

NEWBURY 17/03526/FULD  Pins ref: 3215608	Land to the rear of 39 Oxford Street Newbury RG14 1JG	Erection of one 1 bedroom and 2 two bedroom flats with associated parking and private amenity space	Dele. Refusal	Dismissed 18.06.2019
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### **Main Issues**

The main issues are the effect of the proposed development on the setting of the nearby listed building at No. 39 Oxford Street and on highway safety.

### **Reasons**

#### *Listed building*

The building at No. 39 Oxford Street is a substantial town house style property which is Grade II listed and has been the subject of a 1980s extension to the front/side. The appeal site is presently used as a car park for the offices at No. 39, with a car sales use having been regularised in respect of a number of the spaces also. It adjoins a parking area for the Strawberry Hill Medical Centre, with little definition between the two areas.

Although in use for car parking, the present openness of the appeal site means that the architecture and detailing of the rear of the listed building can be appreciated and gives a sense of the grandeur of this substantial property. In contrast, the proposed development would introduce a new one and a half storey building onto the site, which would extend across much of the width of the plot. This would both impede views of the rear of the listed building and would also result in a cramped appearance at odds with the currently more spacious setting.

Efforts made to ensure a sensitive design for the building proposed, and historic evidence of subservient buildings in the area do not overcome these fundamental concerns. The fact that some views of the rear would remain available is not a justification for significantly impeding existing views, whether or not these were originally intended to be publicly available.

Equally, adverse changes to the listed building's setting over time do not automatically mean that further harm is acceptable. Benefits related to the restoration of residential use, providing a defined curtilage, sense of containment and visual break from development beyond also do not overcome the harm identified.

The Inspector thus concluded on the first main issue that the proposal would have a harmful effect on the setting of the nearby listed building at No. 39. It would conflict in this way with Policies CS14 and CS19 of the West Berkshire Core Strategy (adopted 2012) (CS) which seek the conservation of historic assets and to ensure that proposals for development are informed by, and respond to, the nature of heritage assets.

In reaching this conclusion, he had undertaken his statutory duty pursuant to the section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting. The harm would be less than substantial in the terms of the revised National Planning Policy Framework (2019) given that the proposed development would not remove key historic or architectural features. He therefore proceeded to weigh the public benefits of the proposal below.

#### *Highway safety*

The effect of the appeal proposal would be to develop land currently used for car parking in connection with offices at No. 39 and car sales. Parking provision would be made for the new

flats and the development is intended to be brought forward together with an existing permission for residential development of No. 39. The Council is concerned that if the existing residential permission for No. 39 does not come forward, parking spaces for the office and car sales would be displaced.

Irrespective though of whether or not the proposed No. 39 residential development is brought forward with the existing residential permission for No. 39, no detailed evidence is produced to identify any harm that would result from the loss of parking spaces for the office and car sales use in terms of highway safety or otherwise.

As such, on the evidence before the Inspector, he found that the proposal would not result in any adverse impacts in terms of highway safety. It would accord in this regard with the highway safety aims contained within Policies CS13 and CS14 of the CS.

#### *Public benefits and balancing*

The proposal would provide two additional units of smaller and so, in this way, more affordable residential accommodation in an accessible location in the context of local and national policies seeking these benefits. This would very modestly increase use of local services and would potentially provide some increased surveillance at night time. New Homes Bonus and council tax payments are also cited as benefits. Along with the previously approved residential permission for No. 39, it would reduce hard surfacing on the site and reinstate the former residential use. These aspects together weigh modestly in favour of the proposal.

Community Infrastructure Levy payments and provision of parking and amenity space to adopted standards do not represent benefits and so would be only neutral effects. The Council has not identified any harm to the Newbury Conservation Area and, in undertaking his statutory duty pursuant to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Inspector had no reason to disagree with this assessment. Again though, the absence of harm does not represent a benefit.

Weighed against this, the proposal would result in less than substantial harm to the setting of the listed building at No. 39. The Inspector is required, pursuant to the revised Framework, to accord great weight to the asset's conservation.

#### **Balancing and Conclusion**

The proposal would offer some modest benefits as outlined but would result in harm to the setting of the listed building at No. 39. Given that the conservation of the setting of No. 39 is due great weight, the benefits identified would not outweigh this harm. The proposal would thus conflict with the development plan, read as a whole. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

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