



Appeal Decision

Site visit made on 16 March 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/E2001/W/21/3279475

7 Market Place, Hedon, HU12 8JA

- 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 Saunders, Elevation Design against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01029/PLF, dated 9 April 2020, was refused by notice dated 4 February 2021.
 - The development proposed is described as 'Demolition of existing structure known as 7 Market Place, formerly Hedon post office. Creation of 2 ground floor retail spaces with staff area and bin store. Creation of 2 1st floor 1 bed apartments with dedicated car parking at the rear of the site. The address is within the conservation area. Application also seeks approval for A1, A2, A3, A4, A5 use classes to be unlocked for this site.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the proposal is in a conservation area and relates to the settings of listed buildings, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance the Hedon Conservation Area, and whether it would preserve the setting of the nearby Grade I listed building Church of St Augustine (Ref: 1346568) and other nearby listed buildings.

Reasons

The Conservation area

4. The appeal site comprises No 7 Market Place, a single storey building in the centre of Hedon which is on the corner of Market Place and Distaff Lane. It is within the Hedon Conservation Area. This covers much of the town centre and the Conservation Area Appraisal (CAA) recognises that the special character and appearance of Hedon lies in its unique assembly of 18th and 19th century properties within a constricted town centre into which relatively little 20th century development has intruded.
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5. The buildings there are predominantly two storey in brick, and due to the widening of the street, Market Place allows broader vistas including towards the Church of St Augustine. Set back behind Market Place, due to its elevated position in its surrounding churchyard, along with its proximity to the town centre, the church is an important historic feature there. The CAA recognises it as a focal point of landmark quality which should remain pre-eminent as the principal focal point of the area. A variety of vistas of the church are evident from around the town through the gaps and spaces around and between the tight and compact urban form there.
6. Thus, I consider that the significance of the conservation area, in so far as it relates to this appeal, to be mainly derived from its historic 18th and 19th century compact townscape, the dominance of the medieval church as a landmark structure, and the visual relationship between these important features.
7. The appeal site is in a prominent location in an important corner position on Market Place and in Distaff Lane close to the churchyard. Built in the 1950s, the appeal building is constructed in red brick and clay tiles with an asymmetrical roof line. As such, it is a more modern addition to the town centre. Its frontage on to Market Place is set back slightly from the adjoining building to the south and has two feature bow windows either side of a central entrance door. Its age, single storey height, architectural features (including the bow windows), building line, use of materials, and roofline means it does not immediately accord with the prevailing age and character of the predominantly 18th and 19th two storey buildings in the conservation area.
8. Nevertheless, it remains an agreeable building with some pleasing features. Moreover, its low height, diminutive scale, and for the most part insignificant and unobtrusive appearance means that it provides an undistracting backdrop that does not upstage or dominate nearby buildings and maintains a subservient appearance. This being so, it does not appear immediately discordant or out of place in the traditional town centre and to my mind sits reasonably comfortably there despite these factors. Nor does it hinder the appreciation of the more historic buildings nearby. Instead it provides the space for them to be understood. Notably, it enables views, albeit high level ones, across the appeal site between Market Place and the church. This being so, it seems to me that the appeal building neither detracts from nor enhances the conservation area.
9. I note that the appeal building replaced a two storey building in the Tiger Inn which formerly occupied the site. I have had regard to the appellant's argument that the public view above and adjacent to the appeal site to the church is a modern one formed when the Tiger Inn was replaced. Nevertheless, I must consider the appeal based on the current situation. The Tiger Inn has long since been demolished and the appeal building has been in place for a good number of years. It is a well-established feature of the historic development of the town over time and of conservation area. Thus its role in allowing an appreciation of the nearby heritage assets as described, is also longstanding.

The settings of the listed buildings

10. The appeal site is adjacent to the southernly extent of the churchyard. The imposing 13th century church is recognised as being of the highest national importance and is of exceptional architectural and historic interest. It sits in an elevated position within the churchyard just behind the buildings fronting Market Place and dominates the town. Its handsome and lofty central tower is a striking feature that along with other elements of the impressive structure is visible from numerous vantage points within the town. It is also seen from further afield where it serves as a landmark in the wider area. In so far as relating to this appeal, the significance of the church is derived from its historic interest as an important medieval place of worship, along with its role in the settlement and relationship with the town including Market Place.
11. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. I note the appellant's argument that the setting of the church has evolved in recent years, with the construction of new buildings and extensions nearby and other modern commercial development to the rear of the properties in Market Place.
12. Despite these features, I find that the setting of the listed church, and the contribution this makes to its significance, insofar as it relates to this appeal, is derived mainly from its proximity and close visual connection with the town. This connection is allowed through gaps in the tight built form. Whilst these afford varying degrees of appreciation of the church depending on their location and nature, these vistas all contribute to the setting of the church and affect how it is appreciated. They provide inter-visibility between the church and the town and maintain the important visual connection which reinforces the dominance and importance of the church to Hedon.
13. There are other listed buildings nearby including Nos 2 -22 (even) Market Place, and those at the northern end of St Augustine's Gate (Nos 40, 38, 36 and 34) which are all Grade II listed. The closest of these are 2 Market Place (Ref: 1083545), 4 Market Place (Ref: 1161044), 6 Market Place (Ref: 1083547), 8 Market Street (Ref: 1161058) and 10 Market Street (Ref: 1083548). These form a row of traditional three storey mid 19th century brown brick townhouses with a variety of shopfronts which relate closely to the more open street scene in Market Place. This noteworthy concentration of traditional buildings has a shared significance derived from their historic interest as town centre buildings linked to the market which collectively provide evidence of the role and status of Hedon and its historic development.
14. The setting of these listed buildings, and the contribution this makes to their significance, in so far as it relates to this appeal, is derived from the rich character of the urban townscape, the predominance of historic buildings there, and their relationship with Market Place and the church.
15. In terms of the bearing of the appeal site in relation to these heritage assets, the church is approached from the east via a sloping pathway across the churchyard through an entrance in the wall from Distaff Lane. This is reached from Market Place by passing along the appeal site's northern boundary. There is clear inter-visibility between the appeal site and the church and views to and from the church are taken across the appeal site. From Market Place and from George Street (at its intersection with Market Place) the eye is drawn over and to the side of the appeal building to the church beyond. From the churchyard

views back towards Market Place and the historic buildings there are taken down Distaff Lane to the side and over the rear of the appeal building where the historic buildings on the east side of Market Place beyond provide a backdrop. Thus the appeal site contributes to the setting of the church and I have had special regard to this matter in considering the appeal.

16. I note the appellant's view that the rear of the appeal site has a utilitarian rear elevation and poor quality landscaping. However, given the modest, low key, unassuming appearance of the rear of the appeal property, and in the context of the rear of the other commercial properties fronting Market Place, I am not persuaded that these elements of the appeal site detract to any material extent from the significance that the church derives from its setting as described above.
17. In terms of the other listed buildings, this collection of buildings are relatively close to the appeal site and to varying extents overlook it and form the backdrop to it. The appeal site also features in views taken from these historic buildings to the church, and in corresponding returning views. Thus there is clear inter-visibility between these buildings and the appeal site, which therefore contributes to their settings. I have also had special regard to this matter in considering the appeal.

The effect of the proposal

18. The proposal includes the demolition of the existing building and the erection of a two storey mixed use building. It would incorporate two commercial units at ground floor level and two one bedroom flats at first floor level. The Council raises no objections to the loss of the building per se, but is concerned about the size and design of the proposed replacement.
19. The proposed building would be two storey, with a ridge height that would exceed that of the existing building. It would also extend well back into the site at two storey level for the full width of the building and introduce two considerable rear wings with gable end features to the full height of that of the main part of the building. As such, it would be a taller and much bulkier building than the existing one and would introduce a substantial structure to the relatively modest site.
20. The proposal would use traditional materials and introduce some traditional features and building techniques. I am not persuaded that the detailed design issues raised by the Council in relation to the proposal's front elevation in themselves warrant the refusal of the scheme, and am content that the windows and shopfront proportions and the materials proposed would generally respond to the building and street scene. I also accept that the proposal would remain generally subservient in height in relation to adjoining No 5, and the other taller nearby historic buildings, and would follow the existing front building line. The eaves level would be generally commensurate with those of the existing building and the proposed two storey rear element would only extend slightly rearwards of the existing rear building line at No 5. The proposed building would also be separated from the garage to the north.
21. Nevertheless, the structure's considerable bulk and two storey rearward projection would be prominent when viewed from the rear, notably from the churchyard and Distaff Lane. From there the two wings would effectively obscure much of the rear roof plane of the main part of the building. They

would create a substantial roof form that would be seen as a dominant and over bearing feature. I am not persuaded that the dual gable design, or the arrangement of the openings in the rear elevation would break up the building's massing to any great degree. As a result, the proposal would be at odds with the other roofscapes nearby and uncharacteristic of the conservation area. Although the appellant regards dual pitched roofs to be a traditional feature, I saw no other examples of such development nearby.

22. Whilst the rear wings would not be pronounced in views of the front of the building from Market Place, they would be seen when looking from Market Place down Distaff Lane where the flank elevation of the proposal would be directly on the site boundary. From there the proposal's considerable depth and bulk would be readily evident. Given the height of the proposal I am not persuaded that fencing would mitigate its unsatisfactory visual impact to any meaningful extent.
23. The appellant refers to other existing development nearby. A number of the properties on the western side of Market Place have rear additions, including flat roof extensions with extraction equipment and other plant. Notably neighbouring No 5 has a boxy flat roof two storey rear extension which extends up to the level of that property's eaves. No 9 on the other side of Distaff Lane also has a collection of flat roof extensions to the rear.
24. However, whilst I accept that these are not traditional roof forms, they do not exceed the eaves levels or alter the rear roof planes or roofscapes of the respective host properties and are generally subservient to them. In any event, I am not aware of the full circumstances that led to that existing development, and whilst it provides a context to the appeal scheme, I am not convinced that such development should necessarily be repeated.
25. The appellant also refers to the rear offshoots at the former Tiger Inn which previously occupied the appeal site and its associated stabling and garaging. However, these have long since been demolished and in any case I have seen nothing to demonstrate that they were of a similar height or scale as the appeal scheme. Accordingly, this existing and historic development does not justify the appeal scheme.
26. As things stand, along with the open nature of Distaff Lane, the modest scale and generally recessive appearance of the existing building on the appeal site provides space for the church and the listed buildings on the eastern side of Market Place to be appreciated. As a result of its excessive height and unduly bulky massing the proposal would diminish the existing gap in the built form which currently exists. In doing so it would disrupt and partially obscure the existing view of the church from Market Place and George Street.
27. Corresponding views from the churchyard and Distaff Lane back to Market Place would also be in part concealed by the increase in height of the building on the appeal site. Moreover, due to its unacceptable bulk and intrusive design to the rear, the proposal would also be seen as an unduly strident and obtrusive feature and would seriously distract from views taken from the churchyard towards Market Place and the historic buildings beyond.
28. I appreciate that some views would remain along Distaff Lane, and that other alternative views between the church and the town exist, some of which better reveal these heritage assets and their significance. I am also mindful that

views across the appeal site have only been possible since the 1950s. Even so, in harmfully interrupting and distracting from these important views and vistas between the church and Market Place, the proposal would undermine the visual connection between the two, and erode the important relationship. In doing so it would also challenge the visual dominance of the church and diminish its role as an important focal point and landmark in the town.

29. Bringing matters together, whilst no historic fabric would be lost, in introducing a large, bulky and unsympathetic building to the appeal site within the settings of the nearby historic buildings, for the reasons given the proposal would unacceptably detract from the traditional townscape, undermine the visual connection between Market Place and the church, and diminish the contribution of the settings of those buildings to their significance. For these reasons I find that the proposal would fail to preserve the settings of the nearby listed buildings.
30. In undermining the settings, which also contribute to the historic significance of the conservation area, the proposal would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.
31. In coming to this conclusion I have had regard to the appellant's view that the introduction of chimney stacks, use of reclaimed/handmade brick and a historical bonding pattern, as well as the provision of a new boundary fence and landscaping works are heritage enhancements. However, whilst these can be considered as positive elements of the proposal, any such benefits that would arise from these matters to the identified heritage assets nearby are insufficient to outweigh the harm that would arise as result of the proposal as a whole as described. I am also mindful that such enhancements could be gained from an alternative less substantial scheme. Thus, they do not alter my findings.

The heritage balance

32. I therefore conclude on the main issues that the proposal would fail to preserve the significance of the conservation area and would not preserve the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of this appeal.
33. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
34. The existing building was previously used as the post office but has been vacant since April 2018 and is within the District Centre and the Primary Shopping Frontage. The proposal would bring the building back into a town centre use and is supported by other local businesses. It would provide two

- rather than one commercial unit, increase the type and mix of units there, attract additional footfall, lead to the growth and diversity of the economy, create a revitalised and sustainable town centre with a boosted offer, support local business and improve custom to them, and thus contribute to the vitality and viability of the centre.
35. In providing two residential units which the appellant regards to be affordable local housing, the proposal would contribute to housing land supply and mix in a town centre location. It would also provide homes in Hedon where development is focussed via the Local Plan, but is constricted elsewhere in the settlement due to flood risk issues.
36. Additionally the proposal would allow the flexible use of property and incorporate a mix of uses to help sustain and enhance the town centre. Economic benefits would arise during the construction phase, via the employment of builders and tradespeople, and via the ongoing support given by the future occupants of the flats to local services and shops. Furthermore the proposal would provide an adaptable layout, arrangements to manage waste and renew landscaping, safe access, car parking, along with improvements in thermal performance and energy efficiency. It would also lead to increased Council tax receipts and business rates.
37. The Council acknowledges that the proposal gains support from a number of policies in the East Riding Local Plan Strategy Document (Local Plan) and the Framework in these regards.
38. That said, in practical terms these benefits of the proposal are limited by the small scale of the scheme and the modest number of both commercial and housing units it would deliver. I am also mindful that the realisation of some of these benefits (particularly those relating to the commercial re-use of the property), from an alternative less substantial scheme or the re-use of the existing building, cannot be ruled out (albeit that these may be of a lesser scale). The benefits of the proposal are thus tempered by these factors, and accordingly I give the public benefits arising from these matters only moderate weight.
39. This being so, I find that overall, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage assets I have identified.
40. The proposal would be contrary to Local Plan Policy A1, section C.4 of which seeks to protect those elements which contribute to the character and setting of heritage assets, and to section C.5 which requires regard to be had to the character and quality of landmarks such as (amongst other places) St Augustine's Church Hedon and respect, and where possible enhance views of those features. There would also be conflict with Local Plan Policy ENV1, section A.1 of which states that development will contribute to safeguarding and respecting the diverse character and appearance of the area through its design, layout, construction and use, and with section B.1 which supports development which has regard to the specific characteristics of the site's wider context and the character of the surrounding area.
41. Furthermore, the proposal would be contrary to section B.3 of Policy ENV1 which supports development that has an appropriate scale, density, massing, height and material, section B.14 which requires attention to be paid to the use

of local materials, architectural styles, and features that have a strong association with the area's landscape, geology, and built form with particular attention to heritage assets, and to section B.15 which seeks to safeguard the views and setting of outstanding built and natural features and skylines.

42. Finally the proposal would fail to support Local Plan Policy ENV3 which states that the significance, views, setting, character and appearance and context of heritage assets shall be conserved including: those elements that contribute to the special interest of conservation areas (section B.1); listed buildings and their setting (section B.2); and the dominance of church towers and spires as one of the defining features of the landscape (section B.4).
43. Thus overall the proposed development would fail to satisfy the requirements of the Act and paragraph 192 of the Framework and would be in conflict with the development plan. Accordingly I do not regard the proposal to constitute sustainable development under the terms of the Framework.

Other Matters

44. The proposal was subject to pre-application discussion with the Council and amended a number of times during the Council's consideration of the planning application. I appreciate that the appellant has sought to meet the Council's concerns and taken on board suggestions made. However, I confirm that I have considered the proposal before me on its own planning merits and made my own assessment as to its potential impacts.

Conclusion

45. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR