



Appeal Decision

Site visit made on 22 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/K2230/W/23/3317431

T Js, 15 Milton Road, Gravesend, Kent DA12 2RF

- 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 Mrs Iris Smith against the decision of Gravesham Borough Council.
 - The application Ref 20221035, dated 22 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is described as demolition of the existing 2-storey outrigger and erection of a replacement three-storey outrigger linked to a first-floor extension to the existing function room including the change of use of the new first-floor accommodation to 12 no. en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address in the banner from the decision notice as these more accurately reflect the proposed development and its location.
3. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issue has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.

Main Issue

4. The main issue is the effect of the proposed development on designated heritage assets with particular regard to the Harmer Street Conservation Area (CA) and nearby Grade II listed buildings and the significance of the appeal property, a non-designated heritage asset (NDHA).

Reasons

5. The appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. In addition, there are numerous nearby listed buildings. Of these heritage assets, the most likely to be effected by the proposed scheme are Grade II listed 1-9, Berkley Crescent (No. 1-9) and 2-48, Harmer Street (No. 2-48) which are also Grade II listed. Given the presence of these heritage assets, I have had special regard to the desirability of

preserving the buildings their setting and any features of special architectural or historic interest which they possess.

6. The significance of the CA as a heritage asset is, in part, derived from the attractive and classically designed four-storey terraced townhouses facing Harmer Street, which form a visually pleasing vista with Berkley Crescent. Berkley Crescent is formed of two main sections arranged along a semi-circular building line with a colonnade to both sections facing an impressive and prominent clock tower.
7. No. 2-48 derives its significance alongside buildings on the opposite side of the road from being an impressive example of period architecture incorporating fine architectural detailing and uniformity set over four floors which run along a straight road with continuous frontages. There is less uniformity to the rear of properties as a mixture of extensions, outbuildings and parking areas have been added. Nonetheless, these additions remain largely subservient, and the heritage asset still has a pleasant yet diminished uniformity that draws the eye at the rear where visible.
8. No. 1-9 is a fine example of three-storey brick buildings developed as part of the Milton Park Estate. Its significance is derived from its curved architectural appearance, detailing and close relationship with the nearby clock tower. To the rear closest to the appeal site the building appears largely unaltered with the exception of a small flat-roofed extension.
9. The appeal property, whilst not locally or nationally listed, makes a positive contribution to the CA and as acknowledged by both the main parties is a building of local interest. The host building's significance as a NDHA is derived from its prominent mansard-style roof and traditional architectural features. It also shares a close relationship with No. 1-9 as a result of an attached passageway they share over the entrance to East Crescent Road.
10. To the rear of properties on this section of Milton Road development gradually reduces in scale and density. This results in a collection of alleyways/roads cutting through the mix of commercial businesses and units that allow for views onto the rear of the appeal property and rears of No. 1-9 and No. 2-48. At my site visit, I observed how the appeal building is modestly sized in relation to existing buildings nearby, which gives prominence to the nearby listed buildings at No. 1-9 and No. 2-48.
11. The proposed development would be both taller and longer than the existing two-storey outrigger. It would be readily visible from public vantage points at the rear and from some views along Milton Road emphasising its scale and massing within the immediate area. Even with materials to match those of the host building the scheme would contrast awkwardly with the primarily smaller-scale development found in to backs of other properties on this section of Milton Road. The increase in height, in combination with the length, would also give this building an incongruously bulky and elongated emphasis and appear disproportionate in comparison to the existing size of the host building.
12. The introduction of the development in this location would disrupt the subservient visual relationship the host building shares with taller more prominent heritage assets at 1-9 and No. 2-48. It would thereby compete visually with these listed buildings which would harm their setting.

13. External stairs and walkways are to be incorporated into the design and would be readily visible from East Crescent Road. Whilst there are some examples of external staircases and walkways found in the area these are either at a lower level or well screened. The exposed views of the proposed three-storey outrigger would accentuate the visually prominent stairs and walkways that would appear as a discordant feature in this location.
14. Notwithstanding my findings above, I do not find the development would be cramped or overly oppressive in this location, given it would be largely positioned where development currently exists and remains set back from East Crescent Road. Nonetheless, this does not overcome the other harms I have identified.
15. I note that consent was granted for an extension¹ of similar width and length to the rear of the property. However, this was for a two-storey outrigger and smaller development and is therefore materially different to the appeal scheme. Even if I was to consider the scheme a potential fallback position, for significant weight to be afforded to a fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. In this instance, whilst I find it is likely an outrigger could be built, this would be of a significantly smaller size and volume than the overall scheme proposed. Therefore, I attach little weight to this fallback position.
16. For the purposes of the Framework, the CA and listed buildings are designated heritage assets. Within the overall context, I consider that the proposal would lead to less than substantial harm to the significance of these assets. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
17. The proposed development would deliver social and economic benefits associated with the increase in additional short-stay accommodation. There would be a small increase in support for local services and facilities close by from occupiers of the short-stay lets, including the host business. Given I have not been provided with any compelling evidence, there is a shortfall in short-stay accommodation in the area and given the scale of the scheme, I ascribe these benefits moderate weight in reaching my decision.
18. There would be some temporary economic benefits through support for construction jobs. Given the temporary nature I attach limited weight to this matter.
19. I have also considered the evidence in relation to the condition of the building and how, internally and externally this would be improved through repair, energy efficiency and improved facilities. However, there is no substantive evidence before me that the building is in immediate danger of collapse or that the proposed development is the least harmful alternative to ensure the building is repaired and the facilities sought are provided.
20. When considered together, these public benefits can only be attributed moderate weight. Conversely, the less than substantial harm to the heritage assets should be afforded great weight, in line with the provisions of

¹ Application ref: 20211466

Framework Paragraph 205. The modest public benefits of the proposed development would not outweigh the less than substantial harm that would be caused.

21. Consequently, the development proposed would be contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy. These policies seek, amongst other things, that new development will conserve and enhance the historic environment and its assets including their interpretation and enjoyment. The proposal would also conflict with the provisions of the Framework, which seeks to sustain and enhance the significance of heritage assets. In reaching this conclusion, I have had regard to the statutory duties under sections 66(1) and 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

22. From the evidence before me, the appeal site falls within 6km of the Thames Estuary and Marshes Ramsar Site. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
23. I note the letters of support received, including from the Gravesham Heritage Forum, regarding the proposed development. However, such matters do not alter my findings on the main issue. Furthermore, I have not been provided with any substantive details to show the business is at risk should the appeal not succeed. Moreover, there is no convincing evidence before me to demonstrate that there is a high demand for short-stay accommodation or that a lack of it is damaging the local economy.
24. My attention has been drawn to a scheme 'Call Boy Pub' in Harmer Street. However, I have not been supplied with any details that would allow me to make a comparison with the appeal scheme. In any event, I have considered the development on its own merits. My attention has also been drawn to a scheme that was granted for the demolition of a water tower. While I do not have full details, from the evidence provided this was some distance from the appeal scheme and subject to its own assessment, which did not include being in or close to the heritage assets identified above. It is, therefore materially different to the proposal before me.
25. The Council's delegated procedure for determining the application is not a matter for consideration as part of this appeal.

Conclusion

26. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR