



Appeal Decisions

Site visit made on 10 November 2009

by **Brendan Lyons** BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
9 December 2009

Appeal A: Ref. APP/W4325/E/09/2107416 **'Hillbark', Royden Park, Frankby, Wirral CH48 1NP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Hillbark Hotel Ltd & Woodvale Intl against the decision of Wirral Metropolitan Borough Council.
- The application Ref LBC/2005/7750, dated 1 December 2005, was refused by notice dated 1 May 2009.
- The works proposed are siting of temporary marquee for 12 weeks (max) per year, and enclosure of existing bridge link.

Appeal B: Ref. APP/W4325/A/09/2107413 **'Hillbark', Royden Park, Frankby, Wirral CH48 1NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Hillbark Hotel Ltd & Woodvale Intl against the decision of Wirral Metropolitan Borough Council.
- The application Ref APP/2005/7749, dated 1 December 2005, was refused by notice dated 1 May 2009.
- The development proposed is siting of temporary marquee for 12 weeks (max) per year, and enclosure of existing bridge link.

Decision

1. I dismiss both appeals.

Main issues

2. I consider the main issues to be:
 - In both appeals, whether the proposal would preserve the listed building or its setting or any features of architectural or historic interest which it possesses; and
 - In Appeal B only, whether the proposal would, in the terms of PPG2¹ and development plan policy, constitute inappropriate development in the Green Belt, and if so, whether the harm that would arise from inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

¹ Planning Policy Guidance 2: *Green Belts*

Reasons

3. The appeal building is a large, imposing house, now in use as a hotel. The building, much of which is of exposed timber frame construction, dates from the late nineteenth century, but was moved to its present site in the 1920s. Although the reasons for refusal of the planning and listed building consent applications and the appeal submissions by both main parties attribute a Grade II listing to the building, documents submitted with the appeals confirm that the grade has been amended to II*.
4. The building stands in its own defined curtilage in the centre of Royden Park, an extensive area of public open space. The site is well enclosed by mature woodland, except to the south-west, where the building is prominent in an elevated position above a wide area of rough grassland crossed by an informal footpath. The building's unique setting contributes significantly to its special interest.
5. Planning permission and listed building consent are sought for the erection of a large marquee linked to the north side of the hotel by a short existing bridge, which it is proposed to enclose. The bridge walls and roof would form a permanent addition to the building, while the marquee would be in place for only up to 12 weeks each year.
6. At the time of my visit, a marquee was in position, very similar to that shown on the submitted plans, but with an added area and slightly different treatment on its northern side. For convenience, I shall refer to this marquee as if it were the appeal proposal. The bridge was enclosed by sheeting. The Council state that a marquee has been in unauthorised use over several years.

Listed building

7. In my view, the special interest of the listed building is based on the picturesque composition of the different elements that make up its highly varied form. The fundamental simplicity of its layout, centred around the entrance courtyard, is overlaid by a rich complexity of gabled roof forms punctuated by elaborate chimney stacks. Emphasised by the slightly open angle of the courtyard, the skilfully contrived impression is of a building that has been assembled organically over time. The hand-crafted appearance of the timber framing and the harmonious use of natural materials for walls and roofs reinforce the organic quality.
8. The marquee is of modern design, with walls of modular construction, some fully glazed in heavy white frames, some of solid white panels. The roof is of white fabric with a plastic appearance. Because of its rigid framing and walls and the tautness of its roof covering, the marquee has none of the soft lines of a traditional tented structure. Its appearance is more akin to a 'high-tech' building.
9. Due to their fundamental difference in aesthetic, the juxtaposition of the marquee and the house is disturbing. The mechanical form of the marquee and the white finish of its roof, walls and window frames contrast starkly with the natural forms and materials of the house. The contrast is emphasised by the closeness of the marquee to the house and by its scale. While the north side of the marquee is partly screened by the service wing of the hotel, its south side

is fully visible in conjunction with the original house, and is clearly seen in views from the public path to the south-west. Owing to the extreme length and repetitive modular pattern of its façade and the expanse of its roof, it forms a discordant and over-assertive addition to the original building.

10. I agree with the appellant that the design of the marquee makes a clear distinction from the character of the original building, and that this can be a valid approach to the extension of an historic building. Planning Policy Guidance 15: *Planning and the Historic Environment* (PPG15) advises that new buildings intended to stand alongside historic buildings should be “*carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials*”. In my view the scale, massing and materials of the marquee conflict with fundamental principles. It does not bear comparison with a traditional conservatory, as suggested by the appellant.
11. As proposed, the marquee would be in place for only part of the year, but the enclosed bridge link would be a permanent feature. No justification is provided for the need for a permanent enclosure, or indeed for the marquee to be linked directly to the main building. Other than providing the link, the door opening onto the bridge appears to be a very minor side entrance to the hotel. The existing bridge is a modern structure of no particular design merit. To enclose the bridge would give it a three-dimensional prominence not merited by its functional role, so that when the marquee was not in place, it would form an inelegant projection from the listed building. The proposed cladding would appear as a pastiche of the style of the house and would not be appropriate. No details have been provided of the enclosure’s end elevation or of its junction with the building.
12. In considering proposed works, the duty imposed by s16 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard must be had to the desirability of preserving the listed building or its setting or any features of architectural or historic interest which it possesses. A comparable duty with regard to planning applications is imposed by s66. PPG15 stresses the outstanding interest of Grade I and II* listed buildings. I consider that, as a Grade II* building of considerable character, the preservation of the building is highly desirable. The proposed bridge enclosure would be harmful to the building’s special interest, and would not be justified, even if the marquee were approved. The placement of the marquee for up to almost a quarter of each year would also be harmful and would affect the appreciation of the building by the general public using the park as well as by visitors to the hotel. The proposal would be contrary to national guidance set out in PPG15, as reflected in Policy CH1 of the Wirral Unitary Development Plan (UDP).
13. The appellant’s case is effectively that the income from use of the marquee is essential to ensure the long-term preservation of the listed building. If that were so, there might be grounds for accepting the harm for a limited period. However, the absence of a defined period is one of many weaknesses that undermine the case. The proposition that the marquee should generate an income stream that should continue open-ended as long as repairs are needed is not sustainable. While the likely costs of various works of repair are quoted, no information is provided of any detailed assessment of the condition of the building or of any considered programme of repairs. No explanation is provided

on the impact of necessary repairs on the substantial price paid for the building in the relatively recent past.

14. I have no reason to doubt the appellant's statement that all of the profit from use of the marquee to date has been directed to repair and maintenance of the original building and that it would be in the future. I can also accept that considerable work has been carried out by the present owners, including some necessary to undo previous inappropriate alterations. The present style of operation of the business may well be highly sympathetic to the character of the building.
15. However, it is also stated that the operation of the hotel, without the marquee, is modestly profitable. The full financial picture is not presented, nor any consideration of any other means by which the desired objective could be achieved, such as borrowing. The scale of income likely to be generated by the marquee is not fully explained. While it is acknowledged that the full 500 person capacity would not often be required, the potential for a smaller, less harmful development is not explored.
16. For the above reasons, I consider that the signed unilateral undertaking submitted by the appellant would fail at least one of the tests prescribed in Circular 05/2005: *Planning Obligations*, in that it has not been shown to be necessary to make the proposed development acceptable in planning terms. Furthermore, as drafted, it is not clear what exactly the obligation offered by the undertaking would deliver and whether it could be enforced. The lack of confirmation that the undertaking has been executed as a deed in accordance with s106 of the Town and Country Planning Act also calls its validity into question.
17. I have noted the support for the proposal by Council officers and English Heritage, but I conclude on this issue that the proposal would harm the special interest of the listed building, both permanently and temporarily, and that the works would not be justified by their role in securing the long-term preservation of the building.

Green Belt

18. The building and surrounding parkland form part of the Green Belt. UDP Policy GB2 sets out the types of development that can be acceptable in the Green Belt. These relate closely to the categories of built development defined in PPG2 as not inappropriate in the Green Belt. PPG2 explains that the most important attribute of Green Belts is their openness and states a general presumption against inappropriate development unless very special circumstances exist.
19. Neither the marquee nor the bridge would fall within any of the identified categories. I therefore consider them to be inappropriate development, inherently harmful to the Green Belt. The scale of the proposal would have a substantial negative impact on the openness of the Green Belt for a significant part of each year. The adverse effect on the listed building and its setting would also be harmful to the visual amenities of the Green Belt, contrary to PPG2, as echoed by Policy GB2.

20. For the reasons set out above, I consider that the case for the marquee as enabling development to fund the repair of the listed building has not been made. As no other argument in favour of the proposal has been put forward, I conclude that the harm caused by inappropriateness, loss of openness and adverse effect on the listed building is not clearly outweighed by other considerations. Very special circumstances that would support the proposal have not been shown.
21. I conclude that the proposal would be contrary to Policy GB2 and to national policy guidance set out in PPG2.

Conclusions

22. I have taken account of all matters raised, including representations made on behalf of another hotel in the area. I have found none of sufficient weight to alter my conclusions on the two main issues. Therefore my overall conclusion is that both appeals should be dismissed.

Brendan Lyons

INSPECTOR