



Appeal Decisions

Site visit made on 11 June 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal A Ref: APP/M4510/W/25/3361271

Units 4 & 5, Hanover Mill, Hanover Street, Newcastle-Upon-Tyne NE1 3RF

- 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 Mr David Simpson against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/1157/01/DET.
 - The development proposed is the conversion of existing ground floor bar/kitchen into 5no residential 1, 2 & 3 bed apartments (C3), replace external cladding above entrance doors with clear glazing, alterations to elevations as amended/supplemented by plans and further supporting documents received 16/12/24.
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Appeal B Ref: APP/M4510/Y/25/3361272

Units 4 & 5, Hanover Mill, Hanover Street, Newcastle-Upon-Tyne NE1 3RF

- 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 David Simpson against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/1158/01/LBC.
 - The works proposed are the conversion of ground floor bar/kitchen to 5no residential 1, 2 & 3 bed apartments, external alterations including removal of signage, removal of cladding above entrance doors and replace with clear glazing; internal alterations to include removal of existing kitchen/bar finishes and partition walls, install new partition walls and ceilings, create 3 new openings supported via steel beams/lintels through existing internal walls for access into flats 2 and 4 and internal window opening to flat 5 as amended/supplemented by plans received 16/12/24.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter. The Council have advised that the previous use was a restaurant rather than a bar/kitchen as stated on the application form. This was not a determinative matter in the application, and by considering the scheme on this basis it has not altered the main issues under dispute or prejudiced any party.
4. The appellant has indicated that, if I am minded to dismiss the appeal based on the amended plans that were submitted to and determined by the Council, an alternative design for the scheme based on earlier plans could be considered and

would be acceptable to the appellant. However, it is not the role of the appeal system to consider different schemes. For the avoidance of doubt and in the interests of fairness, I have considered the proposal based on the existing and proposed plans before me, which the Council made its decision on.

5. 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).

Main Issues

6. The main issues are:

- Whether the proposal would provide acceptable living conditions for future residents of the development with particular reference to outlook, natural light, noise and disturbance; (Appeal A)
- Whether the proposal would make adequate provision for cycle storage, waste facilities and collection; (Appeal A) and
- Whether the proposal would preserve a Grade II listed building, known as Bonded Warehouses, and any features of special architectural or historic interest which it possesses and the extent to which it would preserve or enhance the character or appearance of the Newcastle Central Conservation Area. (Both Appeals)

Reasons

Living conditions

7. Each of the proposed flats would have a single aspect and be reliant on windows and openings to the front for natural light and outlook. The submitted Ventilation and Daylight Study, says that habitable spaces should achieve a target illuminance of 100lux and an average daylight factor of 2%. However, no justification for this approach has been provided.
8. From my observations, adequate daylight could be achieved in parts of the building near the windows and openings. However, to the rear of the building little natural light was received. This means the kitchen/dining area and living area in Flat One and Flat Two, the kitchen/dining area and bedroom in Flat Three, the kitchen and living area in Flat Four and the kitchen, dining and living area in Flat Five would all receive poor levels of natural light. Moreover, they would have little outlook. I am also mindful that other rooms such as bathrooms and en-suites would also have no access to natural light outlook, adding to my concerns regarding the overall conditions within the respective flats.
9. An Acoustic Design Statement was submitted with the scheme. However, it was not based on the final design with the bedrooms to the front of the building in Flats One, Two, Four and Five. This limits the weight I afford it. The road to the front is a busy road and traffic was clearly audible during my site inspection, even with the existing double-glazed windows, which would be retained. As such, this is a noise sensitive environment where the effects from traffic noise must be carefully considered.

10. The appellant suggests the potential for secondary glazing and added insulation. However, there are no firm details of these measures. Moreover, proposed mitigation would take the form of mechanical ventilation and a broad strategy for this has been submitted. However, there are no firm technical details of the existing system or how the filtration of pollutants would work at the ground floor level. Even if I accept this strategy, the resulting scheme would be such that I still can not be satisfied that residents would not face a high degree of noise and disturbance with the windows closed given the evidence before me.
11. Overall, occupiers of the proposed flats would feel hemmed in by the single aspect nature, and the levels of natural light, outlook and noise and disturbance.
12. I recognise that the building is constrained by its size, form and location. However, I have no firm evidence that the proposed use, number of units, design and layout are the only means of repurposing the ground floor of the building. This limits the weight I afford this matter.
13. I therefore find that the proposal would not provide acceptable living conditions for future residents of the development with particular reference to outlook, natural light, noise and disturbance. Accordingly, I find conflict with the requirements of Policy CS14 of the Council's Core Strategy (CS) and Policies DM23 and DM24 of its Development and Allocations Plan (DAP), when taken together and in so far as they relate to this main issue. These say, amongst other things, that development will be required to provide a high quality environment and a good standard of residential amenity for existing and future occupants of land and dwellings.

Cycle/waste storage facilities

14. Bikes would be stored internally within the flats and the appellant has provided various examples of how this could be achieved. I accept that some cyclists would prefer to store their bike internally. However, residents would need to carry their bike up the entrance stairs, through the living space to the storage areas, potentially dragging mud and rain through the flats. As such, I do not consider this to be practical or convenient for most occupiers.
15. The location of the appeal premises centrally within the city means that residents may not need a bike. As such, in isolation I do not find this matter determinative. However, the lack of cycle storage adds to my concerns regarding the overall quality of the living conditions.
16. It is put to me that an external store could be used for cycle storage were I minded to allow the scheme. However, the store is long and narrow, and there is no firm evidence as to how many bikes can be accommodated, securely and still allow access.
17. Bin stores would be provided in the entrance lobby to the flats. However, the details of how odour would be managed, to ensure that it does not seep into the accommodation, are not before me. Given their location within the building I am not convinced that this arrangement would function well, exacerbating my concerns regarding the living conditions of the occupiers of the flats.
18. The strategy for collection of waste would involve bins being put on the footway for collection and returned afterwards by occupiers. This is not an unusual situation and would be for a temporary period on collection days. As such, and even though

bins are unsightly and would be an inconvenience to, and impede the flow of, pedestrians, this does not add to my concerns. Accordingly, and considering my concerns above relate to the living conditions of future occupiers of the proposed development, I do not find that the scheme would result in circumstances prejudicial to highway or pedestrian safety or conflict with Policy DM14 of the DAP in relation to this matter.

19. I therefore find that the proposal would not make adequate provision for cycle storage and waste facilities. Accordingly, the proposal would conflict with the requirements of Policies CS13, CS14 and CS15 of the CS and Policies DM12, DM23, DM24 and DM34 of the DAP, when taken together and in so far as they relate to this main issue. These say, amongst other things that proposals will be required to demonstrate that there is no unacceptable adverse environmental and health impacts (including cumulative impacts) from the development. To achieve this development must assess and mitigate, amongst other environmental and health impacts, odour which would have an impact on amenity.

Designated Heritage Assets

Special interest and significance

20. The appeal building comprises of a seven-storey warehouse built in the mid-nineteenth century in a Flemish bond brick. The listing refers to different warehouses, however the appeal premises is the only surviving warehouse within the group.
21. The upper floors have been converted into residential flats and the ground floor was last used as a restaurant. As a result, there have been a significant number of modern interventions within the building. Despite this, the scale of the building, external fabric, brick to void ratio, the architectural detailing around the openings, and pleasing architectural form remain. The size and form of the two wide entrances, and more generally the form and detailing of the openings at the ground floor, contribute positively in this regard, even though the non-original windows and doors do not. Internally, on the ground floor, despite modern interventions, the internal plan form from the original subdividing walls remains clearly legible and contributes, to a small degree, to the historical interest of the building.
22. From the evidence before me, the special interest and significance of the listed building, in so far as it relates to these appeals, is largely derived from its historic and architectural interests as a mid-nineteenth century warehouse which forms an integral element of the townscape in this part of the city. The building's age, plan form, traditional materials, and construction techniques, combined with its robust appearance and quality of its detailing make important contributions to the special interest and significance of the listed building.
23. The appeal property lies in the Newcastle Central Conservation Area (CA), which covers a large area within the city. This part of the CA has evolved and includes several modern large-scale buildings. The special interest/significance of the listed building contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

24. The proposal would result in numerous internal interventions to facilitate the conversion of the building, including subdividing partition walls and alterations to the entrances to facilitate the bin stores. This would involve a small loss of historic fabric to facilitate the compartmentalised entrance to Flats Two, Three and Four.
25. Even considering, the surviving elements from its former restaurant use, the compartmentalisation of the building from the partition walls would erode the legibility of the more spacious historical internal plan form. I disagree with the categorisation of these changes as being reversible. The proposals would result in the creation of a new use with new homes being created. As such, whilst the alterations may theoretically be reversible, there is no evidence that such a prospect is likely.
26. Externally, the proposal would result in a small number of alterations. The new glazing above the existing door to the proposed Flat Five would make use of a bricked-up opening. However, introducing the glazing with a horizontal glazing bar above the door would result in an overtly contrasting arrangement that would not harmonise well with either the other entrance points or the windows on this façade.
27. The proposal also seeks to mostly fill the large arched opening with glazing. The plans before me show four glazed panels above three entrance doors out of four panels. This would result in an overly fussy, unbalanced and prominent feature that would impede and detract from views of the architectural detailing around the opening, even though the existing windows and doors are not original or of significance. Given the degree of architectural and historical significance of this opening on this façade, and as the three doors have derived from the internal layout proposed, it is not appropriate for alternative details to be reserved by way of a condition were I minded to allow the scheme.
28. The existing and proposed floor plans and external elevations are drawn at a 1:100 scale with only the sections of the entrance points at a 1:20 scale. In this regard, there are no detailed drawings at a more in-depth scale comprehensively showing the full extent of the works/development proposed. For example, the plans before me do not show the full details of how the proposed mechanical ventilation would be installed, details of the existing system and how it would be connected to it. Although not determinative in isolation, this casts doubt as to what I would be granting were I minded to allow the appeals.
29. Change to a heritage asset does not automatically result in harm to its significance. It can also be positive or neutral and it only becomes harmful if the identified special interest is eroded. Also, conservation is an active process of managing change to heritage assets in ways that sustain, reveal, or reinforce their heritage interests. I am mindful that any change of use of the ground floor to a residential use will result in change. Moreover, there are positive heritage impacts from the repair of the listed building and securing a long-term future use of the ground floor. Such matters are supported by national and local planning policies and guidance.
30. I recognise that the ground floor is vacant and in need of refurbishment. However, the whole building is not vacant and there is no substantive evidence that the building is in a perilous state or that the maintenance of the building is dependent on the scheme before me.

31. There are clearly well thought out and sensitive aspects of the design, such as the retention of most of the existing internal masonry walling and making use of the existing historical openings. These are benefits that would serve to preserve several features of the listed building that contribute to its significance.
32. Paragraph 207 of the National Planning Policy Framework (the Framework) says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As such, the benefits from the research and recording of evidence in support of the scheme are not matters that weigh in favour of whether the scheme should be permitted.
33. Overall, even with its positive elements, the proposal would have a harmfully erosive effect on the architectural and historic special interest of the listed building. As such, the proposal would not conserve this designated heritage asset in a manner appropriate to its significance.
34. Part of the character and significance of the CA is the high quality of the historic buildings it contains. This includes the ground floor of the appeal building, which can be seen from the road and footway to the south. In this regard, given my findings above in relation to the listed building, I also consider that the proposal would, in turn, harm the character and significance of the CA. Consequently, whilst the magnitude of the harm may be concluded to be minor adverse in the context of the CA as a whole, it would nevertheless fail to preserve it.
35. Drawing the above together, the proposal would fail to preserve the special interest of the Grade II listed building, and would fail to preserve or enhance the character of the CA. As a result, the expectations of the Act have not been met and the proposal would harm the significance of these designated heritage assets.

Public Benefits

36. Paragraph 212 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
37. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage asset, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
38. In this instance, as the harm would be confined to the ground floor of the listed building, the harm to the overall listed building and the CA would be 'less than substantial' and at the lower end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.

39. The main heritage benefit would be the conservation of the building following the proposed repairs, including some of the sensitive adaptation work to accommodate the change of use of the ground floor. The ground floor is vacant, and the proposal would secure its long-term conservation with an efficient use of the building creating an active frontage to the street. This would also be compatible with the residential uses in the floors above. Such matters are supported by national and local planning policies and guidance. As set out previously, the benefits from the research and recording of evidence in support of the scheme are not matters that I find to weigh in favour of whether the scheme should be permitted.
40. The scheme would provide social benefits from five new flats. This would boost the supply of housing from previously developed land in a central location near services and facilities. There would also be economic benefits too from the spending of future occupiers in the local area, as well as from the conversion of the building. This would stimulate employment, the commissioning of services, and the retention of building craft skills. However, I am also mindful that future occupiers of the flats would not have acceptable living conditions overall when considering access to natural light, outlook, noise and disturbance, waste and cycle storage provision. Taken together, these limit the social and economic benefits from the scheme.
41. The absence of harm in relation to other considerations such as damp and condensation, or highway and pedestrian safety, are matters that weigh neither for nor against the proposal and do not constitute public benefits.
42. The Planning Practice Guidance advises¹ that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. However, whilst the building has been vacant since the restaurant use ceased with no alternative user coming forward, in the absence of any substantive details of any steps to secure a user, this carries limited weight.
43. Moreover, there is no detailed evidence that a more sensitive scheme could not maintain any assumed returns or make the proposals unviable. As such, from the evidence before me I cannot conclude that the proposed scheme, the number of units, layout and alterations proposed, are necessary to make the scheme viable. Accordingly, clear and convincing justification for the harm that would occur to the significance of the designated heritage asset because of the proposal, has not been provided.
44. Drawing the above together, overall, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the great weight that I attach to the harm I have identified. Accordingly, the proposal would be contrary to the requirements of the Act, the Framework and Policies CS15 and UD14 of the CS and Policies DM15 and DM16 of the DAP. These say, amongst other things, that the alteration, extension, restoration or development of heritage assets must sustain, conserve and where appropriate enhance their significance, appearance, character and setting.

¹ Paragraph: 015 Reference ID: 18a-015-20190723

Conclusion

45. **Appeal A:** Although there would be benefits associated with the proposal, I consider that there are no material considerations, including the provisions of the Framework, of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given, Appeal A is dismissed.
46. **Appeal B:** For the reasons given, Appeal B is dismissed.

Mr R Walker

INSPECTOR