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## Appeal Decisions

Site visit made on 11 February 2025

**by Helen Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 February 2025**

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### **Appeal A Ref: APP/M0655/W/24/3349729**

#### **6 Springfield Street, Bewsey and Whitecross, Warrington, WA1 1BB**

- 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 Deuce Hotels Ltd. against the decision of Warrington Borough Council.
  - The application Ref is 2023/00623/FUL.
  - The development proposed is retention of two chimney stacks and smoke shafts with proposed alteration to external materials.
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### **Appeal B Ref: APP/M0655/Y/24/3349730**

#### **6 Springfield Street, Bewsey and Whitecross, Warrington, WA1 1BB**

- 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 Deuce Hotels Ltd. against the decision of Warrington Borough Council.
  - The application Ref is 2023/00609/LBC.
  - The works proposed are retention of two chimney stacks and smoke shafts with proposed alteration to external materials.
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## **Decision**

### **Appeal A**

1. The appeal is allowed, and planning permission is granted for the retention of two chimney stacks and smoke shafts with proposed alteration to external materials at 6 Springfield Street, Warrington, WA1 1BB in accordance with the terms of the application, Ref 2023/00623/FUL, and the plans submitted with it, subject to the condition in the attached Schedule A.

### **Appeal B**

2. The appeal is allowed and listed building consent is granted for the retention of two chimney stacks and smoke shafts with proposed alteration to external materials at 6 Springfield Street, Warrington, WA1 1BB in accordance with the terms of the application Ref 2023/00609/LBC and the plans submitted with it subject to the condition in the attached Schedule B.

## **Preliminary Matters**

3. As the proposal is in a Conservation Area and relates to a Listed Building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act).
4. The works have commenced and the smoke stacks are in place but have not been clad with the proposed external materials. Appeal A is therefore part retrospective. It is not possible to apply retrospectively for works to a listed building. Appeal B is

therefore for the retention of the two chimney stacks and smoke shafts. I deal with this as appropriate throughout my decision.

5. In December 2024, after the submission of the appeals, a revised National Planning Policy Framework was published. The guidance in the document in respect of heritage matters is unchanged. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

### **Main Issue**

6. The main issues are whether the proposal would preserve the Grade II listed General Post Office (Ref:1139408) or any features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Palmyra Square Conservation Area and the Town Hall Conservation Area.

### **Reasons**

7. The appeal building, a former Post Office, is located at the junction of Springfield Street and Palmyra Square North in the centre of Warrington. On the ground floor it has been converted to a bar and restaurant use. The upper floors are currently in use as an Aparthotel with the main entrance from Springfield Street.
8. The development comprises the installation of two chimney stacks and smoke shafts. The proposal follows a fire safety review of the building. The two smoke shafts begin at first floor with one extending to the second floor, emerging as external chimney flues. The chimneys are proposed to be clad in brick and stone slips to match the original building.

### *Significance*

9. Constructed in 1906 and opened in 1908, the three storey Former Post Office building is constructed in red brick with stone dressings and a stone plinth. The elevation facing Springfield Street comprises a symmetrical front with a large central window with stone mullions, transoms and dentilled sills. This window is flanked by tower like blocks with narrow windows, top circular windows and a parapet. The elevation facing Palmyra Square North is generally symmetrical and has two bays, two dormer windows and is also flanked by two towers. The building's significance, as far as it relates to this appeal, derives from its architectural interest and its historic interest as a former post office.
10. The building is located in Palmyra Square Conservation Area, designated in 1974 and extended in 1985 and 1995. This area was developed from the 1850's to the 1900's and is laid out in a grid pattern. Queen's Gardens, established to commemorate Queen Victoria's Diamond Jubilee in 1897, is set in the centre surrounded by two storey townhouses and larger public buildings. The Square was originally formed as a residential quarter for the middle classes. The southern part dates from the mid-19<sup>th</sup> century and comprises mainly two storey terraced properties, now converted to offices. The northern part was laid out later in the 1890's. The significance of the conservation area, as it relates to this appeal, derives from its architectural and historic significance as an area with a mix of modest Victorian townhouses and detailed public buildings, in a regular layout with an attractive garden square at its focal point.

11. The appeal site lies on the southern edge of the Town Hall Conservation Area designated in 1972. The central focus of this area is the former Town Hall, a Grade I listed Georgian town house designed by Gibb in 1750. It is set in parkland behind attractive wrought iron gates. The area's significance derives from the architectural quality of many of the buildings and its townscape qualities with the park providing a fine setting to the Hall.

*Effect of the appeal proposal*

12. The Council has confirmed in evidence that they are primarily concerned with the chimney stack facing Palmyra Square. The stack located to the rear of the building, projects through the roof of the first-floor rear extension on the eastern elevation of the building. As I found on my site visit, it cannot be seen from external viewpoints within the Conservation Area and bearing in mind its location, causes no material harm to the architectural and historic significance of the listed building. Furthermore, the chimney and smoke shaft do not affect the character or appearance of the Town Hall Conservation Area, to the north of the building.
13. The second smoke shaft is located at the southern end of the building extending from the first floor, through the second floor and emerging through the roof of the southern elevation of the heritage asset that overlooks Palmyra Square. The development is required to ensure that the building complies with fire safety regulations.
14. The appellant has provided a Fire Safety Strategy Report and Advice Note that explains that due to the layout of the first floor, the corridors are "landlocked". This means that with flats on either side and ends of corridors there is no opportunity to provide smoke vents in the walls of the building. Consequently, a rooftop solution is necessary. Smoke shafts are required to be located remote from stairwells which governs their location within the building. Their role is to protect the stairwell ie prevent smoke entering the stairwell whilst also assisting with protecting the horizontal means of escape along both corridors.
15. The appellant's Advice Note prepared in response to the Council's concerns regarding the upstand requirements for the smoke shaft, sets out that to meet fire safety legislation, the opening at the top of the shaft should be located at least 0.5 metre above any surrounding structures that fall within a 2-metre radius on a horizontal plane to avoid adverse wind effects. The Note provides two options for the design of the shaft, either a pitched orientation, with the vent parallel to the pitch of the roof or a horizontal orientation. The advantage of the horizontal orientation is that there is greater scope to disguise the shaft as a chimney, as per the appeal scheme.
16. The appellant has confirmed that the internal works did not require the removal of any historic walls or features. Externally, the chimney faces onto Palmyra Square, and forms a prominent feature on the roof. As a result of its scale and size, the structure appears as an unsympathetic addition and unbalances the symmetry of the southern elevation of the heritage asset. Despite the intention to clad it in brick and slate to match the existing building, and the fact that it would be shorter than the existing chimney stacks on the building, it would appear as an incongruous feature causing harm to the significance of the asset. It would also be visible from the Square and numerous viewpoints in the immediate locality.

17. Accordingly, I conclude that the appeal proposal would fail to preserve the Grade II listed building and would also fail to preserve or enhance the character or appearance of the Palmyra Square Conservation Area.
18. There are other listed buildings close to the appeal site, including the fountain and memorial to Queens Lancashire Regiment in Queens Gardens, No's 3-13 Springfield Street and Holly House to the north of the Old Post Office on Sankey Street. As a result of the distance from these heritage assets to the appeal building coupled with the nature and scale of the proposal, I consider that there would be no harm to their setting.

#### *Public Benefits*

19. Paragraph 212 of the Framework advises that when considering potential impacts 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 say that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
20. Given the localised impact of the development in terms of the Conservation Area as a whole and the limited extent of the development, I consider that the harm is less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises such harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
21. The works are required in order to comply with fire safety regulations and building regulations, ensuring the safety of occupants and users of the upper floors of the Aparthotel. The appellant argues that if these regulations are not complied with, the upper parts of the building would likely remain vacant with the loss of a viable use of the building. I note that the use of the building as an Aparthotel is supported by the Council as it contributes to the viability and vitality of the town centre.
22. The Council states in their Officer report that unless they can be convinced that there is no other less harmful option to meet Fire Regulations, it is not considered that the harm is justified.
23. Having looked at the floor plans of the building, it appears to me that there are no external walls available to provide a vent. The design of the building, the window positions and dormers on the second floor also provide challenges to finding an alternative option to that put forward in this appeal. Having regard to all the submitted evidence, I am satisfied that there is no other feasible less harmful option than a smoke shaft through the roof. I therefore consider there is clear and convincing justification for the scheme.
24. Accordingly, I conclude that the public benefits outweigh the less than substantial harm to the heritage asset and the Conservation Area. The proposal would therefore comply with the objectives of the Framework and Policies DC1, DC2 and TC1 of the Warrington Local Plan which seeks to enhance and protect the historic environment, achieve high quality design and support and strengthen the town centre.

#### **Conditions**

25. As the proposal is part retrospective, standard time frame conditions are not

necessary. It is necessary to impose a condition requiring the details of the proposed cladding to be submitted for approval to ensure an acceptable finish and protect the character and appearance of the building and the Conservation Area.

26. The Council has suggested wording for such a condition. The appellant comments that the suggested timeframes for compliance are unreasonable. As the development is part retrospective it is appropriate that the condition requires the works to be undertaken as soon as reasonably practicable. However, I agree that the submission of materials details within one month of the permission is too short, especially as sample panel is required. I have therefore amended the condition to require submission of details within three months of the decision with completion of the works within 6 months of this decision.

### **Conclusion**

27. For the reasons given above and having had regard to all other matters raised, I allow these appeals.

*Helen Hockenhull*

INSPECTOR

### **CONDITIONS**

#### **SCHEDULE A**

1. Within 3 months of the date of this decision, full details of materials for cladding the external chimney stacks, shall be submitted to the local planning authority for approval in writing and shall include sample panels made up on site. The works shall be carried out in accordance with the approved details within 6 months of the date of this decision.

#### **SCHEDULE B**

1. Within 3 months of the date of this consent, full details of materials for cladding the external chimney stacks, shall be submitted to the local planning authority for approval in writing and shall include sample panels made up on site. The works shall be carried out in accordance with the approved details within 6 months of the date of this consent.