



Appeal Decision

Site visit made on 8 August 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/W3005/D/23/3318404

24 Ogle Street, Hucknall NG15 7FR

- 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 Richard Swanson against the decision of Ashfield District Council.
 - The application Ref V/2022/0842, dated 17 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is remove ground floor window and replace with garage door. Build two canopies over front doors and replace existing doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not mentioned in the description of development on the application form, the applicant has stated on this form that the existing timber frame, single glazed windows would be replaced with metal clad, timber framed, triple glazed windows. As I have no further relevant details before me, and I see that neither party has commented on this matter, in determining this appeal, I have not considered the replacement of any windows in the building other than those to be removed as part of this proposal.
3. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to the duty imposed by section 72(1) of the Act which requires that, in the exercise of planning powers, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Main Issues

4. The main issues are:
 - the effect of the proposal on the significance of a non-designated heritage asset, on the character and appearance of the Hucknall Town Centre Conservation Area (CA) and on the setting of a listed building; and
 - the effect of the proposal on parking and highway safety.

Reasons

Heritage Assets

5. The appeal building forms part of the former Wesleyan Reform Chapel which extends from a frontage on Annesley Road through to Ogle Street. It is a red brick building of substantial scale with its most architecturally elaborate elevation facing Annesley Road. The appeal proposal relates to the elevation of the building facing Ogle Street and here the more pared back architectural treatment comprises a forward projecting, central gable with hipped roof, well-proportioned window and door openings with finely detailed gauged headers and stone sills, inscribed founder's stones, and small pane windows. It has an attractive symmetrical quality when viewed from the street.
6. The Council has identified the appeal property as a non-designated heritage asset (NDHA). They have provided a map identifying positive buildings in the CA (2018) which includes the appeal property, but it is unclear whether these buildings are regarded as NDHAs and I do not know the status of this map, including whether it was subject to public consultation. However, considering what is before me, and based on my visit, I am satisfied that the historic quality of the appeal property is sufficient to identify it as a NDHA and this accords with The National Planning Policy Framework (the Framework) and the Planning Practice Guidance. I note also that a previous Inspector in determining an appeal on this property has also regarded it as a NDHA. For the purpose of this appeal, I consider that the building's significance is derived from its form, fabric, architectural detailing and its historic function. Its ecclesiastical character is an important aspect of its significance.
7. The CA encompasses an area of mixed character focusing on the High Street, the Grade II* listed Church of St Mary Magdalene (the Church) and the Market Place. The High Street is mainly characterised by traditional, terraced buildings with shops below with several adjoining streets of mostly terraced housing. The Church is an imposing building, and its expansive grounds and the Market Place alongside have an attractive and spacious character surrounded by residential streets. Based on the evidence before me and my observations, I consider that the significance of the CA is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them.
8. The appeal site is located towards the north western end of the CA, in an area of predominantly traditionally designed residential properties. Although set back slightly from the adjoining buildings, the distinctive, historic appearance of the building gives it a notable presence in the street scene, and it makes a positive contribution to the character and appearance of the area. It is located on the opposite side of the street to the Church and together with an historic church hall nearby on Ogle Street this cluster of existing and former ecclesiastical buildings collectively adds to the historic character of the area.
9. The Church of St Mary Magdalene is a Grade II* listed building, listed in 1988 (Ref: 1217611) and dates from the 12th century. The list description provides an architectural account of the building and includes details of the west tower, the nave with clerestory, north and south aisles. It stands prominently within the church grounds on slightly elevated land bounded mainly by walls topped with railings. The Church has a visual connection with the appeal site on the opposite side of Ogle Street, with views partly filtered by mature trees.

10. Based on the evidence before me, including the list description, I consider that the special interest/significance of the Church mainly derives from its age, historic fabric, form and function, and its architectural features. The special interest/significance, insofar as it relates to the appeal site, is experienced from within the public open space comprising the church grounds and Market Place, and along Ogle Street. These interconnected views are in part contained by buildings on Ogle Street which includes the appeal building. These are the surroundings in which the listed building is experienced and appreciated, and the views directly contribute to its special interest/significance. Any changes to the appeal building may therefore impact on the contribution that the setting makes to its significance.
11. The proposal includes the removal of the central, three ground floor windows and their replacement with a single, large opening containing a sectional garage door. Also, the construction of canopies above the two front doors and the replacement of those doors with metal doors described as being 'styled to match' the existing building. Although not mentioned in the description of development, the proposal also shows a relocated opening in the boundary wall.
12. The arrangement of the existing windows and their design treatment, which predominantly reflects the position, proportion and detailing of the windows above, is an essential part of the architectural detailing of the building. The removal of such a central and prominent design feature to create a crude, large opening, and the insertion of a modern garage door, would harm this architectural composition as well as its ecclesiastical character. The alteration would be unsightly and irreversibly harm its historic integrity. This harm to the building's significance was also noted in Historic England's consultation. The proposed relocation of several of the inscribed founder's stones which currently run in a row at the base of the building would further harm its architectural detailing as well as its symmetry. These proposed alterations would erode the building's aesthetic value and its ecclesiastical character, and irreversibly harm its significance as a NDHA. It would also harm the contribution that the building makes to the character and appearance of the CA. The proposed harmful changes would also be viewed in conjunction with the Church, with those views most impacted when the trees are not in leaf. It would distract attention away from the Church, harming the contribution that the setting makes to its significance, including their shared ecclesiastical heritage.
13. I have few details before me to be able to understand the impact of the proposed canopies and replacement doors on the significance of the heritage assets. There is no adequate detail to explain the materials or construction of the canopy frame or how they would relate to the gauged brick headers above the doors. I also have inadequate details of the design of the replacement doors. Although these features would be set back from the frontage, if not correctly detailed and specified, they have the potential to look unsightly. I therefore cannot conclude with sufficient clarity and robustness that these elements of the proposal would not cause harm to the building's significance. The boundary wall appears relatively modern and from a visual perspective I see no reason to object to the proposed relocation of the opening, and details of the treatment of the opening could be required by the imposition of a condition if I was minded to allow the appeal.

14. Considering all of the above, I find that the proposal would have a harmful impact on the significance of the NDHA, on the character and appearance of the CA and on the setting of the listed building. Therefore, in respect of the CA and the listed building, the expectations of the Act are not met. As I have found harm to the significance of a NDHA, paragraph 203 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. I find the harm in the context of the significance of the designated heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. I will return to the weighing of public benefits below.

Parking and highway safety

16. Ogle Street is within a largely residential area and at the time of my visit during late morning on a weekday there was a steady flow of vehicular traffic in both directions. Street parking is available along much of Ogle Street but is mainly restricted to residents' parking except near to the Church which is unrestricted. The frontage to the appeal site is subject to a Traffic Regulation Order (TRO), part of which is a dedicated, unrestricted on-street parking place, and the remainder is a single yellow line preventing parking at certain times of day. Although there were no vehicles parked within the appeal site during my visit, the Highways Authority (HA) suggests that a gap in the front boundary wall enables on-site parking, although they comment that the site does not benefit from an extant lawful vehicular crossover. This gap in the wall is parallel with the single yellow line.
17. It is proposed to create a central opening in the wall to provide parking for four vehicles within the site. Although there are no detailed plans to show where the parking would be, the appellant suggests that two spaces would be provided within the proposed garage. The remaining two spaces would therefore be within the relatively small site frontage.
18. The proposed repositioning of the access would result in the loss of the unrestricted, on-street parking place, in a location where the HA advise that demand for parking is high, a fact not disputed by the appellant. The HA considers that if the development is approved the TRO would need to be amended, which would be subject to public consultation, and in their opinion, it would be unlikely to be supported. At the time of my visit there were very few available on-street parking spaces along Ogle Street which were not limited to resident permit holders. Although my visit was only one point in time, my findings support the HAs comments regarding parking.
19. The appellant suggests that by providing two parking spaces within the building the overall parking provision would be increased. However, in my view, whilst the number of private parking spaces might be increased it would not address the concern regarding the loss of the unrestricted public parking place and the fact that an amended TRO would be unlikely to be approved. Therefore, in the

absence of any contradictory information, it is likely that the proposed access could not be implemented.

20. Notwithstanding the concerns regarding the on-street parking, I have inadequate details before me showing how the vehicles would manoeuvre within the site or details of pedestrian or vehicular visibility splays to access the highway. The HA considers that due to the insufficient space within the site, vehicles would have to reverse out onto the street and therefore is unable to support the proposal. The appellant contradicts this, suggesting that the public highway would be safer as no reversing would be required and site lines would be improved. However, in the absence of adequate supporting evidence by the appellant, and despite the presence of other driveways, I cannot conclude with sufficient clarity and robustness that this access would provide safe and suitable access to the site for all users and that it would not have an unacceptable impact on highway safety. From the information before me, including what I saw on site and the advice of the HA, it appears that there would be a harmful impact as safe and suitable access to the site would not be achieved for all users. This is because it is apparent that there is insufficient space within the site if two cars are parked within the forecourt of the building and there is no indication of sufficient pedestrian visibility splays. This would lead to an increased danger of pedestrians and vehicles coming into conflict.
21. I therefore conclude that it has not been demonstrated that the proposed development would not have a harmful effect on parking and highway safety. It would conflict with the Ashfield Local Plan Review 2002 (ALPR) Policies HG7 and ST1, and Paragraphs 110 and 111 of the Framework which seek to ensure safe and suitable access for all users.

Other Matters

22. The Council has referred to the potential for the proposed development to affect the setting of Hucknall Library, a Grade II listed building (Ref.1275902), dating from the late 19th century in the renaissance revival style. As a statutory consideration, I am required to have regard to this property in determining the appeal. From the information before me, including the list description and my visit, I consider that given the location and siting of this building in relation to the appeal site, it would have very little if any intervisibility with the proposal. Moreover, I have no evidence of a functional link between these buildings. As such, I consider that, in relation to this appeal, the appeal site does not form part of its setting.
23. The lack of objections from the local community does not override the harm I have found in relation to the main issues. The appellant has expressed concerns regarding the conduct of the Council during the determination of the application and in relation to its handling of nearby development proposals. However, these are matters best addressed by the Council and do not relate to the merits of the appeal before me.

Public benefits

24. The appellant is of the opinion that the proposal would be beneficial because continuous improvements and maintenance are required to buildings in CAs to support their use. Also, it is suggested that without the proposed development alongside a planned major internal overhaul, the property will be vacated by the end of the year and may become derelict. However, it has not been

adequately demonstrated to me that the proposed development is an essential part of that overhaul, and at least parts of the proposed development could probably be achieved by other design solutions thereby avoiding the harm. Moreover, I have been given no adequate evidence that the continued viable use and occupation of the appeal property for residential use is dependent on this proposal. As such, I cannot consider this matter worthy of any more than limited weight as a public benefit.

25. The suggestions that parking would be increased and that the public highway would be safer have not been adequately proven. Equally, notwithstanding the harm I have found arising from the physical changes to the building, even with parking within the building, with up to two cars parked outside it is not clear how these parking arrangements would visually improve the exterior of the property. These matters therefore cannot be regarded as public benefits.
26. Given the above, I conclude that the public benefits would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. As such, the proposal would not comply with paragraph 202 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets.
27. Consequently, the proposal would not comply with ALPR Policies HG7, ST1 and EV10. Amongst other things, these policies seek to ensure that new development preserves or enhances the character or appearance of the CA and protects the visual amenity of the locality. I consider that these policies are broadly consistent with the Framework, and the conflict with them has significant weight.

Overall Planning Balance and Conclusion

28. I have found that the harm to the designated heritage assets is not outweighed by the public benefits in this case. Furthermore, I have found harm to a non-designated heritage asset and that the proposal is likely to harm highway safety as safe and suitable access to the site would not be achieved for all users. Cumulatively, that harm results in conflict with the development plan as a whole. Consequently, whilst there would be benefits associated with the proposal, I consider that there are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
29. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR