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# Appeal Decision

Site visit made on 25 May 2021

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> May 2022**

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**Appeal Ref: APP/V2004/W/21/3267811**

**High Street / Blaides Staithe, Hull HU1 1HA**

- 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 Andy Woodcock (RMI Ventures Ltd) against the decision of Kingston-Upon-Hull City Council.
  - The application Ref 19/01229/FULL, dated 11 October 2019, was refused by notice dated 29 July 2020.
  - The development proposed is the erection of a building for 16 apartments.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Andy Woodcock (RMI Ventures Ltd) against Kingston-Upon-Hull City Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The appellants have referred to the proceedings of the Council's Committee Meeting and how it reached its decision, including the application of a heritage balance. I have referred to this in the separate Costs Decision but, as part of my statutory duties set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have considered the entirety of the appeal proposal, as determined by the Council, afresh in light of the evidence before me. As the appellants have addressed these matters in their Statement of Case I have not communicated further on this aspect.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.
5. I have also had regard to the content of English Heritage and CABI's *Building in context - new development in historic areas* (2001), and the examples therein of development schemes in a heritage context, as far as relevant to the appeal before me.

## Main Issue

6. The main issue is whether the proposed development would constitute high quality design and its effect on the character and appearance of the site and its surroundings, including the Old Town Conservation Area and the setting of the

Grade II\* listed building, known as Blaydes House, and Grade II listed building, known as Pease Court.

## **Reasons**

### *Site and surroundings, significance and setting*

7. The appeal site concerns a vacant area of land, with roads to the north, south and west and the River Hull to its east. It is situated within the Central / Eastern sub-area of the Old Town Conservation Area (CA), which covers an extensive area to the centre of the city. The sub-area is formed of a rich tapestry of predominantly three and four storey buildings, but taller warehouses beside the river. Due to their development during the various stages of economic growth and prosperity in the 18th, late 19<sup>th</sup>, and early 20<sup>th</sup> Century, they exhibit varied architectural qualities and detailing. The high quality of architecture, the varied but predominantly pitched form of the roofscape, broken by chimneys and parapets, and cohesive use of red brick and clay tiles and Welsh slate, all illustrate the importance of the area to the city. Stone tends to be used in civic and other more prominent buildings, but white, cream and terracotta painted and rendered brickwork are also features.
8. In so far as it relates to the appeal, the significance of the CA today lies at least in part in the positive contribution made by the rich legacy of historic buildings and the architectural legibility of their built fabric, particularly the extent of detailing, the quality of materials used in their construction and the use of pitched roofs.
9. Immediately to the north of the site, but separated from it by the carriageway in Blaydes Staithe, is Blaydes House, a Grade II\* listed building of mid-18<sup>th</sup> Century origin. This was formerly the home and business premises of the Blaydes family, notable merchants in the city, but is now in use by the University of Hull Maritime History Institute.
10. The principal range facing High Street is of five bays and three storeys in height, with red brick laid in Flemish bond to the front and garden wall bond to the side (various coursings); ashlar dressing of the ground and first-floor bands, quoins, cills, heads and its cornice; and a rendered plinth and tall parapet with copings. A central portico with Doric columns and pilasters, carrying an entablature and dentillated pediment, marks the front door. The right return, facing Blaydes Staithe, incorporates two columns of blank openings, detailed with cills and heads. The building therefore has striking attention to detail, including its smaller rear wings, the southern of which runs straight off the back of the principal range.
11. In so far as it is relevant to the appeal before me, the significance of Blaydes House lies in its architectural and historic interest as an well-preserved 18<sup>th</sup> Century former merchant's home with high quality detailing. It embodied domestic and commercial functions for the Blaydes family and was situated on the quayside for this reason.
12. Pease Court is a Grade II listed former warehouse building which originates from the mid-18<sup>th</sup> Century. It was originally built for Joseph Pease, an oil merchant, but was used during the mid-20<sup>th</sup> Century for grain storage and converted in the late 1980s to residential use. The building is of four storeys and is pleasantly detailed with ashlar dressings and regular alignments of

windows to its inner and outer façades. The east façade facing the River Hull also features two central round-arched recesses which rise to the third storey. In so far as it relates to the appeal before me, the significance of the former warehouse lies in its architectural and historic interest as a fine example of surviving 18<sup>th</sup> Century commercial buildings associated with Joseph Pease and the Old Harbour of the city.

13. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, both listed buildings draw significance from their settings. They are both prominent within their immediate surroundings of the two parts of High Street and, given their close proximity to the River Hull, they are highly visible in views from the Drypool Bridge and from the eastern side of the river. For Blaydes House this also includes across the appeal site.
14. Clearance of the site has undoubtedly changed the settings of the listed buildings and the character and appearance of the CA as, prior to this, the appeal site and land immediately south of it were occupied by a densely configured block of buildings. The site is now characteristic of other prominent large open and undeveloped areas of land in the CA and negatively contributes to its townscape qualities and the settings of the listed buildings. For this reason, it remains an important site for development.
15. There are also more recent buildings in close proximity of High Street, including that immediately opposite the site. While this reflects the predominant scale and roof form of historic development to that side of High Street, it is poorly articulated, so makes a negative contribution to the setting of Blaydes House.
16. Given the above, the date of origin and original purpose of the listed buildings are important to the history of the CA and their visual qualities and prominence add variety to its townscape qualities. They therefore make notable contributions to the character and appearance of the CA, particularly in key views into it from the eastern side of the river.

### *The Proposal*

17. The proposal is for a large apartment building of contemporary urban form and style, which is split into three typologies. The block at the High Street frontage would be narrow-fronted and three storeys, with a stone cornice and coping to the top of a tall parapet. The windows would be vertically proportioned, with a protruding frame extending to all floors on those windows either side of the junction to Blaydes Staithe. Some windows would have timber-effect panelling to one side.
18. The riverside block would be of five storeys, with a steeply pitched roof on three sides, with projecting windows, and a vertical façade to the west. It would incorporate a plinth at its base and a stone coping to the fourth floor, which doubles as part of the balcony to the apartments on that floor.
19. The block between would be a continuation of the front but the plane of its façade to Blaydes Staithe would alternate between recesses and projections two bays wide, and between timber-effect and brick finishes to upper floors. There would be similar vertically proportioned protrusions around grouped windows and the access and openings to parking areas would be finished in timber latts.

20. The majority of windows would be singular panes of glass with subdivision only to some squarer windows found to the middle block. Moreover, apart from the riverside façade, the windows in the riverside and middle blocks would be a mix of squarer and smaller vertically proportioned openings and the riverside would incorporate recessed balconies marked by a protruding white aluminium frame, with grey walls within.
21. The parts of the High Street and riverside blocks that abut neighbouring land would incorporate blank façades.

*Effect of the proposal*

22. The context of the site is sensitive, but in my reading of the policies of the Hull Local Plan 2016-2032 (Adopted November 2017) (LP) it is not essential for a proposal to replicate the traditional design and appearance within an area. Contemporary design can therefore be complimentary with historic development and enrich the townscape but, in order to do so, it should respond well to the spatial and visual characteristics of its context, including the site.
23. The design approach to the external appearance of the separate parts of the building has been to utilise different architectural forms and details, some of which I acknowledge are in reference to features within the CA, including those found on warehouses. The height of the proposed elements would also be similar to that expected for the site by the Council, as set out in its design criteria for the site<sup>1</sup> and the overall scheme would be unlikely to prejudice the development of the remaining land to the south. Nevertheless, the design response is not appropriate for a building of the size proposed and its sensitive context.
24. The top storey of the riverside block would be finished in dark grey aluminium standing seam cladding with a very steep pitch on three sides with a flat roof atop it. While this would differentiate it from the floors beneath, it would appear as a continuation of the building beneath, rather than part of its roof. Moreover, the predominant use of flat roofs within the individual parts of the building would contrast with the prevailing form of pitched roofs in the CA.
25. Aside from the changes to the plane of the Blaides Staithe and riverside frontages, for a building of such scale the articulation is generally far too subtle. Amongst other things, the detailing includes variation in the grouping of differently sized predominantly single pane windows, including those with and without timber side panels, vertical grouping of windows with protruding framing around them, feature timber-effect panels, copings, and a cornice to High Street. Together, these would lack the animation and visual interest found in the brick and other embellishments on buildings in the CA.
26. Moreover, the feature panels of timber-effect cladding would both be unconvincing and cumbersome details that would fail to add to the overall quality of the architectural composition of the building or create a strong visual connection to the locality; and the parapet to High Street appears to be window dressing of the building, as it does not serve any purpose. The recessed balconies to the riverside would provide perception of visual depth but they would be seen in isolation of other façades.

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<sup>1</sup> Supplementary Planning Document 13 – City Centre Key Sites Design Guide (Adopted July 2019).

27. I accept that the inward façades of the building could be screened by development to the south, but until such time as this occurs, they would be prominent and significantly underdefined elements of the proposed building, particularly the large areas of brickwork in the south and west façades. This would also draw attention to other poorly conceived elements such as the stair tower atop the roof of the middle three-storey block.
28. For the reasons outlined above, the proposal would be poorly articulated and visually prominent within the immediate context of Blaydes House and from the east, such that it would have a considerably harmful effect on the setting of this Grade II\* listed building. In contrast, as the proposal would be a considerable distance from Pease Court, it would not have a harmful effect on the setting of this Grade II listed building, which would be preserved, particularly in the context of views from east of the river.
29. The appellant has suggested that detailed matters of, amongst other things, materials and fenestration are capable of being approved through the imposition of appropriate planning conditions, as recommended to the Council's Planning Committee by its officers. However, these are only contributing factors to the design of buildings, so the use of planning conditions to secure alternatives would not overcome the concerns I have identified with the proposal above.
30. I note that Historic England arrived at a point with the scheme where they were satisfied that they could defer to the Council's specialist advisors, but they did not give the scheme a clean bill of health and suggested that further amendments should be sought. It is unclear whether this occurred but, in any event, I have identified harm associated with the determined scheme.
31. I note that permission has previously been given for development of the site but this has since expired without being implemented. I am therefore not able to give this any weight in the determination of this appeal.
32. Given the overall approach envisaged by the Council for the appeal site and land to its south, its development may necessitate built form of some substance. This must be generally of a high quality and responsive to its sensitive heritage context, including buildings of high architectural status. However, the proposed building would be so lacklustre and uninviting that it would appear as an inadequate element of townscape in its own right and cause significant harm to its surroundings, including the character and appearance of the CA and the setting of the Grade II\* listed building.

*Public benefits and conclusions on the main issue*

33. The statutory duties in Sections 66(1) and 72(1) of the Act are matters of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
34. The proposal would be harmful to the character and appearance of the CA and the setting of the Grade II\* listed building, which would have a harmful effect

on their significance as designated heritage assets. The Council consider that the proposal would amount to substantial harm to the identified heritage assets. However, I am mindful that the guidance in the Planning Practice Guidance suggests that substantial harm is a high test<sup>2</sup>. The site is earmarked for built form to a commensurate scale in the development plan, so it is expected to be present in the CA and alongside Blaydes House. However, given the prominence of the site and its relationship within the CA and the setting of Blaydes House, the harm to significance of these designated heritage assets would be toward the higher end of less than substantial harm. In such circumstances, paragraph 202 of the Framework and LP Policy 16 identify that this harm should be weighed against the public benefits of proposals.

#### Unilateral Undertaking

35. The appeal is supported by a signed Unilateral Undertaking which includes clauses relevant to open space / play contributions, planting of trees off-site, and the delivery of affordable housing on-site. However, it does not include a red line plan relating to its extent of the land or its title number and there are no figures or mechanisms for calculating the contributions for open space / play contributions necessary for the development. The provision of trees would meet the requirements of the Council's SPD<sup>3</sup>. The provision of three apartments would also help the Council to meet its demand for affordable housing and this would be above the 10 percent requirement set out in LP Policy. Nevertheless, given my findings in relation to information absent from the UU, I would only be able to afford limited weight to the package of benefits therein.

#### Other Benefits

36. The appeal scheme would boost the supply of homes in the city in an accessible location, close to services and facilities, but the scale of development proposed means that these would amount to moderate social and economic benefits.
37. To go ahead, redevelopment of the site would require remediation of land contamination associated with previous uses, so I afford limited weight to this as a particular environmental benefit associated with the appeal scheme.
38. The proposal would constitute redevelopment of part of a vacant brownfield site within the CA and the setting of Blaydes House, which would secure aims of both the development plan and CACA, particularly in respect of its scale. However, in doing so, it would harm these heritage assets, so would not therefore amount to a heritage benefit. The absence of management and upkeep of the site and its contribution to the deterioration of the site would also not support such a notion.
39. Unauthorised public access to the site could undoubtedly be tempered to a certain extent by the presence of the proposed development, but there is no substantive evidence that there is not another appropriate solution to addressing the security of the site or that this could only be achieved with the appeal scheme. The harm that could be caused through the presence of the proposed building would therefore not be justified.

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<sup>2</sup> Paragraph: 018 Reference ID: 18a-018-20190723, Revision date: 23 07 2019

<sup>3</sup> Supplementary Planning Document (SPD) 10 Trees, Adopted 7 January 2019.

40. Taking the above together, the harm that would be caused by allowing development, to the character and appearance of the CA and the setting of the Grade II\* listed building, would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.
41. In light of the above, despite my findings in relation to the setting of Pease Court, I conclude that the proposed development would not constitute high quality design and would have a significantly harmful effect on the character and appearance of the CA and there would be harm to the setting of the Grade II\* listed building. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 134, 197 and 199 of the Framework and conflicts with the design and heritage aims of LP Policies 14 and 16, and the Council's SPD Nos 2<sup>4</sup>, 7<sup>5</sup> and 13.

### **Planning Balance and Conclusion**

42. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. The main parties are in agreement that, subject to planning conditions, the proposal would not offend other LP policies referred to in its Officer Report regarding archaeology, biodiversity, crime and disorder, energy efficiency and renewables, living conditions (including space standards and access), the type of housing and mix, land contamination, the provision of parking and flood risk and drainage. These matters would therefore neither weigh in favour nor against the appeal scheme. In terms of harm, the proposed development would not comply with development plan policy in respect of its failure to create high quality design and the harm that would be caused by this to the character and appearance of the site and its surroundings, including the Old Town Conservation Area and the setting of the Grade II\* listed building, known as Blaydes House.
43. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the claimed benefits.
44. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

*Paul Thompson*

INSPECTOR

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<sup>4</sup> Supplementary Planning Document 2: Heritage & Archaeology

<sup>5</sup> Hull Residential Design Guide