
Appeal Decision

Site visit made on 30 November 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/R0660/W/23/3322418

St James Court, 48a King Street, Knutsford, Cheshire WA16 6DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Rob Allen against Cheshire East Council.
 - The application Ref: 23/0347M was dated 24 January 2023.
 - The application is for installation of roof terrace including perimeter glazed guarding and rooflight access. Installation of photovoltaic panels on roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.
3. Although the appeal is against non-determination, the Council has given the reasons why planning permission would have been refused had the application still been within its remit to determine. I have therefore assessed this appeal on this basis.

Main Issues

4. The main issue is the effect of the proposal upon the character and appearance of the Knutsford Conservation Area and nearby listed buildings that contribute to this character and appearance.

Reasons

5. The appeal property is a largely modern building located within a backland area behind King Street. Such rear plots are characteristic of historic, medieval burgage type plots that have been infilled over time. As a result, the plot maintains a public right of way through the plot and the building is sited tightly alongside. Although this is a characteristics of historic infill of burgage type plots, the present building appears largely modern, albeit with some details (arched windows) that echo a slightly earlier architectural style.

6. The building is made highly dominant through its large mansard roof that tends to dominate the building and presents a rather alien and unattractive design feature into the conservation area. This is exacerbated by the conical tower feature and pastiche timber work that, although seemingly attempting to reflect the older context, is ultimately unsuccessful, not least through the building being larger than one would usually expect from such infill where buildings are typically more ancillary.
7. The proposal before me firstly seeks permission to enable residents to utilise the rooftop of the mansard roof as amenity space through the provision of glazed safety balustrade around its edges and a low profile opening serving stairs. Supplementary to this the proposal wishes to install a series of standalone solar photovoltaic panels set at a 45 degree angle so as to improve energy efficiency of the building.
8. In assessing this appeal, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I am also required, by Section 66(1) of the same Act to have special regard to the desirability of preserving a listed building or its setting. These statutory requirements are reflected in The National Planning Policy Framework (The Framework), which states that 'Great Weight' should be given to the heritage assets' conservation and also illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.
9. As mentioned above, this site is located within the oldest part of Knutsford where the historic King Street is flanked by thin plot boundaries representative of historic burgage plots. The site is not only significant therefore due to this historic siting, but also the record that it provides of the later development of the town through the gradual infilling of such plots over later centuries. There is also significance in the fact that this site is located near to several Grade II listed buildings located along King Street itself.
10. Of these listed buildings number 48 King Street is the closest and flanks the same footpath that gives access into the plot behind. This 16th century building appears to contain significant timber framing and notable features such as a timber mullion window. Although re-fronted in around 1907 the building exhibits significant historic evidential, aesthetic and historic interest and I consider it may, as is typical, have had an historic relationship with the plot to the rear.
11. In essence, the surrounding townscape is one of an early layout that has since seen various phases of later development culminating in a plethora of medieval, Georgian and Victorian architectural styles where the dominant buildings front onto King Street with outriggers and other later, more ancillary, infill located to the rears.
12. In the case before me the introduction of a modern element in the form of glazed balustrade would not in principle be at odds with this rich historic character and, like some other examples nearby, it could provide a contrast between the historic buildings and more modern interventions. However, the installation of such features upon this building would further compound its already harmful dominance within this backland area and likely increase the visual presence of the building through a further raising in the building's height.

13. With the likely scenario of residents wishing to add such domestic paraphernalia as parasols, seating etc upon this roof, then the visual impact would be greatly increased. As such there would be a significant extra level of harm introduced into the conservation area that would not be mitigated by the presence of the glazed balustrade or the flush set roof access.
14. In terms of the Photovoltaic panels, I consider that the main issue would be through the execution of the panels being as they are proposed to be supported on upstanding brackets at a 45 degree angle. This would result in further visual clutter that would be present in some glimpses of the building either from the adjacent footpath or from farther afield. The cumulation therefore of the glazed balustrade together with the poorly integrated photovoltaic panels would make this relatively poorly designed building more prominent and noticeable within its sensitive historic context.
15. As such the proposals before me would fail to preserve the character or appearance of the conservation area and would lead to a cumulative harmful impact that would detract and ultimately cause harm to the historic environment. Although I give some weight to the public benefits of energy sustainability and the added private benefit of extra outdoor space for this property, ultimately these interventions would not be executed sensitively enough to outweigh the less than substantial harm that I have identified above.
16. As a result this proposal would be contrary to Policies SE7 of the Cheshire East Local Plan and Policies HER3 and HER4 of the Cheshire East Site Allocations and Development Policies Document (SADPD) as well as guidance within policies HE2 and HE3 of the Knutsford Neighbourhood Plan 2010-2030.

Conclusion

17. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR