

COMMITTEE REPORT

Date: 18 July 2023 **Ward:** Acomb
Team: West Area **Parish:** No Parish
Reference: 22/01841/LBC
Application at: Macmillan House 60 York Road Acomb York YO24 4NW
For: Internal and external alterations in association with conversion of 17 no. self-contained bedsits to 8no. self-contained flats.
By: Mr Christopher Goodman
Application Type: Listed Building Consent
Target Date: 21 February 2023
Recommendation: Refuse

1.0 PROPOSAL

1.1 Macmillan House 60 York Road Acomb comprises a Grade II Listed detached brick and render built villa dating to the early 19th Century with brick-built extensions to the rear. The site lies within the Acomb Conservation Area. The premises were formerly used as a hostel managed by the Local Authority and presently are in use as a development of 17 one-bedroom bedsits subdivided by light weight stud work partitions. Listed Building Consent and a parallel permission for enabling works (ref:22/01840/FUL) have been submitted for change of use of the existing 17 Bedsits to 8 self-contained flats together with the erection of two bungalows in the grounds.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

LOCAL PLAN

2.2 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policy D5 (Listed Buildings) can be afforded significant weight in accordance with paragraph 48 of the NPPF given the progression of the plan, the lack of material objections and the conformity with the NPPF.

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Conservation Architect)

3.1 Object to the proposal on the grounds that in terms of the conversion works they are felt to lead to the severance of the historic servant staircase leading to the attic and the legibility of the historic plan form along with the severance of a bay window on a principal elevation through insertion of a new entrance hall. This is felt to result in less than substantial harm to the significance of the designated heritage asset which may be balanced by appropriate public benefits. No case for public benefits and no viability information has been brought forward.

EXTERNAL

Historic England

3.2 Object to the proposal on the grounds that the alteration to the back staircase would seriously harm the legibility of the internal layout. It is felt that the design of the new layout fails to address the significance of the building and gives rise to serious potential for the loss of other elements of the historic fabric within the interior.

4.0 REPRESENTATIONS

4.1 One letter of representation has been received raising the following issues:-

- Failure to address previous reasons for refusal in respect of planning application 15/02778/FUL.
- Harm to the setting of the listed building from the proposed bungalows.
- Loss of mature trees and landscaping within the site
- Conflict with the access to neighbouring properties during the period of construction.

5.0 APPRAISAL

KEY CONSIDERATION

Application Reference Number: 22/01841/LBC

Item No: 4b

5.1 - Impact upon the special interest of the Listed Building

LEGISLATION AND NPPF POLICY RELATING TO HERITAGE ASSETS

5.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a listed building there will be a strong presumption against the grant of permission.

5.3 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes:

-Paragraph 199 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

-Paragraph 202 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

IMPACT UPON THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING

5.4 Macmillan, also known as Hill House 60 York Road Acomb comprises a detached two storey brick and render villa dating to the early 19th Century set within large grounds sweeping back from the street frontage with a single storey brick built rear extension. Two houses have previously been erected within the former garden to the rear (nos 1 and 2 Church View) but at some distance from the main building with the rear area retaining the character of a domestic curtilage providing outdoor amenity space for the occupants of the bedsits within the host building. The host building was subdivided in the 1970s to form a hostel although elements of its original significance remain including the servant's stair leading into the attic, several fireplaces and the wine cellar.

5.5 The proposal envisages the undertaking of further conversion works to reduce the number of residential units from 17 to 8 with alteration of the pattern of internal sub-division with the replacement of light weight studwork partitions with more substantial walls. The detail of the scheme has been amended since submission to

address conservation concerns specifically in respect of impact upon the central former servant's stair case leading to the attic with the upper section retained but with the central section losing its direct connection with the historic circulation route through the house. The first-floor bay windowed room would also have an entrance hall inserted into it which would reduce its legibility.

5.6 Central Government Planning Policy as outlined by paragraph 194 of the NPPF indicates that in determining applications local planning authorities should require an applicant to describe the significance of heritage assets affected including any contribution made by their setting. The submitted Design, Access and Heritage Statement challenges the significance of the interior of the building by suggesting that the lack of reference to the interior of the building in the Statutory List description minimises the contribution of the interior to its significance as a designated heritage asset. This is an incorrect approach, the list description is primarily to identify the building and omission of features or otherwise is not a statement of their significance.

5.7 The scheme as amended partially addresses earlier concerns in terms of the severance of the servant's stair rising vertically through the attic through the house. The upper section is now retained although the central section is now turned losing its direct connection with the principal staircase from the ground floor harming the legibility of the interior. An entrance hall for one of the newly created apartments would be inserted into the first-floor room with a bay window with the result that the bay window would then lose its centrality with resulting harm to the understanding of the historic plan form of the building. Other aspects of the internal layout maybe controlled by condition and notably the surviving internal fireplaces would be retained.

5.8 Policy D5 of the Draft Local Plan states that "Changes of use will be supported where it has been demonstrated that the proposed new use of the building would not harm its significance and would help secure a sustainable future for a building at risk." And that "Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal." The submitted scheme fails to demonstrate how the proposal would respect the significance of the building and fails to acknowledge the contribution of the interior to that significance. Remaining harm is concentrated into two areas with the loss of legibility of the first-floor bay window room and the severance of the internal staircase. It is felt that the proposed works would give rise to less than substantial harm to significance of the heritage asset which requires a case to be made for public benefits of the proposal that would outweigh the identified harm, including where appropriate securing the building's optimum viable use. As set out in paragraph 199 of the NPPF, great weight should be given to the designated heritage asset's conservation, and at paragraph 200, that any harm should require clear and convincing justification. The applicant has suggested that the alterations to the staircase are necessary to secure the viability of the

development although no information has been submitted in terms of the viability of either the existing layout or the proposed scheme. The building is fully occupied and in a general state of good repair. The public benefits do not outweigh the harm to the listed building. This is contrary to policy D5 and paragraph 202 of the NPPF.

6.0 CONCLUSION

6.1 Listed Building Consent is sought for the conversion of the premises from 17 bedsits to 8 apartments involving alteration to the existing internal pattern of subdivision. Two specific areas of harm to the significance of the internal layout have been identified. The servant's stair leading to the attic would be severed in its central section and the insertion of an entrance hall would undermine the legibility of the first-floor bay windowed room. Having regard to the statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 199 of the NPPF, great weight is attached to the identified harm to the listed building. No detail in terms of viability has been provided and no other case for public benefits to otherwise balance the identified harms has been provided. The proposal is contrary to policy D5 of the emerging Local Plan and paragraph 202 of the NPPF.

7.0 RECOMMENDATION: Refuse

1 The conversion works would lead to the severance of the existing internal service stair to the attic together with the erosion of internal layout of the first-floor bay windowed room by insertion of an entrance hall harming the legibility of the plan form leading to less than substantial harm to the significance of the designated heritage asset. The submitted case for public benefits of the proposal has not been justified and is not considered to outweigh the harm to the significance of the listed building. The proposed development is considered to be contrary to paragraph 202 of the NPPF and policy D5 of the Draft Local Plan.

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