

**Parish: Thirsk**  
**Ward: Thirsk**  
**17**

Committee Date: 5 January 2017  
Officer dealing: Mr Andrew Thompson  
Target Date: 12 December 2016  
Date of extension of time: 12 January 2017

**16/02304/FUL**

**Proposed alterations and change of use of ground floor to a retail unit, change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear**  
**At 2 Castlegate, Thirsk**  
**For Mr W Calvert**

## **1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 2 Castlegate is a large and distinctive building of pale brick construction occupying a commanding position facing down Westgate. Dominant features of the building are its tall arched top timber windows at second floor level. This application seeks permission to carry out alterations to the building to facilitate the change of use of the ground floor to a retail unit (Class A1) and the change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear.
- 1.2 The application seeks approval for a revision to planning permission reference 16/00133/FUL. The revision would create an additional third floor within the building, allowing the creation of a total of three two-bedroom apartments. The application is identical to planning application 16/01206/FUL, which was refused in August 2016.
- 1.3 The proposal involves the refurbishment of the whole property. Works are currently being undertaken under planning permission 16/00133/FUL, which includes two apartments.
- 1.4 Internal alterations are proposed to form a retail unit on the ground floor to the front with a two-storey three-bedroom apartment on the ground and first floor at the rear of the building. These details are as previously approved. On the second floor an apartment at the rear of the building would also be as previously approved. At the front of the building the gym area at second floor level would be converted into two apartments that would both extend into a new third floor, each with two bedrooms.
- 1.5 The works in the approved scheme involved repositioning of windows at first and second floor level on the rear elevation, the re-opening of two windows on the side elevation at ground floor level and the installation of a new entrance door on the front elevation. However, the large windows to the front elevation, which faces down Westgate, were unaltered.
- 1.6 This revised application proposes replacement windows in the front (west) and side (south) elevations. These windows would be of a different design to make provision for the proposed third floor, which would be positioned where the existing windows have a glazed section.
- 1.7 As existing these large arched top timber windows have a fixed transom, which is in line with a stone band, which defines the bottom of the arch, and together the transom and stone band form a strong architectural feature. The remainder of the window is 6 over 6 panes of equally proportioned sections. The proposed windows would have a dropped transom which would be below the bottom of the arch and no longer aligned with the stone band, with 6 paned fixed glazing to the arch above the transom and 6 over 3 panes below.

- 1.8 Within the corner of the rear yard a small two-bedroom detached two-storey dwelling is proposed. This would be of red brick and slate construction with timber windows and a small amenity area to the front. This aspect is as previously approved. The remainder of the rear yard area would be block paved and formed into four car parking spaces.
- 1.9 The application is supported by a Design and Access Statement that concludes: “The proposal seeks to help the building evolve and make best use of the available space. The existing structure in the proposed scheme remains largely unaltered. This should be viewed as a positive approach to the conservation of the existing building and the final decision. The Heritage Asset, character and distinctiveness of the building will not be significantly altered by this proposal and the advantages far outweigh any negatives.”
- 1.10 The application is presented for a Committee decision at the request of Councillor Robson.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 16/00133/FUL - Alterations to building to include change of use of ground floor to a retail unit, change of use of second floor from gym to two apartments and the construction of detached dwelling to the rear; Granted 15 April 2016.
- 2.2 16/01206/FUL - Alterations and change of use of ground floor to a retail unit (Class A1), change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear (amended application to 16/00133/FUL); Refused 26 August 2016.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP14 – Retail and town centre development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP20 – Approach to town centre development  
Development Policies DP22 – Other town centre uses  
Development Policies DP28 – Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
National Planning Policy Framework - published 27 March 2012  
Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document

## **4.0 CONSULTATIONS**

- 4.1 Thirsk Town Council - We remain very concerned that the plan still shows proposed alterations to the windows which we feel will spoil the façade of this very fine and important building in the Conservation Area.
- 4.2 Conservation Officer – Objects: The significance of this building lies in its architectural detail and its position at the head of Westgate within the Conservation Area. The Conservation Area Appraisal (2010) identifies this building as a Building of Local Interest (Non Designated Heritage Asset (NDHA)) and identifies the key view east along Westgate. The proposed works result in “less than substantial harm” to the significance of the designated Conservation Area. There are no public benefits arising from this scheme. The creation of small-scale housing is not a recognised public benefit which would outweigh harm to a heritage asset. This scheme is viable without the insertion of a third floor and work has already begun on its conversion. A third floor could be accommodated through the use of mechanical ventilation, which would negate the need to alter the window detail.
- 4.3 Highway Authority - conditions recommended.
- 4.4 Historic England - The decision should be made in accordance with national and local planning policy and on the basis of the Local Planning Authority's own specialist conservation advice.
- 4.5 Public comment - none received.

## **5.0 OBSERVATIONS**

- 5.1 The principle of residential conversion of the building and the detached dwelling together with the retail use has been established through the previous granting of consent. The building stands within a town centre location with a wide range of facilities and services nearby and therefore there can be no objection to the principle of another apartment. The main issues for consideration in this case are the proposed revisions to the approved scheme, specifically the works necessary to allow a third floor to be created in order to introduce a fourth apartment in the building.
- 5.2 The issues requiring detailed consideration are therefore the visual impact of the proposed external alterations on two heritage assets: the appearance of the building itself, designated a Building of Local Interest, and on the character and appearance of the Thirsk and Sowerby Conservation Area. The parking requirement of the proposed fifth dwelling on the site also requires consideration.

### Heritage assets

- 5.3 The building is sited in a very prominent location within the town, on the corner of Castlegate and Chapel Street and forming a visual termination to Westgate. Its size and its location result in it being clearly visible from a wide area from roads, pavements and footpaths particularly in views down Westgate. Within the Thirsk and Sowerby Conservation Appraisal it is described (as the former Savings Bank building) as “a striking example” that “dominates views into the Conservation Area from Westgate”.
- 5.4 The building is identified as a Building of Local Interest in the Council's Thirsk and Sowerby Conservation Area Appraisal of 2010, equivalent to a Non-Designated Heritage Asset (NDHA). The building meets the Council's criteria for NDHA status and in terms of its age, its distinctive local character and positive impact on the street scene as well as it being a key landmark building. It is located within a Designated Heritage Asset (the Thirsk and Sowerby Conservation Area) and is therefore

considered important in heritage terms. The National Planning Policy Framework (NPPF) requires a balanced judgement having regard to the scale of any harm or loss to A heritage asset and the significance of the asset concerned.

- 5.5 The addition of a third floor as proposed would involve significant changes to the style and design of eight second-floor windows on the Castlegate and Chapel Street elevations. The affected windows are large and form a dominant feature within the building with strong vertical and horizontal banding to the building, which forms an important part of its historic design and its contribution to the Conservation Area. Their present design, with the fixed transom in line with the stone band around the building and the bottom of the arch with 6 x 6 glazing below with equally proportioned sections is very typical of classical architecture.
- 5.6 The proposed replacement windows, with a dropped transom, would alter significantly the classical proportions of the window detailing. The sections and glazing would no longer be equally proportioned and there would be a much deeper transom to allow for the installation of the floor itself. The new transom would be out of alignment with the stone band and the strong cohesion of those elements, which gives the building much of its special character, would be lost.
- 5.7 This change in window style is considered harmful to both the building and the Conservation Area. In terms of the NPPF (paragraphs 132 to 135 and 139) this would constitute "less than substantial harm" to the Conservation Area. The NPPF states that where a development will result in "less than substantial harm" this should be weighed against the public benefit of the proposal. The applicant has demonstrated through the approved application that an alternative scheme is viable here and work on it is currently being undertaken. The addition of a further dwelling would provide some public benefit but not of sufficient significance to balance or outweigh the harm to heritage assets. In accordance with the NPPF the Council has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This proposal fails to preserve or enhance the Conservation Area and would result in detrimental visual impact due to the design of the windows and the prominence of the building in which they would be placed.
- 5.8 Over the course of this and the previous refused application discussions with North Yorkshire Building Control Partnership have highlighted structural and ventilation questions over the proposed third floor. The third floor accommodation would require mechanical ventilation because the size of the subdivided windows would not achieve appropriate natural ventilation; however that is not necessarily a reason to reject the proposal.
- 5.9 As indicated, the harmful impact of creating a third floor as proposed is the effect it has on the form of the dominant windows, caused by the need to disguise the new floor by repositioning and enlarging the transoms. Two alternative approaches that would avoid this harm whilst allowing a third floor to be created have been suggested to the agent but have both been rejected.
- 5.10 The first of these would set the third floor at the level of the existing transom but with a thinner section of floor immediately behind the transom, so that the floor is not visible when viewed from the street. It is acknowledged that a thin section of timber floor might not perform well in load bearing terms but the inclusion of steel in this thinner area could provide the required strength.
- 5.11 The second suggested alternative would maintain the third floor at the level proposed by the applicant but stop it short of the windows, creating raised areas that need not

serve as a floor but which would not need relocated and thickened transoms to hide the floor.

- 5.12 Preservation and enhancement of the building has already been achieved through the scheme that has planning permission and is part implemented. Due to the detrimental impact that the proposed alterations would have upon the historic character and appearance of the building itself as well as upon the Conservation Area, contrary to the requirements of Policies CP16 and DP28, this application is recommended for refusal on the basis of this harm, consistent with the decision on application 16/01206/FUL, refused in August 2016 and not appealed.

#### Parking

- 5.9 The addition of a further apartment has been considered by the Highway Authority and it is noted that a total of five parking spaces are now proposed. Subject to a condition to ensure the provision and use of these spaces, this aspect is considered acceptable. However, it cannot override the heritage harm to the building.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development is contrary to Local Development Framework Policies CP16, CP17, DP28 and DP32 due to the significant harmful visual impact the detailing and design of the replacement windows, in particular the lowered transoms to windows, which would have upon the historic character and appearance of the building, identified as a Building of Local Interest in the Thirsk and Sowerby Conservation Area Appraisal (2010) and considered to be a Non-Designated Heritage Asset, and its failure to preserve or enhance the appearance of the Thirsk and Sowerby Conservation Area. The proposed development is also contrary to the requirements of the NPPF as it would result in less than substantial harm to the Designated Asset (Thirsk and Sowerby Conservation Area) and unacceptable visual harm to a prominent Non-Designated Heritage Asset.