
Appeal Decision

Site visit made on 15 June 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th October 2021

Appeal Ref: APP/W1525/W/20/3265783

Threadneedle House, Market Road, Chelmsford CM1 1XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Schneck, Greeneedle Ltd against the decision of Chelmsford City Council.
 - The application Ref 20/01464/PART20, dated 15 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a two storey roof extension to form 18 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey. This is subject to limitations and conditions.
3. One of these conditions requires an application to the Council for their prior approval relating to a range of aspects. The Council refused to grant prior approval in respect of the external appearance of the building, including the design and architectural features of the principal elevation.
4. In setting out the procedure for applications for prior approval under Part 20, the GPDO requires that when determining an application regard is to be had to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Since the application was made, and the Council took their decision, the Framework has been revised. I have considered the proposal in the light of this revised document, having first given the parties an opportunity to comment on its content, and taken any comments received into account in reaching my decision.

Main Issue

5. The main issue raised by this appeal is the effect of the development on the external appearance of the building.

Reasons

6. Threadneedle House is a detached block of mainly seven storeys with a taller lift or stair tower at one end which relieves an otherwise rather monotonous roofline. Above commercial units at ground floor the principal, front, elevation comprises bands of windows and intervening concrete panels of more or less equal height. These are framed by vertical concrete ribs extending to parapet level, every fourth of which is slightly wider. This articulation to the principal elevation provides a strong vertical emphasis with a subtle modulation of the groups of bays which contrasts with the horizontal banding of windows and panels, giving a degree of balance to the front elevation.
7. These attributes combine to give the building a simplicity and boldness above ground floor which gives it some character. The building does not have an appearance that requires 're-balancing' as the appellant suggests. Nevertheless, it has an uncompromising presence within the streetscape of Market Road and the wider townscape of parts of the city centre. This is a result of its height relative to its considerably lower neighbours either side and opposite, as well as the grey and weathered appearance of the concrete panels and ribs, and somewhat shabby looking windows.
8. The proposed extension would comprise a two-storey rectilinear extension across the whole frontage, with the stair/lift tower no longer distinguished. Whilst the width of windows in the proposed extension would be similar to the bays below, the mixture of double width windows and blank bays would make the new part of the elevation appear at odds with that below it.
9. The more limited fenestration and extensive blank walls between and above them, along with the vertical and horizontal extent of the development, would give the extension a visually heavier appearance than the existing building. Height is a component of, and a factor that influences, external appearance. These aspects, along with the minimal set back from the existing front and side elevations, would result in the new top floors dominating those below with an apparent height greater than that of two storeys of the existing building. Given the overall existing configuration of the building, the addition of two stories expressed as a single block would upset the proportions of the building. It would appear overly dominant and top heavy when considered with the existing composition.
10. Although the appellant points to what they refer to as a 'mansion block' approach in the extension's design, such a hierarchy does not read well in this case especially given that the 'top' element would appear significantly deeper than the ground floor 'plinth'. The extension would appear bulky in proportion compared with the mid-section below it. This would not add balance to the façade.
11. I appreciate that the appellant's approach deliberately sought a contrast in appearance between existing and proposed. Whilst there is nothing before me to suggest that the principle of such an approach is ill-founded, in this case the execution would result in an appearance and configuration that would result in the external appearance of the building being harmed.
12. These adverse effects would not be experienced in isolation. Considered within its townscape context of considerably lower adjacent buildings, including the High Chelmer Shopping Centre, the result would be inconsistent with the

- prevailing height and form of neighbouring properties. The resulting appearance would have a harmful effect on the townscape in which the building is located.
13. The site lies outside but directly opposite the Central Conservation Area. This derives much of its significance as a designated heritage asset from historic buildings and varied townscape and spaces extending along principal streets. Some of its significance is also reliant on its setting within the wider city centre where the generally sympathetic scale and appearance of buildings goes some way to enable the significance of the historic core of the city in the Conservation Area to be understood and experienced.
 14. A notable exception to this is the existing appeal building which already presents an overbearing and partly enclosing primary elevation towards the Conservation Area. The proposed development would not improve or maintain this effect. Rather it would make it worse as a result of the harmful external appearance, which would be particularly notable in views from public spaces opposite, enclosed vistas along Threadneedle Street and farther up Market Road, where the dominant effect would be more noticeable and prominent as a result of the development.
 15. The grade I listed Cathedral Church of St Mary The Virgin is a heritage asset of the highest significance. As well as its fine architecture, features, age, evolution and history, it also enjoys very strong townscape value being situated at the historic core of the city. In doing so this significance depends to a degree on its setting. Its immediate surroundings provide a relatively enclosed aspect around the churchyard comprising historic and more recent buildings of a complementary scale and generally attractive elevations. This creates a calm situation around the Cathedral where little of the more assertive elements of the city centre intrude. However, some taller parts of its wider city setting are perceptible through gaps and above rooflines. This includes glimpses of the uppermost parts of Threadneedle House which intrudes negatively, albeit modestly, into the cathedral's setting.
 16. The proposal would render the appeal building more conspicuous and prominent from parts of the Cathedral and church yard, even when intervening trees are in leaf. This would not just be as a result of the height of the resulting building but also the treatment and design of the frontage. The adverse effects of the external appearance of the building, even when seen at a distance, would be more intrusive than the existing situation and would harm, albeit to a limited extent, the significance of the listed building.
 17. The significance of the grade II listed blocks of County Hall depend to an extent on their setting within buildings on surrounding streets. These largely do not compete in terms of height thus affording the listed building a degree of prominence commensurate with its civic architecture and purpose within the city centre. However, Threadneedle House already detracts from this significance to some extent as a result of its height and appearance. In particular this is when experienced along Threadneedle Street and from the feature corner of the building which faces the appeal site and is seen in the more open area adjacent to Market Road. The significance that the County Hall derives from its setting would be eroded as a result of the harmful effects of the resulting appearance of the appeal building.

18. As the appellant points out, unlike other Parts, there is no specific or explicit provision in the Part of the GPDO relevant to this proposal requiring prior approval as to the impact of the development on heritage. However, this does not mean that in considering the effect of the external appearance of the building, it should be done so without consideration of its context. In this case that context derives some of its qualities from the historic environment which includes the adjacent Conservation Area and listed buildings.
19. These are therefore factors I have taken into account in considering the effect of the development on the external appearance of the building. In this case, although the existing building is already quite a dominant feature in the townscape given its height and uncompromising architecture, the proposal would not merely retain or preserve this but result in an appearance that was detrimental to the character and appearance of the area including historic buildings and townscapes.
20. I have had regard to the Framework, but only in so far as relevant to the subject matter of the prior approval. Therefore, I have considered its policies on making effective use of land, well-designed places and the historic environment. The application of those Framework policies would not frustrate the purpose of the grant of the permitted development right through the GPDO in the first place, particularly given the conflict I have found relates to the particular building and configuration proposed.
21. The Framework encourages upward extensions of exiting premises for housing and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such extensions should be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and that they are well-designed. Consequently, the development would not accord with this policy.
22. The development would not be visually attractive, would not be sympathetic to local character and history, would not maintain a strong sense of place and consequently not create the high quality, beautiful buildings or places that the Framework identifies as being fundamental to what the planning and development process should achieve. There is no evidence to suggest that the design would be outstanding or innovative in any way nor raise design standards in the area. Consequently, the proposal would not attract the considerable favourable weight the Framework gives in such circumstances.
23. Also, whilst the statutory duties with regards the affected heritage assets would not be engaged, there would be less than substantial harm to all three. In giving the great weight to the conservation of these designated heritage assets required by the Framework, the resulting external appearance would not conserve those aspects of the assets' significance that they derive from their settings.
24. I have had regard to the appellant's legal submission. It is of note that the development permitted is defined in terms of being "up to" two additional stories so this falls short of establishing that two storey extensions would necessarily be acceptable in every case. Also, height and scale are factors of external appearance which need to be considered in the context of the particular building on which such extensions would be situated and their surroundings. Whilst this may not be explicit in the GPDO, this is clear in supporting policy in the Framework.

25. In this case I have found that the height of the resulting development, whilst not a determinative factor on its own, is a component of the resulting external appearance. Also, although the building itself does not form part of a heritage asset, given that the external appearance of the building is experienced within its built and townscape context which includes designated heritage assets, this does not, therefore, lead me to consider that such aspects should be ignored.
26. The appellant's legal submission referred me to a publication providing some background to the introduction of the Permitted Development right¹. Amongst other matters this anticipates upwards extensions to bring forward new homes, but again sees these as being well-designed homes which enhance the streetscape, which this proposal would not.

Conclusion

27. For the above reasons the development would have a harmful effect on the external appearance of the building, contrary to the Framework, and the appeal is dismissed.

Geoff Underwood

INSPECTOR

¹ Planning Reform: Supporting the high street and increasing the delivery of new homes, Ministry of Housing, Communities and Local Government, 2018.