

APPLICATION: MA/12/1770 Date: 28 September 2012 Received: 28 September 2012

APPLICANT: Mr N Jackson

LOCATION: 31, EARL STREET, MAIDSTONE, KENT, ME14 1PF

PARISH: Maidstone

PROPOSAL: Listed building consent for partial demolition, alterations and extensions (being works involved in the change of use of building to a mixed use of A3 use, A2 use and a self-contained residential apartment) as shown on site location plan and drawing nos. 3266.14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, and 23A received on 28/9/12; and fixing detail received 20/12/12.

AGENDA DATE: 10th January 2013

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- Councillor Ash has requested it be reported for the reason set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: N/A  
South East Plan 2009: BE6  
Government Policy: NPPF

## **2. HISTORY**

2.1 The planning history for this site mainly involves planning and listed building consent applications for minor internal and external alterations and advertisements. The recent planning history is as follows:

MA/12/1769 - Partial demolition, alterations, extensions and change of use of building to a mixed use of A3 use, A2 use and a self-contained residential apartment – Undetermined - Reported on these papers.

MA/95/0922 - Listed Building Consent for the formation of doorway in an internal party wall – Approved.

MA/93/0115 - Listed Building Consent to alter guttering at rear of property – Approved.

MA/90/0488 – Internal box sign – Withdrawn.

MA/89/1764 - Listed building consent for alterations and improvements (to include alterations and improvements to front entrance hall and staircase new floor and pump sump to cellar and improvements to staircase new fire resisting ceiling to cellar new beer chute into cellar) – Approved.

MA/86/2021 - Internal fire precaution works and improvements to toilets – Approved.

### **3. CONSULTATIONS**

- 3.1 ENGLISH HERITAGE has sent a 'holding reply' raising objection. It says "we will be objecting to the application, particularly because of the glazed extension, and will do so in detail before your committee meets." I will update Members on any detailed comments from English Heritage at the meeting.
- 3.2 THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS states: "Having studied the documentation we felt that it was important to place on record our objection to the proposed glazed lobby located at the front of the building. Although there is an *Access and Design Statement [sic]* incorporating a *Statement of Heritage Significance* that attempts to make that case that the glazed lobby will not have a detrimental impact on the heritage asset we are unconvinced. We also note that we cannot find a convincing argument as to why this intervention is necessary. We are told that the "*Glass Box within the entrance is the key to unlocking the future use of the listed building*" but there does not appear to be any evidence to support this statement. Therefore we must object strongly to this aspect of the scheme as it appears to be unnecessary and will have a potentially detrimental impact on the significance of the heritage asset. Though transparent in their material nature glazed structures are rarely so when looked at objectively as varying light levels and reflections change their appearance considerably. It is therefore quite possible that for large parts of the time the glazed lobby will effectively obscure the lower part of the elevation and the attractive double entrance doors. With regard to the question of the physical impact we would argue that cutting a chase into the existing fabric to take the glazing channel is extremely intrusive and will cause considerable irreversible harm.

So whilst we have no objection to the proposed change of use and indeed welcome the efforts to bring the building back into a good state of repair we believe that this can be achieved without the addition of the glazed lobby. In

our view the scheme is acceptable in general terms but we firmly object to this particular element.”

- 3.3 THE MBC CONSERVATION OFFICER objects to the proposals. His comments are copied in full as an appendix to the MA/12/1769 report. The impact of the proposals on the listed building is the significant issue in this case and is discussed below.

#### **4. REPRESENTATIONS**

- 4.1 COUNCILLOR ASH has requested committee consideration should I be minded to recommend refusal. This to discuss the restoration of a premises which is dilapidated at present; the value of this building within the street scene and to the heritage of Maidstone; and the economic benefits of the proposed business with respect to jobs and other financial benefits.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site involves 31 and 33 Earl Street, a grade 2 listed building situated within the town centre off the south side of Earl Street. Number 31 is essentially the eastern half of the building and 33 the western half. This is land within the Maidstone Centre Conservation Area. The site involves a three storey building, the scale of which decreases as one moves south, with its southern element involving a flat-roofed ground floor projection. The front of the building exhibits an open courtyard centrally located between two wings so that the two entrance doors are set back from the street. The building has a facing of stucco and roughcast and prominent quoining.
- 5.1.2 The building fronts Earl Street and is opposite the Zizzi restaurant. To the east is an access road, beyond which is Nando's restaurant. To the west is a vacant office, whilst to the rear is a service yard for surrounding properties, accessed by the aforementioned side road.
- 5.1.3 The site previously accommodated a private club (normally falling with Use Class D2), the offices of a law firm (A2) and, at the upper level, a residential flat (C3). I agree with the applicant's agent that, on the balance of probability, the lawful use of the site is as a mixed use of those elements. The active use as a club has now ceased, although the law firm use continues.
- 5.1.4 The Conservation Officer has carried out a comprehensive analysis of this site and its historical significance and I draw attention to his comments in the appendix for further detail.

## **5.2 Proposal**

- 5.2.1 This application is for listed building consent and proposes external and internal works associated with the change of use of the premises to a new mixed use of an A3 restaurant, an A2 office and a residential apartment.
- 5.2.2 The scheme essentially seeks to re-unite the two halves of the building. The whole of the ground floor and the first floor of No. 31 would become a restaurant; the first and second floors of No. 33 would remain in office use, accessed by the existing door in the external passageway to the west of the building and by the existing secondary staircase; the top floor of No. 31 would form a two-bedroom flat, with independent access gained via a new staircase addition to the rear. The collection of single storey 20<sup>th</sup> Century additions to the rear which detract from the significance of the building would be demolished to be replaced by new kitchen accommodation serving the proposed restaurant.
- 5.2.3 The main external alteration involves the addition of a 'glass box' at the front of the building to infill the courtyard. This would be a single storey, flat roofed structure of glass, approx. dimensions being 6m by 4.2m, with a height of 4m. The front of the 'glass box' would be level with the front of the existing two wing projections and its forward elevation, with glass double doors, would replace the existing low wall and railings that currently separate the courtyard from the pavement. More information has now been submitted with regard to the method of construction and fixing: a stainless steel channel would be formed in the string and plinth courses with the toughened glass inserted and made good with silicone. Support would be provided by glass fins, mullions and beams with silicone joints and stainless steel brackets.
- 5.2.4 The other significant external changes involve the removal of existing modern single storey additions at the rear of the building and replacement with a single storey kitchen extension. A new three-storeyed glazed structure is proposed at the rear (adjacent to the aforementioned kitchen extension) to house a new staircase giving independent access to the second floor flat. Finally, in the first floor rear room of No. 31, it is proposed to change an existing window to a pair of doors, giving access to a roof terrace to be formed on the flat roof of the 1930's extensions. The window appears to be within the extension probably added in 1919 and is of low significance.
- 5.2.5 There are also a series of internal alterations proposed that are described and analysed by the Conservation Officer (see appendix).

## **5.3 Visual Impact/Impact on Designated Heritage Assets**

- 5.3.1 This is an application for listed building consent: the only issue in such an application is the impact of the proposed physical changes (both internal and external) on the character of the listed building.
- 5.3.2 Development Plan Policy, specifically Policy BE6 of The South East Plan, makes it clear that the historic environment should be protected, conserved and, where appropriate, enhanced, whilst the region's internationally and nationally designated historic assets should receive the highest level of protection. Proposals that make sensitive use of historic assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate use should be encouraged.
- 5.4.3 The NPPF, at Section 12 'Conserving and Enhancing the Historic Environment' essentially reinforces the need to conserve designated heritage assets before going on to state that, in determining applications, local authorities should take account of:
- **the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
  - **the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
  - **the desirability of new development making a positive contribution to local character and distinctiveness.**
- 5.4.4 As can be seen from his analysis, the Conservation Officer objects to this application on the basis that the changes would cause fundamental harm to the listed building that is of both historic and architectural interest. His detailed comments are set out in the appendix but his objections can be summarised thus:
- a) The proposed glazed addition to the Earl Street frontage of the building (ie the 'glass box') would result in an unacceptable visual intrusion into the principle elevation of the listed building, resulting in substantial harm to its significance. It would appear as an alien feature of inappropriately large scale, dominating the listed building by virtue of its siting and would result in the loss of the open forecourt which is a characteristic feature of the building's type. In the absence of any evidence to the contrary, the channelling of the structure into the existing walls may result in damage to historic fabric. The proposal would also result in the need to re-site the fine bracketed porch lantern to a higher level where it would appear incongruous, whilst the loss of the front boundary wall and attractive railings would be undesirable.

- a) The removal of four sash windows to the ground floor of the principle elevations of the existing building and the deepening of their openings to form new doorways into the new glazed extension would result in the loss of features of significance to an important stage in the building's development, namely its 18<sup>th</sup> Century remodelling and conversion to two dwellings, and would also be visually detrimental to the listed building.
- b) The new glazed staircase addition proposed for the rear elevation would be of excessive scale, exceeding the current eaves level, and would have an awkward and inappropriate relationship with significant features of the rear elevation such as windows and dormers.
- c) Internal alterations proposed will result in the loss of the original floorplan and of historic features in places, resulting in harm to the significance of the listed building. It is proposed to strip out internal floor, wall and ceiling finishes, and in the absence of any adequate detail on the extent of these works or the significance of the interior of the listed building, such works are likely to have an adverse impact on its special interest. Similarly, no details are given of any works which may be required to comply with fire safety or environmental health requirements, and in the absence of any such detail such works are also likely to have an adverse impact on the significance of the listed building.

5.4.5 These are fundamental objections from the Council's qualified advisor on heritage matters and, in my view, must be given significant weight in the process of determining this application.

5.4.6 The applicant contends that the scheme is not harmful arguing that the 'glass box' is a small simple structure that would not compete with the Jacobean architecture and that it would not challenge the external appearance and detailing of the building. The glass box would be removable and contemporary architecture of this sort is supported by English Heritage. The Conservation Officer addresses these issues in his detailed analysis and clearly disagrees.

5.4.7 The application justifies the 'glass box' partly on the basis that, without it, the recessed access to the building would not be apparent and potential customers would not be able to identify the presence of the restaurant from the approaches along Earl Street. This contention is supported by a letter from a Chartered Surveyor from A1 Retail Ltd stating that interest from restaurant operators is dependent on the inclusion of the 'glass box'. There would appear to be no definite commitment on behalf of the operators and I do not consider it reasonable for prospective operators to insist on a specific alteration to a listed building, particularly a significantly harmful alteration.

5.4.8 The application contends that the scheme (including the inclusion of the 'glass box') is the only way forward in terms of finding a new user for a building in need of renovation and refurbishment. I acknowledge that new uses need to be found for under-used listed buildings in order to help ensure their preservation. However, the building is still partly in active use with the other parts only recently vacated and I agree with the Conservation Officer that the building appears to be in a reasonable state of repair. It is not a building 'at risk'. There is no substantial evidence that the scheme put forward is the only means of securing its preservation.

## **6. CONCLUSION**

6.1 The significant issue here is the impact of the proposals on the listed building. I agree with the Conservation Officer that the alterations to the building would cause harm such as to outweigh the limited benefits in terms of finding a use for the building. I recommend that consent be refused.

## **7. RECOMMENDATION**

REFUSE LISTED BUILDING CONSENT for the following reasons:

1. The application is considered to be contrary to Policy BE6 of The South East Plan 2009 and the advice in The National Planning Policy Framework 2012 as the proposals would cause harm to the character of the listed building. The proposed glazed addition to the Earl Street frontage of the building would result in an unacceptable visual intrusion into the principle elevation of the listed building, resulting in substantial harm to its significance. It would appear as an alien feature of inappropriately large scale, dominating the listed building by virtue of its siting and would result in the loss of the open forecourt which is a characteristic feature of the building's type. In the absence of any evidence to the contrary, the channelling of the structure into the existing walls may result in damage to historic fabric. The proposal would also result in the need to re-site the fine bracketed porch lantern to a higher level where it would appear incongruous, whilst the loss of the front boundary wall and attractive railings would be undesirable.
2. The application is considered to be contrary to Policy BE6 of The South East Plan 2009 and the advice in The National Planning Policy Framework 2012 as the proposals would cause harm to the character of the listed building. The removal of four sash windows to the ground floor of the principle elevations of the existing building and the deepening of their openings to form new doorways into the new glazed extension would result in the loss of features of significance to an important stage in the building's development, namely its 18th Century

remodelling and conversion to two dwellings, and would also be visually detrimental to the listed building.

3. The application is considered to be contrary to Policy BE6 of The South East Plan 2009 and the advice in The National Planning Policy Framework 2012 as the proposals would cause harm to the character of the listed building. The new glazed staircase addition proposed for the rear elevation would be of excessive scale, exceeding the current eaves level, and would have an awkward and inappropriate relationship with significant features of the rear elevation such as windows and dormers.
4. The application is considered to be contrary to Policy BE6 of The South East Plan 2009 and the advice in The National Planning Policy Framework 2012. Internal alterations proposed would result in the loss of the original floorplan and of historic features in places, resulting in harm to the significance of the listed building. It is proposed to strip out internal floor, wall and ceiling finishes, and in the absence of any adequate detail on the extent of these works or the significance of the interior of the listed building, such works are likely to have an adverse impact on its special interest. Similarly, no details are given of any works which may be required to comply with fire safety or environmental health requirements, and in the absence of any such detail such works are also likely to have an adverse impact on the significance of the listed building.