



Appeal Decisions

Site visit made on 8 July 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th July 2022

Appeal A Ref: APP/E2530/W/21/3285594

The Bombay Cottage, 52 Scotgate, Stamford PE9 2YQ

- 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 Habibur Rahman against the decision of South Kesteven District Council.
 - The application Ref S/20/0675, dated 27 April 2020, was refused by notice dated 7 September 2021.
 - The development proposed is alterations to restaurant; relocation of air-conditioning units (including installation of screening trellises), retention of existing flue and removal of signage.
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Appeal B Ref: APP/E2530/Y/21/3285596

The Bombay Cottage, 52 Scotgate, Stamford PE9 2YQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Habibur Rahman against the decision of South Kesteven District Council.
 - The application Ref S20/0676, dated 27 April 2020, was refused by notice dated 7 September 2021.
 - The development proposed is alterations to restaurant; relocation of air-conditioning units (including installation of screening trellises), retention of existing flue and removal of signage.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation. I have therefore dealt with them together in my reasoning.
4. I have taken the description of the proposed development in the decision banner above from the Local Planning Authority's (LPAs) decision notice which I consider describes more accurately what was applied for. I note the appellant has also used this same description on their appeal form.
5. Since the proposal is in a conservation area and relates to a listed building, 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 Issue

6. The main issue is whether the proposed development/works would preserve the Grade II listed 52 Scotgate and any features of special architectural or historic interest that it possesses; and whether it would preserve or enhance the character or appearance of the Stamford Conservation Area.

Reasons

7. The appeal property is a grade II listed building arranged such that a modest 1½ storey element fronts onto Scotgate with a sizeable single storey projection to the rear. The appeal property directly abuts the taller two storey building at No.53 Scotgate to the east and is separated by a narrow vehicular passageway from the larger 3 storey building at No.51 Scotgate to the west. In this context, No.52 Scotgate represents a building of cottage scale and character. This is emphasised on the Scotgate façade by the remaining small-scale Nineteenth Century shop frontage and the diminutive layout and scale of the adjoining openings including the small upper window immediately under the low eaves level. It is a simple but quaint vernacular building.
8. The building is of Eighteenth Century construction, comprising generally of coursed limestone with the upper part of gable end elevation rendered. The front part of the building has a generally steeply pitched roof of stone slate tiles with simple brick chimney stacks. The roof profile of the rear projection, whilst of a lower ridge line, is similarly steeply profiled and of stone slate tiles with a simple brick chimney stack.
9. I therefore find the special interest of the listed building, insofar as it relates to these appeals, to comprise the modest cottage character and scale of the building and its simple form and appearance including the limited palette of vernacular materials.
10. The appeal property is within the Stamford Conservation Area which is widely drawn to cover much of the central area of the town. Its historic and architectural significance is derived from Stamford's long history as a settlement at a crossing point over the River Welland, including its mercantile heritage. The appeal site is within the medieval core part of the Conservation Area where Scotgate forms one of the principal entry routes, reflecting the medieval street pattern. Scotgate retains a primarily commercial character at the appeal location.
11. The appeal building is widely seen within Scotgate as one of a group of buildings extending to the north-west from the nearby crossroads with West Street. There is considerable variety to the appearance and scale of the long-established buildings in this part of Scotgate reflecting the historic clustering of development along this principal entry route. The appeal building has been in a restaurant use for some time and consequently it has various external features associated with this business, including signage onto Scotgate, air conditioning units on the side of the building and a large metal extraction flue at the rear of the building. All of these features are visible from within Scotgate, to some degree because of the gap arising from the vehicular passageway adjacent to No.51 Scotgate. The Conservation Area Appraisal 2011 does not identify the appeal property as a "negative feature". Indeed, the cottage form and scale of the building and the traces of former shop and cottage in the façade onto Scotgate make a positive contribution to the

character and appearance of the conservation area and its significance as a heritage asset. Nonetheless, the visible array of external modern equipment for the restaurant use, in particular, the large flue above the ridge line of the rear projection, are not characteristic features of the Conservation Area. Their discordant placement does not make a positive contribution to the appearance of the Conservation Area.

12. The proposal includes the removal of two illuminated signs. The LPA considers that the removal of both these signs would have a positive visual impact. I concur with that view. Their removal would better reveal the heritage significance of the listed building. The less cluttered appearance of the building, as a result of the reduced volume of signage, would also moderately enhance the appearance of the Conservation Area.
13. The proposal would also involve relocating two of the air conditioning units on the side elevation in the passageway to more discreet positions on the north elevation, including the roofscape of the listed building. A third air conditioning unit at the rear of the building is proposed to be re-positioned so it would be fully concealed behind a small single-storey projection to the kitchen area and so not visible from within Scotgate. From a visual perspective the proposed relocation of the air conditioning units would represent an improvement, particularly the two units positioned within the side passageway close to the Scotgate thoroughfare with their unsympathetic protrusion close to the eave height and jumbled appearance with associated large brackets and cabling.
14. From the submitted plans these two units would be relocated close to a small plain brick chimney stack on the rear (north) elevation and screened with a proposed trellis framework. The submitted plans do not provide precise details of these units, their detailed positioning and how these units, and the proposed trellising, would be fixed to the listed building. In particular the lower of these two proposed units appears to straddle the eaves line given the very limited space between the edge of the roof at the guttering and the base of the chimney stack. Additionally, the roof profile below this chimney stack is very shallow, verging on horizontal, leading to an overhang above the very small triangle of rear wall abutting the steep roof pitch of the rear projection of the building. It is unclear how an air conditioning unit could be satisfactorily accommodated in this area without impairing the fabric of the listed building. Accordingly, whilst I find there would be an in-principle benefit to relocating these two units I share the LPAs concerns that there is insufficient information to provide necessary assurance for both planning permission and listed building consent, that there would not be resultant harm to the fabric of the listed building.
15. The proposal seeks to retain a sizeable metal flue at the rear of the building. The full extent of the flue can be viewed within the Conservation Area from the rear of existing buildings in this part of Scotgate. In these perspectives, it is a particularly cumbersome addition due to its scale and height as it projects out from the rear elevation, extends up to a point above the ridge line before curving 90 degrees over onto the ridge of the listed building. The curving form of the upper part of the flue, including the mouth of the flue, are conspicuous through the vehicular passageway gap from within Scotgate. The modern, engineered form of the metal flue visually jars against the simple, vernacular palette of materials of the host listed building. Whilst Scotgate retains a primarily commercial character, such metal flues are not a common feature.

As such the degree of protrusion arising from the scale and semi-industrial appearance of the large metal flue does not enhance the appearance of the Conservation Area.

16. Taking all these factors into account, I therefore conclude that the proposed development/works would fail to preserve the special interest of the listed building and the significance of the Conservation Area. I give this harm considerable importance and weight in the balance of these appeals.

Planning and Heritage Balance

17. The harm I have identified to the significance of the designated heritage assets would be less than substantial. Accordingly, paragraph 202 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits of the proposals.
18. The proposals would result in improvements to the appearance of the listed building and the Conservation Area through the reduction of signage and the relocation of the air conditioning units. This would result in a less cluttered appearance in some perspectives and would better reveal the historic fabric of the building. I attach only moderate weight to these benefits, in large part because there is insufficient detail to be assured that the relocation of the air conditioning units can be appropriately accommodated in the positions shown on the submitted plans without harming the fabric of the listed building.
19. The appellant submits that the business cannot continue were the flue to be removed and asserts that the flue has been in existence for more than 25 years, inferring a degree of tolerance and lack of visual harm. The LPA disputes the timeframe but it is clear that the flue has existed for some time. Be that as it may, as described above I find the scale, form and presence of the flue harms the appearance of the Conservation Area. There is scant evidence before me that an alternative, more discreet, form of extraction would not be viable or practical for the business and consequently I ascribe negligible weight to the asserted public benefit that retaining the existing flue is necessary to keep the restaurant trading.
20. Overall, as required by the Act and paragraph 199 of the NPPF, great weight should be given to conserving designated heritage assets. This is irrespective of whether any potential harm amounts to less than substantial harm to its significance. Matters are balanced because the proposals would result in some visual improvements but nonetheless the residual degree of harm to the significance of the listed building and the Conservation Area would not be outweighed by these improvements and any other public benefits.
21. Overall, I am led to conclude that the development/works covered by this appeal, when taken as a totality, would fail to preserve and enhance the listed building or enhance the appearance of the Stamford Conservation Area contrary to the respective sections of the Act and NPPF. For the same reasons the appeal proposals would also conflict with Policy EN6 of the South Kesteven Local Plan 2019-2031 which seeks to protect and enhance heritage assets.
22. In reaching these conclusions I note the appellant's submission that the LPAs previous Conservation Officer was satisfied with the proposed approach. Nonetheless, the LPA is not bound by any previous informal officer advice and undertook a cogent appraisal of the proposal to arrive at conclusion of heritage

harm when assessing the proposed development/works. This appeal has objectively scrutinised the LPAs balancing of the less than substantial heritage harm against public benefits and found their conclusion to be a reasonable one.

Conclusion

23. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

David Spencer

Inspector.