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## Appeal Decision

Hearing held on 28 March 2023

Site visit made on 28 March 2023

**by William Cooper BA (Hons) MA CMLI**

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

**Decision date: 11 April 2023**

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**Appeal Ref: APP/L3245/W/22/3312069**

**Lord Hill Hotel, Abbey Foregate, Shrewsbury SY2 6AX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr W Sidell, SY Homes Limited against the decision of Shropshire Council.
  - The application Ref: 22/01740/FUL, dated 8 April 2022, was refused by notice dated 12 July 2022.
  - The development proposed is erection of two blocks comprising 32 residential apartments; associated demolition, parking, amenity areas and landscaping (resubmission).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description in the banner heading above is taken from the appeal form and decision notice in the interests of precision.
3. As the proposal is in a conservation area and relates to the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The emerging new Shropshire Local Plan is yet to be finalised and adopted, and so carries limited weight. For the purposes of this decision, I refer to relevant policies of the adopted Shropshire Core Strategy (CS) and Shropshire Site Allocations and Management of Development Plan (SAMDev) that are part of the local development plan.
5. A draft agreement under Section 106 of the Town and Country Planning Act 1990 as amended, was presented prior to the hearing. This covers provision of affordable housing. This Section 106 planning agreement has been completed and informs consideration of the proposed housing.

### Main Issues

6. The main issues in this case are:
  - Whether the proposed development would a) preserve or enhance the character or appearance of the Shrewsbury Conservation Area (CA), and b) preserve the setting of the Grade II listed buildings, The Lord Hill Hotel and Chaddeslode House; and

- The effect of the proposal on the living conditions of neighbouring occupants of Chaddeslode House, with particular regard to whether the proposal would have an overbearing effect on their outlook.

## Reasons

### *Heritage assets*

7. The CA covers a substantial part of central Shrewsbury. Abbey Foregate, in which the appeal site is located, is one of the distinctive Special Character Areas (SCAs) that make up the CA. The appeal site is an approximately U-shaped plot comprising land to the sides and rear of the Lord Hill Hotel listed building. The site fronts onto the historic Abbey Foregate road spine that runs through the SCA. Abbey Foregate's various historic residential properties are situated in the vicinity of the site along both sides of Abbey Foregate, to the north-west and south-east.
8. The approach to the appeal site from the north-west is characterised by the following combination of elements. Lord Hill's Column provides an authoritative terminating vista towards the south-western end of Abbey Foregate that is noticeable in linear views down the street and above some rooftops. Also, a variety of two and three storey, mainly older buildings face onto Abbey Foregate with various combinations of red brick walling, cream render, and pitched roofing. Together with chimney stacks, street and other trees and cobble surfacing, this general range of architectural scale and age provides some visual unity in the street scene. Old pubs and some commercial buildings are interspersed among residential townscape elements.
9. That said, there is some individuality of building profile and detailing along Abbey Foregate. Also, there are some sharper contrasts of juxtaposition of, for example, modern and older timber-framed buildings on the north-western approach on Abbey Foregate. And several more modern backland residential developments sit off Abbey Foregate. Also, approaching the appeal site from the south-east, the scale and post-war modernism of the Shirehall contrasts with some older residential architectural character, and Lord Hill's monumental eighteenth century column.
10. In the locality, some further variation from older built development is also provided by the following elements. The late twentieth century A5112 Bage Way ring road runs alongside the foot of a tall highway-side wall which retains the north-western edge of the appeal site. Bage Way opens up longer distance views including highway corridor and other vegetation, and the hill country horizon, which intersect the linear thrust of Abbey Foregate. A footway and cycleway run along the side of Bage Way, providing some additional views of the appeal site, the Lord Hill Hotel and the neighbouring Chaddeslode House listed building, and access to the Rea Brook Valley (RBV) Local Nature Reserve, including from Abbey Foregate.
11. The publicly accessible RBV green corridor is located to the south of the appeal site, towards the southern tip of the Abbey Foregate SCA. With its mix of waterbodies, wooded edges and flora including meadow, celandine and iris, the RBV's meandering footpath corridor is evidently popular with local townsfolk. Also, the sound and movement of traffic on nearby roads are noticeable from the RBV, as are other more recent urban infrastructure and buildings. These include several footpath tunnels under roadways, utility piping

and the disused Wrekin Lodge accommodation block at the south-western end of the appeal site. Given this mix of elements, the stretch of RBV in the vicinity of the southern end of the appeal site reads 'on the ground' as a green corridor that serves, and is influenced in character terms by, the urban edge.

12. As such, approaches to the appeal site within the CA include some architectural harmony and some contrast, reflecting the evolution of the locality's urban townscape.
13. The Lord Hill Hotel and Chaddeslode House listed buildings are two-storey brick buildings with pitched Welsh slate roofs, that were substantial suburban houses dating from the nineteenth century. The Lord Hill Hotel building was converted into a hotel in the twentieth century, with more recent buildings added behind. Development of the Lord Hill Hotel building is taking place for a scheme of conversion into townhouse units.
14. The Lord Hill Hotel building has some ornamentation to its front facade, with a pedimented central bay with full-height shallow segmental arched recess containing a wide doorway. Chaddeslode House has some ornamentation, with its porch with Doric columns and moulded stone architrave and cornice detailing.
15. From what I saw during my site visit and the evidence before me, the CA's significance, insofar as it relates to this appeal, lies in its historic townscape including Abbey Foregate's distinctive Georgian and Victorian architecture, which reflects Shrewsbury town's evolution from the medieval period to the twentieth century. Given the above, I consider the special interest of the Lord Hill Hotel and Chaddeslode House listed buildings, insofar as relates to this appeal, to be primarily associated with the legibility of their nineteenth century suburban architecture and identity.
16. Former garden character behind the Lord Hill Hotel building has been diminished in the twentieth century by the addition of hotel car parking areas and modern buildings to the appeal site. However, that said, the historic architecture of the Lord Hill Hotel listed building is noticeable from various viewpoints in the locality, on Abbey Foregate, Bell Lane, the public footway and cycleway along the A5112 Bage Way, the appeal site and the adjacent residential development at Chaddeslode Gardens.
17. The historic architecture of the Chaddeslode House listed building is noticeable from various local viewpoints, looking down the access off Abbey Foregate, on the Chaddeslode Gardens residential development, from the grounds of the Lord Hill Hotel building and looking across the appeal site, including from the public footway that runs off Abbey Foregate alongside Bage Way.
18. As such, notwithstanding some more modern townscape changes in the locality, the appeal site contributes as part of the CA and setting of the Lord Hill Hotel and Chaddeslode House listed buildings, in providing opportunities for appreciation of the historic architecture and townscape of the designated heritage assets.
19. The proposed development would entail removal of disused twentieth century buildings, and the addition of two new apartment blocks on land behind the Lord Hill Hotel listed building. Given their massing and modern appearance, the proposed substantial couple of apartment blocks would have more noticeable

- architectural presence than the existing modern buildings that are proposed for removal. To some extent this would draw the eye away from the Bage Way road and towards the Lord Hill Hotel building, viewed from Abbey Foregate and around the junction with Bell Lane. Also, new buildings and landscaping of space around the new residential blocks would remove dilapidation distraction from the site behind the Lord Hill Hotel.
20. Furthermore, the authoritative linear influence of the vista towards Lord Hill's column along Abbey Foregate would endure. And, together, intervening buildings, structures and vegetation in the urban scene, and proposed new planting on the appeal site would go some way towards screening and moderating some views of the proposed apartment blocks development.
21. Also, within the context of the urban edge green corridor character of the RBV in the vicinity of the appeal site, the following combination of factors would help the increased architectural personality of the south-western elevation of the proposed development to assimilate acceptably in relation to the RBV. Proposed Block 2 would be set further back from the appeal site's south-western boundary than the existing former hotel lodge building. Proposed naturalistic tree and shrub boundary planting at the appeal site, and the existing draw of vegetation within the RBV would have some visually softening effect on the appearance of Block 2. The RBV's varied habitats and footpath network, and its accessibility at the urban edge are likely to continue to attract local residents' appreciative use in future. Thus, I anticipate that the RBV's urban edge green corridor character and amenity value would endure.
22. However, that said, given their combination of width, depth and height, and modern angular, flat-roofed block form and fenestration, the substantial combined modern mass of the proposed apartment blocks would overly visually compete with, and distract from the historic architecture of the Lord Hill Hotel listed building. These adverse impacts would be noticeable from various viewpoints on Abbey Foregate, Bell Lane, the public footway and cycleway along the A5112 Bage Way, the appeal site and the adjacent residential site at Chaddeslode Gardens.
23. Also, the proposed modern mass of the development would distract from the historic architecture of the Chaddeslode House listed building. This adverse impact would be noticeable from various viewpoints on the Chaddeslode Gardens residential site, from the grounds of the Lord Hill Hotel building, and looking across the appeal site including from the public footway that runs off Abbey Foregate alongside Bage Way.
24. Consequently, the proposed development would noticeably distract from the CA's historic townscape, viewed from various points along and in the vicinity of the stretch of Abbey Foregate between the junction with Bell Lane and Lord Hill's Column.
25. For the reasons described above, the proposal would harm the character, appearance and significance of the CA, and negatively impact on the setting and significance of The Lord Hill Hotel and Chaddeslode House listed buildings.
26. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the CA and

listed buildings to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal.

27. While positive aspects of the proposal would go some way to soften its impact, there would still be residual net harm from a heritage perspective, because of the identified distraction from the historic architecture of listed buildings and the CA's historic townscape. Overall, there would be a moderate net adverse impact on the significance of the designated heritage assets in this case.
28. The proposal would contribute to local housing land supply, in the form of 32 apartments on previously developed land that is relatively accessible on foot and by some bus services to the town centre. Four of the apartments would be one-bedroom, 25 two-bedroom and three three-bedroom. Six would be affordable dwellings. The above would provide associated socio-economic benefits during and after construction. Also, it would help support delivery of housing on small and medium windfall sites within an existing settlement, as promoted in paragraph 69 of the Framework. And the removal of disused twentieth century hotel buildings and surface carparking, and installation of a fresh landscaping scheme would rejuvenate the space around the new residential blocks, behind the Lord Hill Hotel.
29. The public benefits are modest in scale and do not outweigh the great weight given to the conservation of the CA and the listed buildings, and the less than substantial harm to their significance which I have identified.
30. As such, the proposal would conflict with Policies CS6 and CS17 of the CS, and Policies MD2 and MD13 of the SAMDev. Together, these seek to ensure that development conserves and enhances Shropshire's heritage assets. Furthermore, this would not accord with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

#### *Living conditions of neighbouring residents*

31. Block 1 of the proposed development would entail a three-storey apartment block which would be a storey higher than an existing building to be removed from the appeal site, behind the Lord Hill Hotel building. It would also be a storey higher than the historic two-storey Lord Hill Hotel and Chaddeslode House listed buildings. Proposed Block 1's side elevation would be located between around 13 and 21m from windows in dwellings in Chaddeslode House. Given the combination of height, mass and modernity of Block 1 and its proximity to Chaddeslode House, it is likely that proposed Block 1 would appear overly dominant in various views from several dwellings at Chaddeslode Gardens.
32. That a dilapidated building closer to the boundary with Chaddeslode Gardens would be removed, and tree planting would over time go some way to soften views of the proposed block would not be sufficient to negate this anticipated adverse impact on outlook from neighbouring dwellings. Nor does the reduction of the proposed block, compared to a previously refused scheme, negate the identified harm.

33. Therefore, I conclude that the proposed development would harm the living conditions of neighbouring occupants of Chaddeslode House, through having an overbearing impact on their outlook. As such, it would conflict with Policies CS6 of the CS, and MD2 of the SAMDev. Together, these seek to ensure that development appropriately safeguards the living conditions of residents.

### **Other Matters**

34. Some local residents have expressed concern about other matters which go beyond the reasons for refusal. These include parking, highway safety, neighbours' privacy and receivable light, noise, odour, biodiversity and carbon emissions. As I am dismissing this appeal on other grounds, it is not necessary for me to consider these matters further in this instance.
35. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of heritage assets. Accordingly, I confirm that overall the benefits of the proposal are insufficient to outweigh the totality of harm that I have identified in relation to the main issues.

### **Conclusion**

36. The proposed development would be contrary to the development plan and Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

*William Cooper*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                 |                                       |
|-----------------|---------------------------------------|
| Andrew Balshaw  | Quest Design and Planning             |
| Carl Copestake  | Knights Professional Services Limited |
| Jonathan Edis   | HCUK Group                            |
| Richard Harwood | 39 Essex Chambers                     |
| Wayne Sidell    | SY Homes Limited                      |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|              |                         |
|--------------|-------------------------|
| Jane Raymond | Senior Planning Officer |
| Karen Rolfe  | Conservation Officer    |

### **INTERESTED PARTIES:**

|                 |                |
|-----------------|----------------|
| Sylvia Bedford  | Local resident |
| Michael Frost   | Local resident |
| Alex Grant      | Local resident |
| Hazel Nowell    | Local resident |
| Robin Onions    | Local resident |
| Maisie Smith    | Local resident |
| Crawford Turner | Local resident |
| Susan Turner    | Local resident |

## **DOCUMENTS SUBMITTED AFTER THE HEARING**

1. Council's Decision Notice for Planning Application Ref: 22/04654/VAR, received 28 March 2023.
2. Section 106 Agreement, dated 5 April 2023, received 6 April 2023.