

COMMITTEE REPORT

Committee: West/Centre Area
Date: 20 January 2010

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 09/02175/LBC
Application at: Artful Dodger 47 - 51 Micklegate York YO1 6LJ
For: Installation of staircase between rear ground and first floor rooms (retrospective)
By: Mr Mark Allinson
Application Type: Listed Building Consent
Target Date: 27 January 2010

1.0 PROPOSAL

1.1 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 11 Listed property occupying a prominent site within the Historic Core Conservation Area. The proposal seeks Consent retrospectively for the installation of a staircase linking the first floor with with the ground floor rear bar area. The proposal represents the partial re-submission of an earlier scheme previously refused. A further application relating to the insertion of a suspended ceiling into the rear first floor bar area is included with the current agenda.

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

DC Area Teams GMS Constraints: Central Area 0002

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 in their opinion it results in an unacceptable erosion of the character of the internal space of the building by forcing a staircase through the ceiling of the rear ground floor room. Insufficient justification for the work has been advanced in view of the less damaging alternatives available. The scheme together with the other elements applied for separately comprise an 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 overall 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 KEY CONSIDERATIONS:-

Impact of the proposal upon the historic character and integrity of the Listed Building.

4.2 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 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 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 as a whole has been intended to create a first floor function room. 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 considered to be desirable and necessary. The current application has been accompanied by a detailed statement which outlines some of the justification for the work.

4.3 The submitted statement intimates that the staircase has been fitted into a pre-existing opening pre-dating the rear extension and that it has a minimal impact upon the character of the main building, having been installed as part of the works to repair the defective floor in the first floor room. Alternatives to the new staircase are considered and discounted. These comprise the insertion of a doorway from the groundfloor bar area into the existing stair well and the usage of the existing stairwell with an alarmed rope or similar device to seal off access to the first floor flat. The formation of a new doorway into the existing stair well is discounted on the basis that it would result in a load bearing wall being punctured, existing services would need to be relocated and potential security problems would be caused for both the upper floor flat and the ground floor bar. The laying of an alarmed rope or similar device to seal off access to the first floor is discounted again on the basis that it would lead to security problems for both the upper floor staff flat and the ground floor bar.

4.4 In terms of the material submitted to justify construction of the staircase, there is simply no evidence that the new staircase is associated with a pre-existing opening. The extension to the rear of the property is contemporary to the main building having been constructed to provide ancillary service functions for the main building. The new additional intervention is not therefore adequately justified on that basis. In terms of the alternatives to creating a new staircase the creation of an additional doorway would be through a load bearing wall but its structural integrity would not be compromised. Similarly it would be necessary to re-route service cables such as telephones and electricity but this would not be insuperable. Security concerns may be dealt with through appropriate staffing and use of CCTV systems for example and do not amount to adequate justification for the work undertaken. Alarmed ropes and other similar devices are used to restrict access to private areas at a number of venues again security concerns are not an adequate reason for discounting that as an alternative. The terms of Policy HE4 of the York Development Control Local Plan as well as Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment".

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 application seeks Consent retrospectively for the insertion of a staircase between the rear bar area and the proposed first floor function room. A number of less damaging alternatives exist to the intervention including the formation of a doorway between the front ground floor bar area and the existing Victorian staircase adjacent or

the use of an alarmed rope to seal off the upper floor flat from users of the main staircase. A justification for discounting these alternatives has been advanced with the application but this does not amount to adequate reasoning to support a grant of Consent for the proposal. The applicant further contends that the implications for the integrity of the structure by the insertion of the staircase are minimal on account of it using an existing opening. Again this is based upon insufficient evidence. The application once more fails to comply with Policy HE4 of the York Development Control Local Plan and the requirements of Central Government advice in respect of Listed Building Control outlined in PPG 15 "Planning and the Historic Environment".

6.0 RECOMMENDATION: Refuse

1 The insertion of a staircase between the ground floor bar area and the first floor causes significant and justifiable harm to the special character and visual appearance of the Listed Building contrary to Policy HE4 of the York Development Control Local Plan taken 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 Alterationsto Listed Buildings".

7.0 INFORMATIVES:

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