



Appeal Decision

Site visit made on 26 November 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/B1605/Y/24/3343363

3 Regent Street, Cheltenham, Gloucestershire GL50 1HE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Haribor Rahman against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00271/LBC.
 - The works are described as Retain existing exterior façade paint colour.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The works concerned have already been carried out, which I saw to be the case.
3. As the works relate to a listed building and are in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Main Issues

5. The appeal property forms one of six properties comprising the Grade II listed building known as Numbers 1 to 6 and attached area railings to number 6 (the LB). The works concerned are on the front elevation of No 3. In that context, the main issues are the effect of the works, that have already been completed, on the special architectural and historic interest of the LB and whether they preserve or enhance the character or appearance of the Central Conservation Area (the CA).

Reasons

6. The LB derives its significance in representing a good example of what was originally a terrace of six 3-storey Regency houses. They have now been converted to commercial uses with associated alterations including to their ground floor frontages. However, they still retain a high degree of significance, with characteristic features including the stucco over brick front elevations with

bands at first and second floor level, 12 pane sash windows where original, and arched entrance doorways.

7. The CA covers the central area of Cheltenham which contains a high number of historic buildings, including terraces of the Regency period. A general significant characteristic of those Regency buildings in the CA is their pale, generally white or light buff coloured frontages, as is seen on the LB at No 2 and the upper floors of Nos 4-6, and also further along the road at the Grade II listed Nos 11-16. The large retail store on the opposite side of the road also has a predominantly pale front elevation.
8. The appeal property has been painted in a very dark colour, described as black in the submissions. It is also the case that No 1 has been painted in a mid-grey colour, albeit noticeably paler than No 3. However, along with those works relating to this appeal, I have no substantive evidence to indicate that listed building consent has been granted for that colour paint to No 1. As such, it is not a feature that necessarily provides a clearly established change of context, particularly given the extent to which the remaining properties in the terrace retain the paler colours, notwithstanding the darker finishes to the ground floors of Nos 4-6. Despite that difference in colour between the ground and first floors of those properties, and some degree of wearing to the finishes, the pale colours predominate, having regard to the significance of the LB in itself and as part of the CA.
9. The appeal site is on the edge of Cheltenham's central shopping area, where there are varying darker coloured frontages, albeit mainly relating to the ground floor shopfronts. However, the paler colours still predominate on the building frontages, providing a high degree of continuity in this respect, despite a relatively small number with darker painted whole façades, such as those highlighted by the Appellant. I do not know the planning circumstances of those examples of other buildings with their whole front facades painted in different colours to the pale palette. However, I saw that they are very much in the minority in relation to their surrounding context.
10. I also noted the presence of shopfronts between the site and High Street with features not reflective of the Regency characteristics and colour palette generally seen in the CA, including those referred to in the submissions comprising "The Beefy Boys" and the party shop next to it. Again, I do not know the planning circumstances relating to those specific cases, but nevertheless, their upper floors still predominantly retain the characteristic pale coloured finish.
11. There are historic buildings in the vicinity of the site of distinctly different designs, including the Grade II listed Everyman Theatre at one end of the LB terrace and the Grade II listed County Court opposite. However, those particular two buildings have distinctly individual appearances which do not diminish the significance of the neighbouring Regency terrace buildings, including the LB and Nos 11-16.
12. I acknowledge that Regent Street now has a more commercial and vibrant character than some of the more distinctly residential areas within the CA, given the presence of the theatre, cafes, restaurants and bars together with some associated street furniture. Also, the street is relatively enclosed by the narrow approaches from High Street and along County Court Road, and to the south by the walkway over the road, compared to locations such as Promenade

or Imperial Square. However, notwithstanding those examples of different coloured facades, mainly relating to the ground floors of the buildings concerned, and the distinct individual historic buildings, the characteristic pale front elevations still predominate. Furthermore, there is no substantive evidence to indicate that different coloured frontages within the streetscene are a key factor to the vitality and general character of the street, notwithstanding the proximity to High Street and any historically more colourful appearance associated with it.

13. In that existing context, both in respect of the LB terrace and the wider streetscene within that part of the CA, the dark coloured whole front elevation of No 3, despite the constancy in colour and well-maintained façade, stands out as a dominant and incongruous feature.
14. The Appellant highlights that the existing colour has been in place without any objections in the last two and a half years and that none were received when the application was submitted for the works concerned. Nevertheless, I have determined the appeal on its merits based on all of the evidence provided and my observations.
15. For the above reasons, the works fail to preserve the special architectural and historic interest of the LB and the character and appearance of the CA. The works therefore fail to satisfy the requirements of sections 16(2) and 72(1) of the Act. Furthermore, for the same reasons, they are contrary to policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 which states, amongst other things, that designated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
16. The works are also contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
17. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
18. Given the nature of the works in relation to the LB as a whole and the CA, the harm caused is less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there to be less than substantial harm to the significance of the designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. I have found that there is no substantive evidence to indicate that different coloured frontages within the streetscene are a key factor to the vitality and general character of the street. Furthermore, although it is claimed that the works concerned make a better contribution to the streetscene than others in the terrace in terms of the constancy of colour and well-maintained façade of

No 3, as I have found above, these factors do not prevent the over-riding harm caused to the LB and CA.

20. For the above reasons, the public benefits are insufficient to outweigh my findings that the works fail to preserve the special architectural and historic interest of the LB and the character and appearance of the CA.

Conclusion

21. For the reasons given above the appeal should be dismissed.

A Dawe

INSPECTOR