



Appeal Decisions

Site visit made on 28 November 2023

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal A Ref: APP/Y3940/W/23/3317422

5 Court Street, TROWBRIDGE, Wiltshire BA14 8BR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wiltshire Steeplejacks against the decision of Wiltshire Council.
 - The application Ref PL/2022/06283, dated 10 August 2022, was refused by notice dated 1 November 2022.
 - The development proposed is change of use of a former store to a one bedroom dwelling.
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Appeal B Ref: APP/Y3940/Y/23/3317418

5 Court Street, TROWBRIDGE, Wiltshire BA14 8BR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Wiltshire Steeplejacks against the decision of Wiltshire Council.
 - The application Ref PL/2022/06595, dated 10 August 2022, was refused by notice dated 1 November 2022.
 - The works proposed are change of use of a former store to a one bedroom dwelling.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
4. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. The main parties have been given the opportunity to make extra representations on this matter and any comments received have been considered in my determination of the appeal.

Main Issues

5. The main issues for both appeals are the effect of the proposal upon the significance of the grade II listed building known as Home Mill Buildings¹, and whether it would preserve or enhance the character or appearance of the conservation area.

¹ List Entry Number 1364216

6. An additional main issue for appeal A is whether appropriate living conditions would be secured for future occupants of the proposed dwelling.

Reasons

Listed building and conservation area

7. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The appeal building is a small undercroft at one end of a late 19th century terrace of cottages. The undercroft faces over Court Street and may have been built as a small coach house. The cottages are brick built with stone dressings that include quoins and shallow pediments to doors and bay windows. The undercroft storey is faced in ashlar stone and serves as a plinth to the terrace above. It is dominated by two large openings; one is enclosed by a pair of doors with glazing to their upper section and the other has a wide central door with fanlight above and two windows to either side. Apart from the PVCu casements and surface applied signage, this joinery appears to be largely original. Internally the undercroft retains historic floor and ceiling finishes.
9. The terrace is an important and prominently positioned residential component of a characterful group of 19th century industrial buildings. These buildings share a common material palette and give the area a strong identity as a former industrial component of the town. The well considered architectural composition of the terrace and its surviving historic fabric are factors that contribute to its special interest. Whilst modern interventions such as the adjacent concrete wall have eroded the quality of the area to a degree, the terrace's position relative to other similarly aged factory buildings nearby are elements of its setting that contribute to its special interest. These factors are also important contributors to the character and appearance of the Trowbridge Conservation Area (TCA).
10. The interior of the undercroft is divided into two main spaces with a central masonry wall. One half would be opened up to its full original size by removing a modern partition. The other half would be divided into three small spaces to provide a bedroom, small shower room and a kitchen area that would face over the street. On the basis that the space is already divided, the proposed subdivision would have a neutral impact on the internal character of the undercroft.
11. The undercroft is built into the ground and appears to suffer from water and moisture ingress. There is no evidence before me to demonstrate that it was ever in use as domestic living accommodation. Indeed, the masonry piers at the rear do not appear to have served as fireplaces for heating, and the large front openings are not of a domestic scale. Changing the function of this part of the building so that it is fit for residential occupation is a matter that needs to be carefully considered to ensure that a dry and comfortable environment can be achieved without harm to the fabric's moisture balance. Little information has been submitted to show how this would be achieved. A condition could be used if the appeals are allowed; however, a basic conservation minded

- approach should at least be drafted at this stage so that the proposal's impact can be properly understood.
12. Externally the pair of doors would be removed. This would result in the loss of historic fabric. The proposed replacement infill would have a horizontal emphasis that would not respect the vertical emphasis of this elevation as a result of the proportion of the glazing and the horizontal timber cladding.
 13. The adjacent opening would also be altered by narrowing the width of the door and thereby requiring the alteration of the existing timber frame and the insertion of an unspecified material either side of the new door to account for its reduced width. No explanation has been given for this modification, and the replacement arrangement would alter the proportions of the opening and harm the original appearance of the neatly dressed masonry arranged to take the existing door.
 14. For the reasons given the proposal would harm the special interest of the listed terrace, arising from the loss of historic fabric and harmful impact on the building's appearance. The level of harm would be significant, given that the proposal would affect the building's prominent road facing elevation. The external changes would be highly visible from the street and would have a harmful impact on the character and appearance of the streetscene. It would thus fail to preserve the character and appearance of the TCA; however, given the small scale of the proposal relative to the area of the TCA, the harm would be modest.
 15. In terms of the Framework the harms would be less than substantial. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
 16. The proposal would secure the removal of the existing PVCu casements, however this benefit would be offset by the harm that would arise from altering the joinery.
 17. Internally the proposal would see the existing opening in the masonry wall widened, beneath the brick arch. The existing painted brickwork provides no evidence that this opening was once wider, so it is not therefore clear that this would be a reinstatement, and this matter should attract no weight.
 18. The proposal would necessitate the removal of the existing adverts that are fixed across the upper parts of the pair of doors. This intervention would significantly improve the appearance of the end of the terrace as would the overall repair and tidying up of this part of the building. This would benefit both the special interest of the listed building and the character and appearance of the TCA, however the weight I give to this is limited by the harmful visual impact of the proposal.
 19. The proposal would bring a redundant part of the existing building into a new use which would be likely to secure the future conservation of this part of the building. Additionally, the delivery of a small dwelling within an existing building would be in accordance with the support for windfall sites in Paragraph 70 of the Framework. The site is within an area that is well located with good access to local services and facilities. These matters constitute a clear public benefit that is of considerable weight.

20. The appellant refers to the benefit of introducing a heat pump and electric vehicle charging point with reference to the support for such at Paragraph 164 of the Framework. However, neither are included on the proposed plans and both would need permission as the building is listed. I therefore give little weight to these matters.
21. Together the public benefits carry considerable weight. I need to balance this against the significant level of harm that the proposal would cause, and take into account Paragraph 205 of the Framework, which states that great weight should be given to the conservation of a heritage asset. On this basis, the public benefits of the proposal would not be sufficient to outweigh the harm.
22. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and fail to preserve the character or appearance of the TCA. It would be contrary to Policies 57 and 58 of the Wiltshire Core Strategy 2015 (WCS), which together seek to ensure that development proposals are designed to a high standard that enhances local distinctiveness and protects and conserves the historic environment.

Living conditions

23. The proposed dwelling would have a single outlook to the front over a section of the road that is designated for car parking. There is no footpath or similar defensible space to separate the front windows from the parking bay. As such, it is likely that the outlook from the dwelling would be dominated and significantly limited by the presence of cars parked immediately outside the building, particularly as those living in the terrace report that parking is in high demand. The inability to have a meaningful and pleasant outlook from a dwelling would result in a living environment that would be substandard, and would not facilitate good mental health for its occupants.
24. The appellant is of the view that parking directly in front of the building is illegal and such parking would not occur in the future. At my visit I saw that the parking bay is marked out and covers the whole of the front elevation of the proposed dwelling. Once converted access would only be required to the front door, so even if the Council agrees to rearrange the parking bay it is likely that it would only be reduced to the front of the proposed entrance door.
25. The rear bedroom would be lit by an existing lightwell that opens into the front garden of the dwelling above. This was partly blocked at the time of my visit; however, it is north facing so at its best is only likely to distribute a basic level of secondary light to the bedroom. Additionally, complications could arise in the future as the lightwell relies on daylight from the garden of a separate dwelling. This would be a poor arrangement and would exacerbate the problems already identified regarding the outlook at the front.
26. The main living area includes an area for bin storage. It is suggested that this would take the form of a sealed unit. No details of such a system are provided in the submissions. There is therefore nothing before me to demonstrate that domestic waste could be successfully stored within the dwelling between bin collections in a manner that would be hygienic and odour free. Additionally, the area marked for bin and bike storage would occupy a considerable portion of the living room, pushing the usable area to the back of the room which would be away from the front windows.

27. The appellant advises that the dwelling would accord with the Nationally Described Space Standard. This is however not a matter that I can take into account as there is no corresponding development plan policy², and in any case it would not account for the other deficiencies I have found.
28. In summary, the proposal would fail to secure appropriate living conditions for the future occupiers of the dwelling. It would not accord with Policy 57 of the WCS, which seeks to ensure that development proposals are well designed to achieve an appropriate level of amenity.

Other Matters

29. The appellant suggests that the Council is unable to demonstrate a 5 year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to Paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the special interest of the listed building and character and appearance of the TCA. It would not therefore accord with the Framework and the tilted balance does not apply.
30. References are before me to a scheme nearby for the conversion of offices into dwellings. The circumstances of this scheme, including the regime by which permission was granted, appear significantly different to the appeal proposal. Accordingly, this scheme has had no bearing on my decisions.
31. The appellant refers to the Policies of the 1996 West Wiltshire Local Plan. The Council has clarified that these Policies are out of date and they have not therefore been determinative.

Conclusion

32. For the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR

² Planning Practice Guidance Paragraph: 018 Reference ID: 56-018-20150327