would not give rise to a poor standard of living environment for future

occupiers and there is no conflict with the requirements of DE.1(c) of the Local Plan.

Planning balance

20. On the main issues I have found that while the proposed conversion to 7 flats is acceptable in principle the proposed external staircase and steps would harm the character and appearance of the building rather than enhance it and that the new structure would cause 'less than significant harm' to the significance of the heritage assets of the Conservation Area and the setting of listed buildings. This harm has not been shown to be outweighed by public benefits. The harm caused also means that the proposal conflicts with the provisions of Policy EN10 of the Local Plan. However, I have also found that the external staircase would not result in poor living conditions for future occupiers.
21. The adverse impact of the proposal has to be balanced with other considerations. Bringing the vacant building back to good use would be a planning benefit and there would be a contribution to new housing supply within a sustainable location. Nevertheless, these benefits are limited and do not outweigh the harm that would be caused on a long term basis in a highly prominent position in a recognised historic environment.
22. I find that the other considerations do not outweigh the conflict with the development plan when read as a whole and national policy and this indicates that the appeal should not be allowed.

Conclusion

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

David Murray

INSPECTOR