
Appeal Decision

Site visit made on 17 March 2015

by Chris Hoult BA(Hons) BPhil MRTPI MIQ

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2015

Appeal Ref: APP/A2525/W/14/3001297

Former Bakehouse, 1a Sheep Market, Spalding, Lincolnshire, PE11 1BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs C Rawlings against South Holland District Council.
 - The application Ref H16-0595-14 is dated 11 July 2014.
 - The development proposed is a change of use of a former bakehouse to 1 self-contained residential unit (resubmission of H16-0261-14).
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural matters

2. The proposal is described as being for a change of use of the appeal building but, from the plans, it is plain that it incorporates a small rear extension, to fill a gap between it and the street frontage building behind which it sits. Since ultimately I dismiss the appeal, there is no need to change the description in the heading, above. However, I deal with the appeal on the basis that it relates to both a change of use and a rear extension.

Background and main issue

3. The appeal is against the Council's failure to determine the application. The Council reports that it was referred by officers to a Chairman's Panel with a recommendation for approval but was deferred owing to concerns regarding the configuration of internal space and the external amenity area. Following a further report, it was again deferred, for consideration by the full Planning Committee, at which point the appellants appealed. The Council has not advanced reasons for refusal which it would have set out had it been able to determine it. In its appeal statement, however, it continues to express concerns, predominantly about the external amenity space.
4. The site is described as being at the heart of the Spalding Conservation Area (CA) and has a town centre location. That said, it is accessed through a narrow yard between buildings and only fleeting glimpses of it would normally be available from the street. At present, a wooden gate has been placed across the yard, blocking views of it altogether. It is situated to the rear of the Grade II* listed Priors Oven, a former tea room and gift shop now converted to a public house and is in the same ownership as the public house. While it is not

itself listed and historically had no connection with the Priors Oven, from the yard, it is viewed in conjunction with it and therefore forms part of its setting.

5. No issue is raised by the Council regarding whether or not the proposal would preserve or enhance the character or appearance of the CA. The proposal appears to me to incorporate sympathetic alterations to the building's front elevation. Given this, and the highly contained nature of the site, I find no reason to disagree with its view. Any improvements to the building's fabric would at the very least preserve the character of the CA.
6. Nor does the Council raise an issue in relation to any purported harm to the setting of the listed building. The relevant statutory test¹ requires me to have special regard to the desirability of preserving the building or its setting. The listing statement for the Priors Oven describes it as 13thC in origins, though almost entirely 19thC in appearance, save for its distinctive rounded shape. It forms a group with nos. 15-17 Hall Place, of local interest, which continue the curved frontage. Its interest lies in its age and origins, and its architectural detailing. Any proposal which would improve the appearance of the appeal building must preserve the listed building's setting.
7. Given this, the main issue comes down to whether the proposal would provide satisfactory living conditions for prospective occupiers, having regard to: (a) the configuration of the internal living space; and (b) available external amenity space.

Reasons

Internal living space

8. The building is two-storey, with space in the roof void. The ground floor would house a kitchen and dining room and the first floor a lounge, while two bedrooms and a bathroom would occupy the roof space. The Council raises no concern regarding overall space standards. Purely in terms of the available space, a broad arrangement along these lines could be accommodated subject to concerns which I raise below.
9. These relate to the layout and configuration of the rooms. The space to the rear of the building amounts to a very narrow internal yard, fully enclosed on all sides by the building itself and the tall buildings having a frontage to Hall Place. It does little more than serve as a light well to the rear of the building. The proposal involves building within the space, on three levels. Only at the top level, via roof lights, would natural light be available to rooms. This means that the proposed kitchen on the ground floor and study on the first floor would have no direct natural light to them.
10. Moreover, the "usability" of the ground floor room and any natural light reaching into it from the single window to the alley would be heavily compromised by the proposed stairwell providing access to upper floors and the positioning of a bathroom. When open, the door into it would further block light from the window. This room would need to house refuse bins for the property, in an under-stairs cupboard. All of this would militate against its proposed use as a dining room which in turn would raise doubts about the rationale of siting the kitchen on this floor.

¹ See s66 of the Listed Buildings and Conservation Areas Act 1990.

11. Turning to the first floor, space within the lounge would be limited by the need to incorporate two stairwells and a landing at that level. If the ground floor were to revert to use as a utility room (as the Council reportedly suggested to the appellants), this constrained space would also need to accommodate a dining area. I ignore references on the plan to a refuge area for ground floor occupants and sealed cupboard for refuse, which appear to relate to the now superseded two-flat scheme for the building. However, the positioning of a sofa on the plan gives an impression of the limited space available.
12. With regard to the bedrooms, light would be provided by way of roof lights but no outlook would be offered, such views as would be available being of the rear of buildings backing on to the rear yard or the yard to the front. The proposal to locate a bathroom on this floor, while of benefit, would result in very limited space for the front bedroom.

External amenity space

13. The yard which the building fronts forms part of a wider rear yard/service area to premises which can also be accessed from Gore Lane. However, palisade fencing has been erected across the access from that street and similar fencing separates the part of it in front of the appeal building from this wider area.
14. Other premises have access to it. In particular, there is a gate and yard to the rear of a bookmakers on Hall Place and fire exits to shop units on Sheep Market on the opposite side of the yard to the public house. At the time of my visit, and in spite of the gate which has been erected across it, it was in an untidy state and appeared to be being used as a general dumping ground for various items associated with the premises that have access to it. A series of trade waste skips and refuse bins were being stored in it. The evidence indicates that it is used for various unsociable activities late at night by people using the town's public houses and other facilities.
15. It became apparent in discussions during the application process that the appellants have a right of access only to the building. Ownership of the yard is unclear. As matters stand, therefore, the appellants do not have control over it and it is not included in any "red line" or "blue line" area on the submitted plans. The yard provides the only likely available external amenity space for prospective occupiers.
16. I question any value to occupiers it might have in any event as amenity space. It provides an oppressive outlook from the front of the building, to the side or rear elevations of various commercial buildings, which incorporate a series of air-conditioning units. At the time of my visit, a persistent background noise from the operation of the units was plainly audible. It is unclear whether such noise would persist into the evenings or at weekends. Any use of the space as an outdoor utility area by occupiers would have to compete with the waste activities openly taking place in close proximity. The gate across it appears to have been erected by the appellants and might alleviate the problems from late-night unsociable activities but it is unclear to me whether they have a legal right to carry out such action.

Conclusions

17. The proposal must be assessed on the basis that no dedicated or usable external amenity space, free from competing unsociable uses and activities in

close proximity to the building, can be provided. Notwithstanding that, in reaching my conclusions, I am mindful of the encouragement in paragraph 51 of the National Planning Policy Framework to convert empty buildings, particularly commercial buildings, into residential use. The Council refers to possible permitted development rights for such conversions which could be viewed, in the context of this appeal, as a fall back. That said, I do not have sufficient evidence relating to what the current lawful use of the building might be to know whether such a fall back is a realistic possibility.

18. The building has reportedly been vacant for many years. While its siting makes it unlikely that it would find an alternative independent commercial use, an alternative use in conjunction with the public house should not be ruled out. In spite of this, I accept that these are factors, along with the benefits to the significance of the public house as a heritage asset of improving the building's appearance, which must weigh in favour of allowing the appeal.
19. However, that cannot be at the expense of providing so inadequate a standard of accommodation for occupiers, as I have explained, irrespective of the attractions of a town-centre location. Having had regard to the configuration of the internal living space, and given that no meaningful external amenity space can be provided, I therefore conclude that the proposal would fail to provide satisfactory living conditions for prospective occupiers. It would run counter to the aim of Policy SG17 of the South Holland Local Plan to protect residential amenity (of prospective future occupiers) while, for purposes of Policy HS4, the site cannot be considered suitable.
20. The significant harm which would arise is not outweighed by those factors weighing in favour of the proposal. Accordingly, I conclude that the appeal should be dismissed.

C M Hoult

INSPECTOR