



Appeal Decision

Site visit made on 10 October 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/R1010/W/23/3317479

St Bernadettes Catholic Church, 59 High Street, Bolsover, Derbyshire S44 6HF

- 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 P Turton Building & Conservation Ltd against the decision of Bolsover District Council.
 - The application Ref 22/00649/FUL, dated 8 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is the conversion of St Bernadettes Church into a residential private property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a substantial amount of superfluous explanatory information in the description of development as it is shown on the planning application form. To that end, for ease of reference and to identify the development the subject of the appeal, I have used the description of development within the appellant's appeal form.
3. The Council has conceded that the building is not visible from the public footpath to the rear of the appeal site, as detailed within the reason for refusal. Following my site visit, I concur with this view. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the Bolsover Conservation Area ('the CA') and the setting of Non-Designated Heritage Assets ('NDHAs').

Reasons

5. The appeal site is within the CA. Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The appeal site is also adjacent and opposite to NDHAs, including 55 and 61 High Street, the Blue Bell Inn and The Old Vicarage.
6. Paragraph 194 of the National Planning Policy Framework ('the Framework') requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The appellant's

Heritage Statement includes limited information in respect of these heritage assets. Nevertheless, the Bolsover Conservation Area Appraisal, adopted 2018 identifies the appeal site as within the Central Area of the CA which owes much to its original, medieval planned form and includes Bolsover Castle. High Street has two distinct characters: the eastern and western sides of the road. The appeal site is on the western side of High Street, which is characterised by buildings directly fronting the pavement, resulting in a strong enclosure and is more complete in terms of surviving traditional buildings than the eastern side. The predominant walling material is stone, roofs tend to be pitched with a variety of roof coverings and the eaves and ridge heights of the buildings vary.

7. In respect of the NDHAs, 55 High Street comprises a double-fronted, two-storey, stone-built property with a pitched roof that is currently used as a funeral directors. It abuts the pavement and appears to have originally been detached but is now attached to the adjacent Blue Bell Inn by a single storey garage extension constructed of artificial stone. The Blue Bell Inn is formed of two sections, with a higher gable fronted elevation to the north attached to a lower double-fronted section. The building abuts the pavement, is constructed of sandstone and has pitched slate roofs.
8. 61 High Street comprises a single storey, L-shaped stone barn with a pitched concrete tiled roof. It was previously used as St Bernadette's Church but is now occupied as a dwelling. Part of the building abuts the pavement, while an off-street parking area is contained behind a stone wall and gates that abut the pavement. On the opposite side of the road is The Old Vicarage, which dates from the 17th century but has been extended several times. It is constructed of sandstone, brick and render, and has a variety of roof shapes. It is set back behind a stone wall that bounds the pavement and it has an historic association with the adjacent listed church.
9. The appeal site comprises a detached church that is currently vacant. The building was built in 1967 and is constructed of artificial stone with an artificial stone tiled roof. The building has a steeply pitched asymmetrical roof design with high-level windows positioned in a row along one side. The front façade of the building incorporates a number of irregularly arranged small vertical windows emphasised by headers and sills, while the rear elevation contains no fenestration. The building is set behind a low stone wall that abuts the pavement. The building has a striking and unusual design that is characteristic of the period from which it was built but still respects the form and layout of the surrounding townscape without being pastiche, while the colour of the artificial stone harmonises with the adjacent NDHAs. The building is partially set behind a stone wall that abuts the pavement and continues the existing building line.
10. The proposed alterations to the existing building would be substantial. They would involve the loss of the asymmetrical roof, the row of high-level windows within the side elevation, and the irregularly arranged windows within the front elevation; the features that give the building its characteristic design. Features such as a garage door, Juliet balcony with floor-to-ceiling windows, anthracite coloured fenestration, modern exterior doors, and full height glazing within the front elevation would be incongruous and, except for the garage door, would not reflect the local context.

11. The existing building is set behind a stone wall and therefore unlike the adjacent buildings, it does not abut the back edge of the pavement. However, the building is within proximity of the pavement and, together with the stone wall, they add to the sense of enclosure along this part of the road. The demolition of the front façade, part of the side elevation and the porch would erode the sense of enclosure by setting the building significantly back from the pavement. Furthermore, the resulting space would be hard landscaped and used as a parking area to the side of the building and a turning area to the front. I do not have a mechanism before me that would prevent future occupiers or their visitors from parking within the hard surfaced area to the front of the building annotated as a turning space, and as such, could result in a dominance of frontage parking which would detract from the strong enclosure along this part of the road.
12. I acknowledge that there are examples within the surrounding area of buildings set back from the pavement with frontage parking. However, the Council has confirmed that these buildings date prior to the formal designation of the CA. Furthermore, these examples highlight how frontage parking and the setting back of buildings detracts from the character and appearance of the CA.
13. I am unable to determine from the information before me where the stone and render are to be utilised on the building. I acknowledge there are examples of rendered buildings within the surrounding area. However, render is not prevalent within the row of buildings in which the appeal site immediately sits, and therefore the use of render on the building would appear alien. I accept that artificial stone is not the traditional building material within this part of the CA and that the use of natural stone could reflect the predominant material. However, the building is constructed of materials that reflect the period in which it was designed, and the use of natural stone could result in a pastiche design that could harm the significance of the CA.
14. A condition could be imposed requiring materials to be agreed by condition should the appeal succeed. However, given the site's sensitive location within a CA and adjacent to NDHAs, I agree with the Council that the materials should be considered prior to determination to ensure they would be acceptable.
15. Drawing Ref: PT-01 excludes the existing front boundary wall, which forms an important feature within the CA as it reinforces the existing building line that abuts the pavement and the sense of enclosure. The appellant's evidence is inconsistent with regards to the existing wall and whether it is to be demolished, retained or altered. A condition requiring the wall to be retained should the appeal be allowed could be included. However, from the information before me, it is unclear whether the retention of the wall would provide the necessary access and visibility splays to the proposed garage and parking/turning area.
16. The covered balcony and the insertion of large areas of glazing within the rear elevation of the building would significantly change its appearance. However, these alterations would not be visible from public vantage points. Consequently, the alterations to the rear elevation would not harm the character or appearance of the CA or the setting of the NDHAs.
17. For the reasons given above, the proposal would detract from the character and appearance of the surrounding area. Accordingly, it would conflict with Policy SC3 of the Local Plan for Bolsover District, adopted 2020 ('the LP')

which, amongst other things, seeks to ensure that developments respond positively to their context and contribute to local identity and heritage. It would also be contrary to Successful Places: A Guide to Sustainable Housing Layout and Design Supplementary Planning Document, adopted 2013. Furthermore, it would be contrary to paragraph 126 of the Framework that seeks to create high quality, beautiful and sustainable buildings and places.

18. The proposal would significantly change the contribution the appeal site provides to the significance of the CA and the setting of the NDHAs and would result in harm to these heritage assets. The proposed development would therefore cause less than substantial harm to the character and appearance of the CA. In accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In doing so, paragraph 199 of the Framework explains that great weight should be given to the conservation of the designated heritage assets. Furthermore, in weighing developments that indirectly affect NDHAs, paragraph 203 of the Framework requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
19. The provision of one dwelling weighs in favour of the proposal and would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes. There would be some short-term employment through the construction phase of the proposed development and some further modest public benefits would result from the additional support to the local community and its services from future occupiers.
20. There would be public benefits associated with bringing the building back into use. However, I am not persuaded that the level of intervention proposed is necessary to secure its future. I acknowledge the appellant's assertions regarding the structural integrity of the existing building and that it could deteriorate if the appeal were to fail. However, limited evidence has been provided to substantiate this view. While it is stated that the proposal would provide accommodation for a local family, the property is an open market dwelling and therefore there is no mechanism before me to ensure that it would be occupied by those identified. The setting back of the building is considered to improve the visibility of the adjacent public house's access. However, no information has been supplied to indicate that the existing access is substandard. These benefits therefore attract limited weight.
21. Accordingly, the harm I have found in respect of the effect of the proposal on the significance of the CA and the significance of the setting of the NDHAs would not be outweighed by the modest public benefits I have identified.
22. The proposed development would therefore conflict with Policies SC16 and SC21 of the LP which, amongst other things, require development proposals within Conservation Areas to be permitted where they preserve or enhance the character and appearance of the area, and alterations and changes of use should respect the setting of the local heritage asset in terms of design, materials, form, scale, size, height and massing of the proposal. Furthermore, the proposal does not comply with the requirements of the Framework in terms of conserving heritage assets in a manner appropriate to their significance, ensuring that developments add to the overall quality of an area, create high-

quality beautiful and sustainable buildings and places, and are sympathetic to the local character and history, including the surrounding built environment.

Other Matters

23. On the opposite side of High Street from the appeal site is the Grade II* listed Church of St Mary and St Lawrence. I therefore have a statutory duty under Section 66(1) of the Act to pay regard to the desirability of preserving the setting of this listed building. The building is of historic and architectural interest with evidential value. Due to the distance between the listed building and the appeal site; the siting of the listed building set back from the road and within a landscaped graveyard; and the existence of the appeal building, I do not find that the proposal would harm the setting of the listed church.
24. Concern has been raised regarding accessing and maintaining the row of high-level windows along the northern side of the building. However, limited information has been provided regarding access rights along the boundary shared with the public house, and I am not persuaded that the internal layout of the building could not be designed to enable access. The appellant asserts that retaining the front elevation would not comply with current Building Regulations regarding emergency egress. However, I am not persuaded that the internal layout of the building could not be designed to enable these windows to be retained while complying with Building Regulations. The opinion expressed that the building would be unviable as a residential property if the front elevation is retained has not been substantiated with evidence.
25. The appellant asserts that local people find the building not pretty and out-of-character. However, this has not been supported with evidence, nor have any representations been received expressing these views. The appellant states that they are considering the inclusion of ground source heating. However, even if ground source heating formed part of the scheme, it would not outweigh the harm I have identified in respect of the main issue.
26. While I accept the occupation of the vacant building may deter crime/thefts from occurring, this would likely be true of any re-use, which could likely be undertaken without the significant alterations proposed. The proposal would accord with current Building Regulations and emergency service access could be gained from the street. However, these are neutral matters.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR