



Appeal Decisions

Site visit made on 10 December 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal A Ref: APP/A0665/W/24/3348799

The Coach & Horses, 39 Northgate Street, Chester CH1 2HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Duxford Services Ltd against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/04646/FUL.
 - The development proposed is to demolish existing structures and erect a four-storey extension to the rear of The Coach House Inn comprising additional restaurant and bar area, kitchen and ancillary facilities at ground floor and 14no. additional hotel bedrooms on upper floors with associated internal and external alterations.
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Appeal B Ref: APP/A0665/Y/24/3348801

The Coach & Horses, 39 Northgate Street, Chester CH1 2HQ

- 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 Duxford Services Ltd against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/04647/LBC.
 - The works proposed are to demolish existing structures and erect a four-storey extension to the rear of The Coach House Inn comprising additional restaurant and bar area, kitchen and ancillary facilities at ground floor and 14no. additional hotel bedrooms on upper floors with associated internal and external alterations.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeal was proceeding by way of a hearing, however during the appeal the appellant requested a change of procedure. Both the main parties agreed that the appeal should be considered under the written representation procedure and were given an opportunity to provide final comments.
4. However, the agreed Statement of Common Ground set out that the existing plans originally submitted are inaccurate. No additional plans have been received, and I observed at the time of the site visit that there were several discrepancies on the plans in relation to elevations of the external building and layout. Nevertheless, I have dealt with the proposal based on site observations, and the plans which were before the Council provided in the appeal submission.

5. The description of development in the headings above has been taken from the planning application form. However, in Part E of the appeal forms it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
6. During the appeal, clarification was sought on the ownership of the property and whether the correct requisite certificates had been served in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 (as amended). It was clarified that Certificate B was served on the owner as an individual at a separate address due to the applicant changing to a company, and it was not necessary to serve on any leaseholders.
7. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
8. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.

Main Issues

9. The main issues are whether the proposal would preserve a grade II listed building Number 39 Street Coach and Horses Public House, and any of the features of special architectural or historic interest that it possesses, the setting of nearby listed buildings, and linked to that whether it would preserve or enhance the character or appearance of the Conservation Area.

Reasons

Special interest and significance

10. The appeal site relates to a grade II listed building known as the Coach and Horses (public house) which was listed in 1998 (Ref: 1376352). The listing identifies the public house from c1872 with later alterations. Constructed of sandstone-dressed English bond brown brickwork to the lower 2 storeys with the third storey of gables timber framed with plaster panels and a clay tile roof. The listing also identifies the rear-yard with the former coach house and stable of brick and grey slate roof.
11. The appeal site is in a prominent position on the corner of Northgate Street and Princess Street. It is within the town centre and within the Chester City Conservation Area (CA) and Chester's Designated Area of Archaeological Importance. The Town Hall, a grade II listed building (Ref: 1376371) is directly adjacent to the site along Northgate Street and Row. The site also lies on the edge of Northgate, a regeneration and development project which has removed a bus station and other buildings to form a new commercial, leisure and cultural district.

12. There is no doubt that the main elements of the public house have undergone changes and alterations over time, including repairs, addition of external seating and its change of use for the use as a hotel. In addition, the original setting of the Coach House has been transformed by the Northgate development.
13. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with historic and architectural interests. Its historic interests are primarily in respect of its age, associations with the medieval period, and illustration of an early coach house and stables with vernacular architecture. This includes the timber and ornamented panelling and the retained outbuildings in the yard with notable external fixtures associated with its function of a coach house inn.
14. The CA encompasses the city centre, including the square and several listed buildings with nearby monuments of unique character and appearance whilst providing later urban integration. Its significance is derived from the historic association with medieval times and historical Roman arterial route and Roman fortress. The public house, coach house and Town Hall are buildings of historic and architectural interests that make a significant positive contribution to the character and appearance of the CA.

The appeal proposal and its effects

15. The proposed development and works involve a considerable remodelling of the internal layout of the public house and adding several new bedrooms to upper floors with ground floor facilities expanded with additional restaurant and bar areas. This includes the demolition of the existing rear structures, rebuilding and the erection of a three-storey extension with dormers in the roof.
16. The HS¹ is somewhat limited in detail with references to the internal fabric works of the listed building. It appears to identify that the extension would replicate existing external fabric and external features that are currently present on the site. However, there is limited evidence provided of materials proposed other than the application form stating external walls of brick, timber, render and a roof covering of slate, which do not provide any certainty of replication of historic existing features or materials. The HS fails to identify any evolution of the building over any time and/or existing features of notable interest including the outrigger and parapet wall which all contribute to the low-lying linear elements of the rear and west elevation.
17. It is imperative that proposals are accompanied by justification, drawings, and specifications of sufficient detail to illustrate and/or describe the proposed works to avoid any uncertainty over the extent of what is proposed. Irrespective of my views of the merits of the case, the lack of detailed specifications particularly within the HS and plans do not assist. The Framework requires applications to describe the significance, therefore, there does not appear to be any such clear and convincing heritage justification for the works proposed. As such, I find that it is not possible to confidently determine whether the works, including those internally would meet the requirements of the Acts statutory duties.

¹ Heritage Design & Access Statement

18. Nevertheless, I do not consider that the proposal would preserve the significance or the historic features of the building. The existing buildings on the site are closely related in spatial and visual terms but in their current form are clearly legible and historic individual-built elements. The historic layout is appreciated with the yard, entrances, and parapet wall along the west which would be lost, and the adjacent listed Town Hall building adds to the historic presence of the street scene. Furthermore, the height, width and volume of the extension would add a significant amount of massing and bulk on the west elevation to the detriment of the immediate and wider setting. It would subdue the existing building with the resulting loss of the coach house being lost with its combined association of historic use to the public house.
19. The proposed extension and works would result in a significant alteration to the historic fabric of the building and important features which allow the evolution of the street scene to still be interpreted and appreciated. As I saw Princess Street is a bustling gateway in the public realm to the town square, and I see no reason why it does or would not serve to encourage pedestrians to traverse it or that views are obscured of the immediate frontage and west of the appeal site.
20. I accept that the City centre is of a densely developed area with a multitude of buildings, nonetheless the appeal site contributes to the character, appearance and function of Princess Street, which includes the setting of the adjacent Town Hall building. Although, the rear of the appeal site may remain as an awkward gap when looking directly up from the roadway due to new development. This does not justify making the scheme acceptable or that poor design should be allowed to extend the public house and hotel facilities.
21. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
22. Nonetheless, the proposal would be seen from the immediate context, and although the character, appearance and function has changed from Princess Street to the Northgate development. It is a public thoroughfare and still retains its original historic route and links to the wider town centre. Therefore, the proposal would cause harm to the character and appearance of the CA, of which the site forms part.
23. Given the above, I find that the proposal would fail to preserve the special architectural and historic interest of the listed building including the setting of the listed Town Hall. The appeal building is a listed building and is an important element in the CA and a positive contributor to its character and appearance. It must follow that if the listed building would be harmed by the proposal, then there would be a similarly harmful impact on the character and the appearance, and significance of the CA. Moreover, as I saw the proposal would be clearly discernible in views from within the public realm. Consequently, I give this harm considerable importance and weight in the planning balance of the appeals.
24. Paragraph 212 of the Framework advises that when considering the impact of proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or

destruction of those assets, or from development within its setting and that any such harm should require clear and convincing justification. Given the proposal would result in a negative impact on the historic and architectural interests of the buildings, there would be harm. The Council have set out that the level of harm is substantial to the appeal building but less than substantial in the case of the CA and the setting of the Town Hall. However, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

25. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
26. The appellant is of the opinion that the proposal would be beneficial because it would result in economic and social benefits including job creation. The site would also be in a sustainable location and would contribute to the visitor economy, which would attract weight in favour for the proposal. I have also been directed to a CAMRA report and other historical evidence from other developments and studies that have taken place relating to the city centre.
27. However, the CAMRA evidence appears to be generic and not site specific to the appeal site or definitive of Chester city centre. I acknowledge that there will be gaps in the market on existing hotel supply and the Framework places emphasis on economic vitality. There is nothing before me to indicate existing or proposed employees as the application form and statement of case are absent of this information.
28. In addition, I have no substantive evidence on the viability of the business, and it does not appear the continued viable use of the appeal property as a public inn and/or hotel is dependent on the proposal as the listed building has an ongoing use that would not cease in its absence. There is no evidence presented on the loss of revenue at the public house or information relating to room price comparison and occupancy.
29. Therefore, these public benefits are not sufficient to outweigh the harm that I have identified. In the absence of any substantiated evidence to the contrary neither would the public benefits accrue in relation to the CA.
30. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the grade II listed building, the setting of the listed Town Hall and the character or appearance of the CA would be neither conserved nor enhanced.
31. Therefore, it would fail to satisfy the requirements of the Act, the Framework and Policies EN5 and EN6 of the Cheshire West and Chester Local Plan Part One Strategic Policies, 2015, and Policies DM46 and DM47 of the Cheshire West and Chester Local Plan Part Two Land Allocations and Detailed Policies, 2019. These policies taken together amongst other matters, require developments to heritage assets and their settings to be of high-quality design and construction. Developments should respect and respond positively to designated heritage assets and their settings, avoiding loss or harm to significance; and development should ensure the city's unique historic character is protected or enhanced and pay special attention to the desirability of preserving or

enhancing the character or appearance of that area; and have special regard to the durability of preserving the building or its setting or any features of special architectural or historic interests which it possesses.

32. I have not referred to Policy DM48 as set out in the Council's decision letter as this appears to relate to non-designated heritage assets.

Other Matters

33. There is no evidence to suggest that the Council have not dealt with the proposals with having due regard to the requirements of the Act, and insofar to the relevant development plan policies. The representations that have been received in support of the works and development weigh neither for nor against the proposals. The matters pertaining to highway safety, residential amenity, archaeology, ecology, and environmental impacts could be dealt with by suitably worded conditions. However, given that I am dismissing the appeal for other reasons it is not necessary for me to consider these matters in detail.

Conclusion

34. For the reasons given above and having regard to all other matters raised I conclude that the appeals should fail.

KA Taylor

INSPECTOR