



Appeal Decisions

Site visit made on 12 December 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal A: APP/A4520/W/23/3329697

St Andrews Centre, Church Street, South Tyneside, Hebburn, NE31 1DR

- 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 Song, Dhammakaya Meditation Centre against the decision of South Tyneside Council.
 - The application Ref ST/0154/22/FUL, dated 22 February 2022, was refused by notice dated 20 April 2023.
 - The development proposed is described as 'infill extension to Buddhist meditation centre to form new meditation space'.
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Appeal B: APP/A4520/Y/23/3329698

St Andrews Centre, Church Street, South Tyneside, Hebburn, NE31 1DR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Song, Dhammakaya Meditation Centre against the decision of South Tyneside Council.
 - The application Ref ST/0174/22/LBC, dated 22 February 2022, was refused by notice dated 20 April 2023.
 - The works proposed are described as 'infill extension to Buddhist meditation centre to form new meditation space'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Since the proposal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence provided by the main parties in relation to these appeals, since the revised Framework's approach to the main issue in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.
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Main Issue

5. The main issue is the effect of the proposed works on the significance of the Grade II listed buildings, St Andrews Centre (Ref: 1025195), and St Andrews Centre (Ref: 1299492).

Reasons

The listed buildings

6. The appeal proposal concerns two adjacent grade II listed buildings both of which are listed as St Andrews Centre, but are two separate listing entries. They front Church Street and an area of open space there.
7. The former Presbyterian church (Ref: 1025195) dates to 1872 and is located on the corner of Church Street and Ellison Street. Constructed of sandstone rubble with Welsh slate roofs in a decorated gothic style it has a tall and slender ornate tower. The building was the gift of Andrew Leslie whose shipbuilding firm was located in Hebburn in the 19th century and it remains an impressive and dominating structure.
8. Immediately adjacent to the church is the former church hall (Ref: 1299492). This also dates to 1872 and is built in a gothic style of coursed sandstone rubble with ashlar plinth, quoins and cornice and a Welsh slate roof. It has a long rectangle plan over two storeys with a number of gabled dormers. There are separate girls and boys entrances at each end of the building where saddleback staircase towers adjoin the rear corners. Whilst it has a number of rear extensions, for the most part it retains its pleasing form and symmetry.
9. The distinctive and imposing buildings have a close visual and functional relationship and together they are an important and prominent landmark at the top of the river valley. They tell of Hebburn's historical association with the ship building industry, its social history, evolution and prosperity. Despite their distinct identities, they have a shared significance. I find that the special interest of the listed buildings, insofar as it relates to these appeals, to comprise their grand scale and distinctive ornate historic architectural design, including the features, openings and traditional materials associated with their impressive gothic elevations, along with the symmetry of the church hall. It also stems from their historic interest as a longstanding and important community focus in the area and the close and particular relationship that the two buildings have with one another.
10. The Framework defines setting as the surroundings in which a heritage asset is experienced. The church is immediately adjacent to the church hall and the two buildings sit closely together. The settings of the listed buildings, and the contribution these make to their significance, in so far as they relate to these appeals, is mainly derived from their direct visual and functional relationship with each other and the surrounding residential area, as well as from their historic character. Each building contributes directly to the other's setting. I have had special regard to this matter in considering these appeals.

The effect of the proposal

11. The proposal would introduce a new two storey extension to the north flank elevation of the church hall. The ground floor would provide a multi-functional space and the first floor a worship/meditation space. I appreciate that its

design was revised during the Council's consideration of the scheme taking into account Historic England's guidance and that it was supported by the Council's Historic Environment Officer. Described as a highly engineered contemporary infill extension, the addition is intended to contrast with the gothic host buildings rather than mimicking the historic vernacular, and its siting on the front of the buildings aims to be a visible celebration of the community function of the centre.

12. The extension would be constructed of glass on two sides the extension and would have a rendered wall to its east/rear elevation and a flat roof. The L shaped structure would be some 8.7m wide, 12.3m deep and 7.45m high. It would be smaller than the two existing buildings and its roofline would sit well below their ridge lines.
13. That said, whilst the proposed extension would be attached to the church hall only, it would extend almost right up to the church. Even given its glazed design it would infill the existing gap between the two buildings such that in practical terms they would effectively appear to be joined together. This would erode their important relationship and separate character.
14. Furthermore, the proposed extension's broad and boxy design would have a somewhat squat appearance with a horizontal emphasis that would be directly at odds with the elegant and vertically proportioned Victorian gothic architecture of the two buildings. Despite its relatively limited size in relation to the existing buildings and the extensive use of glazing, the extension would have a solid roof, rear elevation and first floor element. It would appear as a significant, bulky and highly prominent addition to the site that would overwhelm and compete visually with the listed buildings and dominate their appearance.
15. Although the glazed nature of the proposed extension would allow some appreciation of the buildings' distinctive architectural features and openings, some of these would be internalised behind the new addition. Notably, the extension would obscure a good deal of the lower part of the northern staircase tower of the church hall. As set out above, this is matched by the tower at the southern end of the building. As a result the church hall's pleasing symmetry would be lost and its appearance would be unbalanced.
16. The staircase tower's ground floor front facing arched doorway and associated stonework would also be internalised within the proposed extension. Above this, the flat roof of the extension would cut across the tower's distinctive first floor gothic arched window and dissect that important architectural feature.
17. Historic features and fabric on the north flank wall of the church hall would also be obscured. The elegant four pane window at ground floor level would be concealed and the roof of the extension would again cut across the first floor arched gothic window (which mirrors that in the tower). Whilst the roof would align with the window's stone mullion, it remains that the decorative round window pane in the top stone arched section of the window would be dissected from the main part of the window below. The roof would also cut across the bottom section of the prominent and upright flank externally expressed first floor chimney feature which has decorative stonework. It would truncate this historic feature and in part internalise it. Thus, despite its glazed design, the proposed extension would conceal, dissect and obscure a number of important historic architectural features and openings of the church hall.

18. I am also mindful that the glazed walls and necessary structural steel support beams would need in some way to tie in to the fabric of the church hall. Although no further details have been provided, it seems likely that such works would have an impact on the historic fabric of the listed building. Although the appellant argues that the extension could be removed without affecting the integrity of the listed building, I have seen nothing to explain under what circumstances this would be likely to occur or at what point in the future. Nor is there any evidence before me that demonstrates that no harm to the fabric of the listed building would arise.
19. Additionally, some architectural elements of the church would be concealed and less obvious as a result of the appeal proposal. In bringing development close up to the main forward projecting section of the church and closing the gap between the two buildings, the gothic windows and buttresses on the south elevation of the church itself would be in part hidden and much less visible in views of the front of the building. The set back part of the west front facing elevation of the church, including the entrance door and porch there, would also be in part obscured and compromised in views taken from the west.
20. The extension would be accessed via a front door and there would be a connecting door at ground floor level from the church hall. I acknowledge that the historic floor plan, spatial qualities, room division and flow of the buildings were retained when they were brought back into use. Nevertheless, despite these factors, the historic planform of the church hall would be added to and altered as a result of the appeal scheme. This would further undermine its historic legibility.
21. Taking all these factors into account, overall I consider that the proposal would be read as a discordant, obtrusive and clumsy intervention that would be appreciated as an over-dominant and distracting addition to the site. It would have an awkward relationship with both the historic buildings and relate poorly to them. This would be to the extent that it would undermine and upset the close visual relationship between the buildings and would seriously compromise elements of their key architectural features and historic fabric.
22. This being so, for the reasons given, I find that the proposal would detract from the church hall and undermine its authenticity and importance. As a result the proposal would impair that listed building's historic legibility and fail to preserve its special interest. In causing this harm to the church hall, and in introducing unsympathetic works within the setting of the adjacent listed church, the works would also be detrimental to the setting of the listed church and diminish its contribution to the appreciation of that building. As a result, the proposed works would therefore also undermine the significance of the church as a heritage asset.
23. I therefore conclude on the main issue that the proposed works would be harmful to the significance of the two listed buildings. I give this harm considerable importance and weight in the balance of these appeals.

Heritage balance

24. The Framework advises at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find the harm to the listed buildings to be less than substantial in this instance, but nevertheless of

- considerable importance and weight. Paragraph 208 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
25. I appreciate that the centre is an important cultural facility and aligns with the building's previous roles. The Dhammakaya Foundation is a non-profit organisation which aims to promote activities for the restoration of morality and world peace. The appeal site is one of only four such centres across the UK. The appellant indicates that the site helps to promote greater spiritual growth and peace and to instil morality and values in the community.
 26. It is argued that the proposal would continue to support the buildings in their function as a community facility through the provision of an additional meditation space which is required to meet current demand. It would provide a space for medium sized groups (60-80 people) to complement the existing facilities. There is currently a smaller meditation room in the church hall and a larger room in the church which can accommodate up to 200 people for ceremonies. The appellant advises that the existing meditation room is too small, and that it is inefficient to use the extensive ceremony space for smaller numbers due to heating and cost issues.
 27. This being so the regular demand for meditation sessions cannot be accommodated. Meditation classes offered to local residents are on hold at times of training and other visits by schools and novice ordination training are being limited. The appeal proposal would meet this demand, improve the facilities at the centre and increase its use by the community. It would also be available to the public throughout the day as an open meditation space (a situation which is currently not possible for security reasons). Furthermore, due to its location and design, the proposal would allow meditation to be visible from outside the building which would help to attract more visitors.
 28. Furthermore, I understand that an existing smaller multi-purpose meeting room has been re-purposed as a bedroom and chanting room, leaving the centre without a dedicated meeting room or monk's office. The proposed extension would also restore this office facility.
 29. Prior to being a meditation centre the buildings were in a state of disrepair after many years of vacancy. The appellant has invested considerable resources and time into restoring the buildings to a high standard and bringing them back into community use. Thereby ensuring that they did not deteriorate further and potentially become at risk.
 30. Nevertheless, I am conscious that the optimum viable use of the building has already been established. Whilst the appellant indicates that without the extension the sustainability of the centre may be threatened, no substantiated evidence has been provided to demonstrate that the use of the site as a whole is at capacity, or that additional space is required for it to be viable. Thus I have seen no evidence to indicate that the centre is unviable in the absence of the appeal scheme, or that it would cease operating if the appeals were to be unsuccessful.
 31. Alternative ways to accommodate additional space at the centre have been considered by the appellant. Extensions to the rear of the site have been ruled

- out due to the lack of space. Partitioning the ceremony space in the church has also been discounted since it would reduce that space, thereby limiting the offer available at the centre, and cause harm to the listed building. Converting the loft space has been rejected due to the harm that would arise to the building's historic fabric, including as a result of roof lights.
32. Even so, I have seen no further details of these alternatives and am not persuaded that in principle they would necessarily be more harmful to the heritage assets than the appeal scheme. Additionally, given the sizes and extent of the buildings and site overall, on the basis of the evidence before me, I am not persuaded that an alternative satisfactory arrangement of the existing buildings/site to meet the identified need for more meditation space, can necessarily be ruled out.
33. Accordingly, whilst I accept that there are some benefits to the centre arising from the appeal scheme, they are limited by the factors set out above. Therefore, on the basis of the evidence before me, I am not persuaded that the scheme is necessary in securing the optimum viable use of the heritage assets in support of their long term conservation. Thus, it has not been demonstrated that the continued viable use of the buildings as a meditation centre is dependent on the appeal scheme. It remains that the appeal buildings have an ongoing community use, and I have seen no robust evidence to demonstrate that this would cease in the absence of the extension as proposed.
34. Reference is made to the scheme's sustainability credentials including the highly insulated glazing, energy efficient building envelope and step free access. Thus it is argued that the proposal would reduce heating costs and gas emissions and tackle climate change (as opposed to heating the large church). However, given the scale of the proposal, I find that its contribution to tackling climate change and carbon reduction (and any public benefits in this regard) would not be great.
35. In terms of other public benefits, the proposal would result in employment opportunities through the construction phase and economic benefits would arise from its ongoing operation (since the centre attracts visitors who contribute to the local economy through spending in nearby businesses). However, given the scale of the proposal the public benefits in this regard would not be substantial. They also have the potential to be realised via an alternative less harmful scheme.
36. Taking all these matters into account, I find that even when considered together, the public benefits in this case are insufficient to outweigh the harm to the heritage assets that I have identified.
37. I therefore find that for the reasons given above, the proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. It would also be contrary to Policy DM1 of the South Tyneside Local Development Framework (LDF) which seeks to ensure that developments are designed to convey sensitive consideration of their surroundings, and where possible enhance their local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.
38. Additionally, it would be at odds with LDF Policy DM6 which seeks to support development proposals that protect, preserve and where possible enhance the

historic, cultural and architectural character and heritage, visual appearance and contextual importance of heritage assets and their settings. Furthermore it would fail to support LDF Policy SC1 which seeks to ensure that development proposals create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of towns and villages and promote high quality design. The proposal would also conflict with LDF Policy EA1 which aims to conserve the best qualities of South Tyneside's built and natural environment including improving the distinctive urban character of Hebburn.

Other Matters

39. Despite the concerns of local residents, the Council raises no objections in terms of the living conditions of nearby occupiers or privacy generally. The absence of harm in this regard counts neither for, nor against the proposal.
40. I have had regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics which include religion or belief. Since there is the potential for my decision to affect a person(s) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the above Act.
41. The negative impacts of dismissing the appeals arise since the extension would not be permitted as sought. However, these impacts are mitigated by the possibility of an alternative scheme to meet the stated needs of additional meditation space. As such, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportional having regard to the legitimate and well-established planning policy aims to protect heritage assets. Even when taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified in this case.
42. The appellant refers to an appeal decision at the London Russian Ballet School which it is argued relates to a similar improvement and enlargement of an existing recreational and cultural facility. However, I am not aware of the full circumstances that led to that approval. In particular, and in contrast to the proposal before me, I note that example appears to relate to works to the rear of a building and the excavation of a basement. I have also had regard to the design precedents provided by the appellant where glass/metal abuts listed buildings (including the examples in Edinburgh). However, I have seen no further details relating to these. As such, I cannot be sure that the circumstances that led to those existing developments are the same as in the case before me and am mindful of their different location and context. Accordingly, since it has not been demonstrated that they are comparable to the appeal proposal, which I have in any event considered on its individual merits, these examples do not justify the appeals before me.

Conclusion

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

E Worthington INSPECTOR