



Appeal Decision

Site visit made on 11 October 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/A0665/W/21/3276102

Royal House, Upper Northgate Street, Chester CH1 4EE

- 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 C Ward, Zurich Assurance Limited c/o Threadneedle Portfolio Services, against the decision of Cheshire West and Chester Council.
 - The application Ref 20/01363/FUL, dated 20 March 2020, was refused by notice dated 23 February 2021.
 - The development proposed is two storey roof extension to provide apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out in the heading above is taken from the application form. During the application determination period, the proposal was revised which involved a reduction in height to a single storey roof extension, reduction to four apartments and design amendments. I have determined the appeal accordingly.
3. Since the application was determined, a revised version of the National Planning Policy Framework (the 'Framework') has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, having regard to the Chester City Conservation Area (CA) and adjacent listed buildings;
 - Whether the development would provide adequate levels of parking provision; and
 - Whether or not the proposed development should provide affordable housing.

Reasons

5. The proposed development forms part of a wider redevelopment scheme of the Royal House. The wider scheme includes the change of use of the first and

second floor to provide 16 apartments, which was granted by a prior approval application¹, and also external alterations² granted planning permission.

6. The proposed development and the wider scheme have clearly been designed as a whole. I note that there is no substantive evidence to demonstrate that the appeal scheme is required, for example for viability reasons, to enable the wider development. Whilst it is likely that if the appeal scheme was granted planning permission, the whole development would be carried out as one building operation, I can only consider the scheme before me rather than the development as a whole. This is because the prior approval application has already been independently assessed and granted and could be implemented without the scheme before me.

Character and appearance

7. The appeal site is located within the CA and adjoins a Grade II listed building (10 Upper Northgate Street). There are a number of other listed buildings within the vicinity of the site.
8. The appeal building is situated on a prominent corner site at the junction of Upper Northgate Street and Delamere Street. It is three storeys high with a flat roof and retail units to the ground floor.
9. The CA is characterised by a mix of uses including commercial buildings and residential uses. The buildings vary in their style, age and scale which provides interest to the townscape. They are generally constructed of red and brown brick with stone detailing and slate roofs. Royal House makes a neutral contribution to the CA as it is in keeping with the surrounding area in terms of its scale and height but has limited visual interest compared to the nearby historic buildings.
10. The adjoining listed building (No 10) is a three-storey building which was built as a town house with a symmetrical frontage, sash windows, sill bands, stone sills and is constructed of brick. Although both the appeal building and No 10 are three-storey, the appeal building appears noticeably higher because of its eaves height. Due to its height and massing, No 10 is not a particularly prominent building within the CA but it does make a positive contribution as a result of its architectural interest.
11. Upper Northgate Street provides an important view looking south towards the historic context of the CA and historic buildings, including the Chester walls and the Cathedral tower. This is highlighted in the Chester Characterisation Study which shows this section of Upper Northgate Street as a key vista. The site is also visible from the Chester walls.
12. The nearby student accommodation building and the Fountains Medical Practice are large in scale and have contemporary appearances. The student accommodation building is adjacent to the Fountains roundabout and the ring road. The Fountains Medical Practice is situated to the rear of the appeal site and is not located within a prominent street within the CA. These two buildings have less of a connection with the historic buildings within the CA and the appeal site is situated on a more prominent site within the CA.

¹ 20/00253/PDO

² 20/00808/FUL

13. The proposal will increase the scale of the building through the addition of a new floor. The proposed roof and window designs, set back and materials, which could be conditioned, do to some degree help break up the massing of the roof extension. Royal House has a greater visual connection with the adjoining listed building and The Bull Stirrup Hotel than the Fountains Medical Practice and student accommodation because they form part of the same block. Thus, when viewed from Upper Northgate Street the building would appear bulkier than the surrounding buildings which are predominantly three-storey.
14. The proposal would not block views of the adjoining listed building looking north or south along Upper Northgate Street. However, it would result in a greater height difference between the host building and No 10. The increase in height would be close to the common boundary which would result in Royal House having a dominating impact upon No 10.
15. The development would also increase the level of brick work including to the Delamere Street and rear elevations. Whilst these are not the main frontage of the building, these elevations are visible from the surrounding area. The side elevation and parts of the rear elevation would be visible when walking up towards Upper Northgate Street but would be seen in the context of the Fountains Medical Practice and the student accommodation.
16. Nevertheless, these elevations would also be seen in conjunction with 11A, 11B and 13 Upper Northgate Street. This is an attractive three-storey, brick building with a colonnade and a Grade II listed building. It would also be seen in the context of the two-storey buildings adjacent to this listed building. The raising of the brickwork and the proposed design on these elevations would negatively add to the bulky appearance of the roof extension. The side elevation would also be visible from parts of Upper Northgate Street and looking towards the historic context of the CA.
17. The proposal would not enhance the appearance of the building, which is located on a prominent corner site and forms part of an important view within the CA. The scheme would not respect the height, scale and massing of other buildings within Upper Northgate Street. Hence, it would have a poor relationship with these buildings, including No 10. This is due to the roof extension's height, scale, form and siting as well as the materials to particularly the side and rear elevations. The unsympathetic addition would be apparent from both the street level and Chester walls.
18. I have had regard to the other developments highlighted by the appellant in Chester City Centre³ and I understand that the appellant's agent has secured approvals for similar roof extensions elsewhere⁴. However, the site context for those developments differ to the scheme before me. In any event, each application and appeal must be considered on its own merits.
19. For the reasons given above, the proposal would cause harm to the character and appearance of the CA and would also have an adverse effect upon the setting of the nearby listed buildings. This is because it would result in an unsympathetic addition which does not respect the character and appearance of the CA. In addition, it would detract from the ability to appreciate the nearby

³ Appendix 1 of the appellant's Full Statement of Case

⁴ Appendix 2 of the appellant's Full Statement of Case

listed buildings, in particular No 10, as it would detract and draw undue attention from the architectural merits of the heritage asset. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA or preserve the setting of the adjacent listed building.

20. Framework paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
21. Given the size and scale of the proposal within the context of the CA as a whole and the nearby large buildings, the level of harm would be less than substantial, nevertheless it is of considerable importance and weight. I acknowledge the benefits highlighted by the appellant⁵ including housing provision, investment, activity and footfall in the area, increase trade, development of brownfield land and regeneration.
22. Based on the evidence submitted, the public benefits associated with the roof extension in isolation, and the proposed four apartments, would be extremely limited and would not justify or outweigh the harm to the CA and listed building that I have identified, as required by the Framework.
23. For the reasons given above, the proposal would cause harm to the character and appearance of the surrounding area, it would not preserve or enhance the character or appearance of the CA and would have a harmful effect upon the setting of the adjacent listed building. Consequently, the scheme would conflict with Policy ENV5 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies (2015) (LPPO) and Policies CH5, DM3, DM46 and DM47 of the Cheshire West and Chester Council Local Plan Part Two: Land Allocations and Detailed Policies (2019) (LPPT). These policies seek, amongst other matters, to ensure development proposals have demonstrated that they have been sensitively designed, to have regard to their location, and seek to protect the borough's heritage assets. It would also conflict with the Framework which seeks to promote good design which protects and enhances the historic environment.

Highway safety

24. Overall, the development, including the recent prior approval application, includes 20 apartments with the provision of 7 existing car parking spaces to the rear of the building.
25. The Council's Parking Standards Supplementary Planning Document (2017) (SPD) provides recommended borough wide guidelines for parking provision. It recommends 1 car parking space for 1 bedroom units and 2 spaces for 2-3

⁵ Including paragraph 5.35 of the appellant's Full Statement of Case

- bedrooms. The scheme would not comply with the recommended car parking standards contained within the SPD.
26. Nonetheless, the appeal site is located within the city centre with excellent public transport links. Both the bus and train stations are within walking distance of the site. Services and facilities are also within walking distance to the appeal site and the wider scheme includes approximately 24 cycle spaces.
27. Future occupiers would be aware of the city centre location and parking constraints prior to choosing to live there. In addition, occupiers would not be reliant on a private motor vehicle to access services and facilities given the city centre location and nearby public transport links. The development's occupants could also utilise car club vehicles and there are public car parks nearby.
28. Furthermore, the prior approval application would have been assessed in terms of highway impacts, and based on the evidence presented, this was found to be acceptable given the approval. The addition of four further apartments would not result in a significant increase in parking demand.
29. Accordingly, regardless of whether the site nearby could be utilised for parking⁶, given the type and mix of the development and the availability of public transport and its city centre location, there is clear justification for the shortfall in parking provision as required by the SPD. Thus, based on the evidence submitted, the proposal would not harmfully give rise to overspill parking taking place in other locations to the detriment of existing occupiers or the operational impact of the highway and would not be unacceptably harmful to highway safety.
30. I understand that the appeal highlighted by the Council, involved houses rather than flats and there was no dedicated parking so it cannot be directly compared to the scheme before me. In any event, each application and appeal must be determined on its own merits.
31. For the reasons above, the proposal would provide adequate levels of parking provision. Consequently, whilst the development would not comply with the recommended parking standards set out in the SPD, it would accord with Policy STRAT10 of the LLPO and Policy T5 of the LLPT. These policies seek, amongst other matters, to ensure appropriate provision is made for parking.

Affordable housing

32. The proposal does not include affordable housing. Policy SOC1 of the LLPO sets out that affordable homes will be sought within all new residential developments on sites in the urban area which have a capacity for ten or more dwellings. The appellant has drawn my attention to other similar developments in this regard⁷ and has referred to vacant building credit.
33. I recognise that in total the whole development would provide more than ten dwellings. Nonetheless, contributions for affordable housing cannot be sought through the permitted development prior approval process⁸. The prior approval scheme has been granted and could be implemented without the approval of this appeal. Policy SOC1 should therefore not be triggered as I am only

⁶ Appendix 4 and paragraph 5.45 of the appellant's Full Statement of Case

⁷ Appendix 3

⁸ Planning Practice Guidance- Paragraph: 009 Reference ID: 23b-009-20190315

assessing the scheme before me, which includes four apartments, rather than the development as a whole.

34. For the reasons given above, there is no requirement for the development to provide affordable housing. Consequently, the development would not conflict with Policy SOC1 of the LLPO or the Framework which require affordable housing on developments where 10 or more homes are to be provided.

Planning Balance and Conclusion

35. I recognise that the scheme would provide housing in a city centre location and acknowledge the economic, social and environmental benefits of the scheme. I also note the introduction of recent permitted development rights to support vertical extensions as well as the Framework's support to use airspace above existing residential and commercial premises for new homes⁹.
36. Although the proposed development would be acceptable in terms of parking provision and affordable housing, it would cause harm to the character and appearance of the surrounding area, it would not preserve or enhance the character or appearance of the CA and would have a harmful effect upon the setting of the adjacent listed building to which I attach significant weight. The development would therefore not form sustainable development, as defined by the Framework, given the harm identified.
37. The benefits associated with four apartments would be small. The benefits do not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.
38. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR

⁹ Paragraph 120 e)