



Appeal Decision

Site visit made on 22 February 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2022

Appeal Ref: APP/A0665/W/21/3283638

The Crown Hotel, Old Hall Street, Malpas SY14 8NE

- 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 Gary Sherlock against the decision of Cheshire West and Chester Council.
 - The application Ref 21/00104/FUL, dated 7 January 2021, was refused by notice dated 27 May 2021.
 - The development proposed is the extension of existing hotel.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of existing hotel at The Crown Hotel, Old Hall Street, Malpas SY14 8NE in accordance with the terms of the application, Ref 21/00104/FUL, dated 7 January 2021, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the host property, having particular regard to whether or not it would preserve or enhance the character or appearance of the Malpas Conservation Area (CA).

Reasons

3. The appeal site lies within the CA which encompasses the centre of the village and its largely pre 20th century plan form. The CA has several character areas with the site located within the historic village core, which is focused around the medieval cross area. This area is characterised by a tight grain of predominately commercial properties which form a generally linear and back of pavement form of development. The significance of the CA stems from the extent to which the historic street pattern and buildings, including listed buildings and scheduled ancient monuments have remained intact, contributing to the areas special architectural and historic character and appearance.
4. The Crown Hotel is located on the western side of Old Hall Street, the main route through Malpas, and occupies a prominent corner plot position to the immediate south of The Cross in the centre of the village. It is a three-storey building constructed in brick with sandstone sills, with a prominent gable at its northernmost end. The southern elevation has no defining features and is largely exposed to views from the south. I note that the building was identified as a 'Character Building' in the Malpas and Overton Neighbourhood Plan (July 2015) and is therefore considered to be a Non-Designated Heritage Asset (NDHA). I consider that its significance largely stems from its age, traditional form, and prominence as a focus building within the centre of Malpas.

5. The proposal would see the erection of a three-storey side extension projecting from the southern elevation of the building. The proposed extension would match the eaves and ridge height of the existing building and replicate the design and appearance of the existing gable at the northern end of the building, which would give the property a symmetrical appearance. The proposed materials and windows would match those on the existing building, ensuring the development would complement and be in keeping with the host building.
6. The area where the extension is proposed is currently unused and somewhat unkempt, with the existing southern elevation appearing tired and making no positive contribution to either the host property or wider area. It is also readily apparent that a structure previously stood on this area before being demolished at some point in the early part of the 20th century. Whilst there is some debate between the parties as to whether it formed part of the original building, was a later extension, or a free-standing structure, the historic photographs provided clearly show that a building of a similar size and scale to the appeal proposal existed on the site.
7. I also acknowledge that this previous structure was different in appearance to the main host building, with it being of brick construction whereas the main host building at that time included bay windows and Tudor detailing at first and second floor level. The Council is of the view that this reduced its visual bulk and prominence, however I do not consider that the use of matching materials and replicating the northern gable would result in the appeal proposal appearing overly prominent or dominating. The development would complement the host building in terms of its size, scale and appearance.
8. I find therefore that the proposed development would be of an appropriate size, scale and height and would not visually dominate the host property. Furthermore, its design and appearance would also be entirely in keeping with the property and would therefore not result in the proposal adversely affecting the significance of the NDHA.
9. Given its size, location, and the topography of the site, the host property already occupies a highly prominent position within the CA, particularly when travelling north along Old Hall Street. The appeal property is larger than the existing residential properties to the south, however the building is more closely associated and connected to the predominately commercial properties around The Cross on Church Street and High Street, many of which are also three storey or occupying a more elevated position.
10. When viewing the property from the south, it is viewed against the backdrop of these other large mainly commercial properties to its rear. The proposed extension would replicate the scale, mass and height of the existing northern gable, and given the current scale and height of the building and those within its setting I do not consider that the proposed development would result in the host property appearing unduly large or prominent.
11. The proposed extension would increase the total width of the property to seven bays, however this part of the CA is characterised by a tight urban grain consisting of a number of tall, large, prominent historic buildings built up against the back of the pavement. Although wider than any one individual building, the host property forms part of a largely continuous built frontage in the immediate area around The Cross. Furthermore, I find that the existing and

proposed gables and other detailing on the property assist in reducing its bulk and appearance as one solid structure. Therefore, I do not consider that the proposal would result in harm being caused to the character or appearance of the CA.

12. The proposed extension would largely infill the existing gap between the host property and the adjacent residential dwelling. Although gaps between properties become more frequent as you travel out of the village southwards along Old Hall Road, the centre of Malpas is characterised by continuous frontages and tight urban form. Whilst the proposed development would significantly reduce the gap between the properties, it would not result in the increase in height between the two buildings being any more sudden or noticeable than at present. I do not consider therefore that the gap represents an important visual break, nor would its loss have a discernible impact on the general character or appearance of the CA.
13. I therefore conclude that the proposed extension would not harm the character or appearance of either the host property or the surrounding area. It would therefore have a neutral effect, preserving the character and appearance of the CA, and consequently I find no conflict with Policies ENV 5 and ENV 6 of the Cheshire West and Chester Local Plan (Part One), Policies DM 46 and DM 48 of the Cheshire West and Chester Local Plan (Part Two) and Policies BE1, BE3 and BE4 of the Malpas and Overton Neighbourhood Plan. These policies, amongst other things, seek to ensure that developments safeguard or enhance both designated and non-designated heritage assets, respect local character and make a positive addition to the existing built form.

Other Matters

14. Natural England has recently updated its advice for development proposals that have the potential to affect water quality in such a way that adverse nutrient impacts on designated habitat sites cannot be ruled out. However, from the responses received it has been established that the site is not hydrologically linked to Abbots Moss, Oak Moss or Wybunbury Moss which are the closest European sites identified for nutrient neutrality. Consequently, I am satisfied that the appeal proposal would not result in a likely significant effect and or effects on the integrity of the Oakmere Special Area of Conservation (SAC) and West Midlands Mosses SAC (only catchments of Abbots Moss SSSI).
15. Potential concerns were raised in respect of parking and traffic congestion associated with the development and any subsequent effect on the highway network. The Local Highway Authority however raised no objection to the proposal as it was not considered that it would give rise to any significant additional highways impact, and given its location in the centre of Malpas I find no compelling reason for me to disagree.
16. Concerns were also raised in respect of the potential adverse effect of the development upon the living conditions of occupiers of neighbouring Dower House. The Council however concluded that although the development would impact upon an existing ground floor window on the side elevation, as the room was also served by another window on the front elevation the level of harm would not be unacceptable. Following my own observations during my site visit I find no reason to disagree with this finding.

17. Other matters such as the requirement for a sprinkler system or the type of heating system used within the property are matters which fall outside the scope of this appeal or are subject to separate controls.

Conditions

18. I have imposed the four conditions put to me by the Council. In addition to the standard time limit condition, for the purposes of certainty a condition concerning the approved plans is also required. To ensure that the development respects the character and appearance of both the host property and the CA, a condition has also been imposed requiring samples or details of all materials to be used in the construction of external surfaces to be submitted to and approved prior to any development above ground taking place.
19. Finally, given the site's location within Malpas' area of archaeological potential, a further condition is necessary requiring the submission and approval of a program of archaeological works in accordance with a written scheme of investigation. This condition must apply before the development hereby permitted takes place to ensure any archaeological remains are not disturbed.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

David Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG 9 Rev H – Proposed Elevations; DWG 7 Rev F – Proposed 1st and 2nd Floor; DWG 6 Rev G – Proposed Ground Floor; DWG 3 Rev B – Site Plan
- 3) Prior to any development taking place above ground, details/samples of all materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
- 4) No development shall take place until a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.