



Appeal Decision

Site visit made on 8 December 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/M4510/W/21/3281799

Keel House, Garth Heads, Newcastle upon Tyne NE1 2JE

- 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 Adderstone Projects Limited against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2021/0197/01/N20, dated 25 January 2021, was refused by notice dated 24 March 2021.
 - The development proposed is construction of two additional storeys to existing building to form 4no residential dwellings.
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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 (NPPF), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Main Issue

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

Reasons

The effect on the existing building

6. Keel House is a modern building comprising two floors of commercial office space with two floors of residential accommodation above. It has been built to a contemporary design in brick and glass, incorporating balconies in the glazed curtain wall facing towards the city's Quayside area. The existing upper storeys sit within the footprint of the larger block below and are set back from the main building line of the City Road elevation.
7. On the approach from Tower Street, I saw that the design of Keel House responds particularly well to the surrounding streetscape. The brick facing tones in with the adjacent brick buildings, and the mellow stone of Sallyport Tower. The tall narrow windows add a strong vertical emphasis that mirrors that of the adjacent Garth Heads buildings without directly copying their fenestration pattern. Spatially, the block steps down to respond to the smaller scale of the adjacent Keelmen's Hospital. On the other hand, the shorter top storey, with its run of glazing and large projecting eaves, gives the building a distinct presence on the Causey Bank/Garth Heads corner and provides interest at high level to the street scape.
8. The proposed external materials would be similar to the existing, incorporating glazing and terracotta-coloured cladding. To that extent, the development would reflect the character of the existing building. In spatial terms, the two storey extension would cover a smaller footprint than the existing top floor. The intent is to reduce the visual weight of the development by following the progression that is already part of the original building.
9. However, the balanced and complete architectural composition of the north-west elevation would be fundamentally altered by the proposal. The striking corner piece would be subsumed by the extension, as would the stepping down in height from the Causey Bank/Garth Heads junction towards Keelmen's Hospital. Instead, the extension would add considerable bulk at high level, resulting in a blocky appearance that would be harmfully at odds with the form of the existing building and its thoughtful response to its context. These adverse effects would not be experienced in isolation.

The effect on the heritage assets

10. Sallyport Tower, a grade I listed building which is also a Scheduled Ancient Monument, is a heritage asset of the highest significance. It has substantial historic value as a gateway in the 14th century town wall, which has now largely disappeared. In contrast, the upper floor was developed as the meeting hall of the Company of Ship's Carpenters in 1716. The hall incorporates tall round-headed windows in heavy stone surrounds, and other notable features include the pantile roof and its four square corner turrets with pyramidal stone roofs and ball finials. The historic and architectural elements of the building contribute strongly to its significance and provide great interest within the street scape.
11. Also close to the appeal site is the row of grade II listed buildings at 1-60 Garth Heads, with a short return section facing Tower Street. These are former industrial workers' dwellings and are thus of notable historic and social interest. Dating from 1869, the block is a somewhat austere structure built of brick with contrasting brick banding and detailing. Architecturally, it is a tall, imposing presence in the street scape, and it provides an interesting contrast with the much earlier Sallyport Tower.

12. On the approach from the north along Tower Street, the view of Keel House is framed by these listed buildings. Visually, Keel House sits comfortably between the two heritage assets, not least due to the fact that it is substantially lower in height from this vantage point. However, the proposed extension would cause the building to become much more dominant within the settings of the two heritage assets. Its greater height would compete with them, disrupting their visual relationship to each other and diminishing their presence in the street scene. The contribution of the settings to their significance would thus be harmed.
13. Adjacent to Keel House is the Keelmen's Hospital, a grade II* listed building that was originally constructed in 1701 as almshouses for keelmen and their widows, and so has considerable historic and community interest. The structure follows a square plan around a central courtyard. The elevated main façade with its tall roof and central clocktower facing towards the Quayside is on a grand scale. The rear elevation to Garth Heads, referred to above, appears on a much smaller scale in the street. Although this is partly due to a drop in land levels, the result is a building that is much more domestic in proportion than the principal frontage. As the public faces of the heritage asset, these elevations both contribute positively to its architectural and historic significance.
14. Keel House sits relatively unobtrusively next to this building in wider views towards them from the south. Although the two new storeys would add to the bulk and height of Keel House, they would be set back from the City Road elevation which would lessen their impact on the setting of Keelmen's Hospital. In closer views, there are few vantage points in which the extension would be readily intervisible with the listed building. In wider views from the south, the extension would tend to blend in with the surrounding cityscape, leaving Keelmen's Hospital as the more prominent building. Its setting would thus be preserved in views towards it from the south.
15. However, for the Garth Heads elevation of the Keelmen's Hospital, the new storeys would bring the mass of Keel House significantly closer to the hospital building. The additional height would have a much more overbearing effect on the listed building in views along Garth Heads, and would thus fail to preserve its setting on this side.

Summation

16. I have taken into account the appellant's representation that there is no protection extended to the setting of designated heritage assets in paragraph AA.2(1). However, as noted above, I am obliged to have regard to the NPPF in so far as relevant to the subject matter of the prior approval. In this case, the context of Keel House clearly derives some of its qualities from the historic environment which includes the nearby listed buildings. I note that the appellant questions the Council's use of the term 'visual amenity' in relation to the heritage assets. However, regardless of the terminology used, I am satisfied that it is correct to consider the effect on the historic environment, in line with the NPPF policies.
17. I accept that additional height is an inevitable consequence of permitting additional storeys. The NPPF, at paragraph 120, encourages the upward extension of existing buildings for residential use, reflecting the important objective of significantly boosting the supply of housing. However, the NPPF

caveats this principle by stating that such extensions should be consistent with the prevailing height and form of neighbouring properties and the overall street scene and should be well-designed. Consequently, the development would not accord with this policy.

18. 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. The NPPF requires that great weight should be given to the conservation of these designated heritage assets. I have found that the external appearance of the appeal site arising from the proposed development would not conserve the contribution of their settings to the significance of those assets.
19. I have had regard to the appellant's comments with regard to NPPF paragraph 130(c), which guards against 'preventing or discouraging appropriate innovation or change (such as increased densities)'. Whilst the proposal would increase the density of the site and provide a small number of additional dwellings to the local supply, these benefits would not outweigh the harm I have identified above.
20. My attention has been drawn to a number of decisions, including appeal decision APP/T410/W/20/3263486, where the Inspector limited his consideration to the external appearance of the appeal site rather than its effect on the wider area. In appeal decision APP/H180/W/21/3266807, the Inspector found against the Council's concern over visual incongruity on the grounds that a seemingly tall building is an inevitable consequence of the permitted development right. Appeal decision APP/G3110/W/21/3269650 reaches a similar conclusion.
21. In the planning officer's report for application ref: 21/00162/PAUPFL (Luton Borough Council), the Council state that it is not within the scope of the application to determine the impact of the proposed development on the wider character and appearance of the area. I have also been directed to the officer reports for applications HS/PA/20/00758 (Hastings Borough Council), 21/00317/PARC (Bracknell Forest Council), and 20/02444/PT20A (Council of Royal Borough of Windsor and Maidenhead), which follow a similar interpretation.
22. I note that these decisions take a different approach to my own in terms of the matter of the character and appearance of the wider environment. However, I am bound to assess the proposal on my own reading of the case and the relevant legislation and policies. The fact that others may have taken an alternative approach has not led me to a different conclusion on the appeal before me.
23. I have also been directed to appeal decision APP/Q1445/W/21/3268238, where the Inspector found that the proposal in question would read as a continuation of the existing form and massing. He concluded that the new storeys would be assimilated into the building without appearing incongruous. However, I have found that that is not the case in the appeal before me, and so I can give little weight to this decision.

Conclusion

24. For the reasons above, I conclude that the development would have a harmful effect on the external appearance of the building, contrary to the NPPF. The appeal should therefore be dismissed.

Elaine Gray

INSPECTOR