

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 22 October 2009                              **Parish:** Micklegate Planning Panel

**Reference:** 09/01655/LBC  
**Application at:** Artful Dodger 47 - 51 Micklegate York YO1 6LJ  
**For:** Internal alterations including new staircase, toilets and replacement windows  
**By:** Mr Mark Allinson  
**Application Type:** Listed Building Consent  
**Target Date:** 5 November 2009

### 1.0 PROPOSAL

1.1 No 47-51 Micklegate, currently operating as a public house known as "The Artful Dodger" comprises a four storey Mid Victorian buff brick and slate built Grade II Listed property occupying a prominent site within the Historic Core Conservation Area. The proposal, which is partially retrospective, envisages the conversion of the first floor of the property from offices ancillary to the main pub use to a bar/function room and incorporates the partial insertion of a suspended ceiling, the removal of existing internal walls, the replacement of existing window units for double glazed units, the formation of an office and toilet area, the installation of a sound and projection system, the re-opening of a cupboard area abutting the adjoining property, the formation of a staircase linking to the ground floor bar area and the erection of a satellite dish on the rear elevation. The proposal forms a re-submission of an earlier scheme previously refused but incorporating sound insulation to walls abutting the adjacent property No 45 Micklegate.

1.2 The application has been called-in for a sub-committee decision by Councillor Gunnell as the applicant feels his applications are being unfairly treated and issues seem to be arising from alterations that have been made to the building prior to Mr Allinson actually owning it, also there seems to be disagreement on what Mr Allinson has been told he can or cannot do and also what is deemed to be acceptable or not acceptable in his project plans.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

## 2.2 Policies:

CYHE4  
Listed Buildings

## 3.0 CONSULTATIONS

### INTERNAL

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Object to the proposal on the grounds that the proposal would result in an unacceptable erosion of the character of the internal space of the building in terms of the removal of the internal walls at first floor level. Insufficient justification has been advanced for the insertion of a staircase between the ground floor bar and the first floor area, insufficient justification has been advanced for the proposed alterations to the windows at first floor level and insufficient justification has been advanced for the loss of the original doors at first floor level and for the loss of the rear wall of the substantial chimney in the rear first floor room. Taken together the work represents a totally unacceptable degree of intervention that materially detracts from the special character and appearance of the Listed Building contrary to the terms of PPG15 "Planning and the Historic Environment".

### EXTERNAL

#### MICKLEGATE PLANNING PANEL

3.2 No objection.

### NEIGHBOURS

3.3 One letter of representation has been received from an adjoining landowner objecting to the radical nature of the internal works being undertaken at the property, the impact of the development on the residential amenity of neighbouring occupiers and the undertaking of development on land outside of the ownership of the applicant. The submission of a planning application for change of use in respect of the first floor activities is also called for.

## 4.0 APPRAISAL

4.1 Policy HE4 of the York Development Control Local Plan sets a firm policy context establishing that Listed Building Consent would only be forthcoming for works involving external or internal alterations and the erection of satellite antenna where there would be no adverse impact upon the character, appearance or setting of the building. No 47-51 Micklegate comprises a four storey Mid Victorian property constructed in a light buff brick with Neo-Tuscan windows. It forms part of a group of similarly designed properties forming a corner block at the junction of St Martin's Lane and Micklegate. Each property has a characteristic internal arrangement of cellular spaces with ornate decorative ceilings and elaborately moulded doors. The development has been intended to create a first floor function room/additional bar with a staircase link to the ground floor bar area together with ancillary toilets and an office. The construction work which is substantially complete has involved the removal of the internal walls from the first floor, the sealing over of the ceiling of the rear room on the first floor, the re-opening of a cupboard area within the wall abutting the boundary of the adjacent property No 45 Micklegate, the construction of a staircase between the ground floor bar area and the first floor, the removal of existing doors on the first floor, the partial removal of the existing rear stack, the replacement of a number of Victorian sash windows with double glazed units, the removal of a disused freestanding cold store from the first floor and the erection of a satellite dish on the rear elevation. Other unauthorised work has been undertaken elsewhere on the site, not part of the current application, notably the fixing of floodlights to the main Micklegate elevation.

4.2 Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" lays out a requirement for all Listed Building Consent applications to be fully justified, clearly demonstrating why works which affect the character of a Listed Building are both desirable and necessary. The current application has been accompanied by a detailed statement which outlines the justification for the work. This identifies the first floor as being intended to provide a function room/conference facility. The work undertaken to create the single large open space has been extremely radical. The requirement for such a configuration has been justified on the basis of the need for security and to ensure that bar staff are able to successfully deter illegal activity. The degree of intervention has been modified to some extent by the inclusion of a folding timber glazed screen on the alignment of one of the walls previously removed. The removal of the disused cold store is of benefit in terms of securing the character and appearance of the building however the wholesale removal of the internal walls to secure the formation of a large single use space on the basis of the need for security and intervisibility is unjustified as a number of other far less radical and far more sympathetic means exist to deal with the same situation such as the use of a high staff to customer ratio or the use of cctv. The development is justified as being for the creation of a function room/conference facility, facilities which could be arranged flexibly making use of medium sized rooms which may be easily subdivided and not the single large open space scribed by a bar indicated here. The insertion of a staircase from the ground floor bar area on to the first floor is justified as being a Building Control requirement, and to cater for the security of the upper floor flat above. Building Control has confirmed that the separate staircase is not a requirement of theirs and that the security of the occupant of the upper floor flat maybe safeguarded by other much

less intrusive means. Perfectly adequate access to the first floor could be achieved from the ground floor bar area by insertion of a doorway linking the bar area with the existing main staircase running through the building.

4.3 The ceiling of the rear room on the first floor has been boarded over under the justification of the need to provide sound insulation for the flat above, as a consequence the nature of the rear room has been fundamentally altered and the existing Victorian ceiling has been obscured. The need to provide sound insulation for the up-stairs flat is not a specific Building Control requirement and on the basis that it is intended for occupation by the bar manager difficult to justify. The nature of the first floor windows on the street elevation with their fine carved and moulded Neo-Tuscan detailing and surviving window furniture add substantially to the intrinsic architectural merit of the property. Their reconfiguration to accept double glazing units is justified by the applicant on Health and Safety grounds on the basis that they sit low over the existing floor level and there is a risk of damage from customers using the upper bar area and also there is a need to give a degree of sound proofing to protect the nearby street. The risk of damage by customers is in reality minimal and any risk can be effectively mitigated by the application of film to the existing glass and the windows can be curtained to lessen sound transmission. With the current revised submission sound insulation has been added to the walls of the first floor closest to the adjacent property No 45 Micklegate. That would not mitigate the detrimental impact of the other internal alterations to the extent of rendering the wider scheme acceptable.

4.4 The satellite dish prominently located on the rear elevation at first floor level is acceptable in principle but could be more appropriately located. However taken as a whole the work proposed and already undertaken does not comply with the terms of Draft Local Plan Policy HE4 or Central Government advice in respect of Listed Building Control outlined in PPG 15 " Planning and the Historic Environment".

4.5 In terms of the issues raised by the owner of the adjacent property No 45 Micklegate, the current application is specifically for Listed Building Consent so any issue of material change of use is not material to consideration of the current application. Similarly the issue of impact upon residential amenity whilst an important consideration in its own right , is not material to judging the impact of the proposal on the character or appearance of the Listed Building.

## **5.0 CONCLUSION**

5.1 No 47-51 Micklegate comprises a four storey brick built Grade II Listed Mid Victorian property lying within a prominent site within the Historic Core Conservation Area. The proposed development identified as being for the formation of a conference room/function room has involved the complete removal of the existing internal walls within the first floor, the insertion of a staircase between the ground floor bar area and the first floor and the sealing over of the rear room ceiling. Consent is also sought for the insertion of double glazed units within the existing first floor windows. Central Government Guidance in respect of Listed Building Control outlined in PPG 15 " Planning and the Historic Environment" requires that work to Listed Buildings must be fully justified as being desirable and necessary. The applicant has failed to adequately justify the extent and nature of the works proposed

and already undertaken and he has failed to demonstrate how they can be identified as being either desirable or necessary, as a consequence Listed Building Consent should be refused.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The removal of the internal walls and doors from the first floor, the sealing of the existing ceiling within the rear first floor room and the insertion of a staircase between the ground floor bar area and the first floor, together with the proposed insertion of double glazed units within the existing first floor windows within the Micklegate street elevation harm the special character and visual appearance of the Listed Building contrary to the terms of Policy HE4 of the York Development Control Local Plan together with Central Government advice on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13 and Paragraph 3 to the associated Annex C "Guidance on Alterations to Listed Buildings".

2 The internal works proposed and previously undertaken to create a first floor conference/function room have not been adequately justified as being desirable or necessary in terms of their impact upon the special character and appearance of the Listed Building in accordance with the requirements of Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" paragraph 3.4.

### **7.0 INFORMATIVES:**

#### **Contact details:**

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