

**ITEM NO. 7****COMMITTEE DATE:**

30 MARCH 2015

**APPLICATION NO:**

14/4750/07

**LISTED BUILDING CONSENT****APPLICANT:**

Mr Gollop

Exeter Castle Management Co. Ltd

**PROPOSAL:**

Proposed internal alterations to create mezzanine floors and installation of 3 No. rooflights

**LOCATION:**

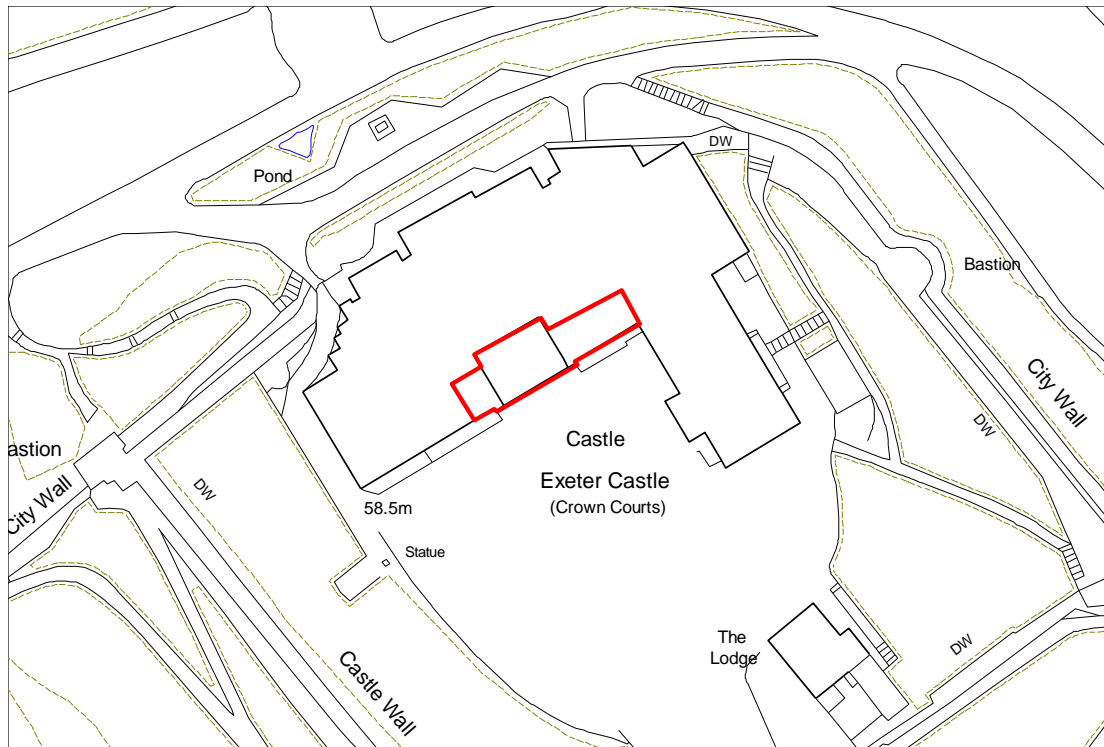
Flat 8, Exeter Castle, Castle Street, Exeter, EX4 3PU

**REGISTRATION DATE:**

27/11/2014

**EXPIRY DATE:**

29/01/2015



Scale 1:1000

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**RELEVANT PLANNING HISTORY OF SITE**

09/1516/03 -	Creation of eight residential units, five office spaces, artists' studios and exhibition spaces, and use of courtyard as temporary event space.	PER	09/04/2010
09/1517/07 -	Alterations to facilitate creation of eight residential units, five office spaces, artists' studios and exhibition spaces	PER	09/04/2010
10/0340/07 -	Internal works to remove partition walls, wall surfaces, suspended ceilings and raised floors and external alterations to external steps	PER	10/05/2010
10/1331/03 -	Creation of four residential units, office spaces, gallery, function room and cafe/restaurant	PER	01/10/2010
10/1332/07 -	Internal and external alterations to create four residential units, office spaces, gallery, function room and cafe/restaurant, and removal of single storey additions on north elevation	PER	01/10/2010

## **DESCRIPTION OF SITE/PROPOSAL**

Exeter Castle was originally built in 1068 within the corner of the Roman city and Saxon town as the principal point of state and royal power within the county. From the 17th century it was the main judicial centre of the county, with the present building (later extended) being constructed as a purpose built court house in the 1770s. The walls and gatehouse of the medieval castle, the underlying ground, and the city wall that forms its perimeter on two sides, are protected as scheduled monuments, whilst the court building is listed Grade II\*. The castle lies within the Central Conservation Area, and is bordered by Northernhay and Rougemont Gardens, which are on the National Register of Historic Parks and Gardens.

The present application is a retrospective one, for the introduction of mezzanine floors, dividing walls, and new roof lights within Flat no. 8. This flat is located on the first floor of the former court house, overlooking the main approach to the building. It consists of rooms with generous floor to ceiling heights and tall windows, the central room of which is the largest, and is thought to have originally been used as a jury room and for petty court sessions.

The application has arisen as a result of the reporting of the works to the council last summer, and discussions have taken place before and during the application process in order to address concerns raised, resulting in a series of amended proposals as described below.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

Design & Access Planning Statement, including Heritage Statement and Statement of Significance.

Supplementary information on the viability of the flat in its previous configuration.

Vision Statement for the Castle.

See under Observations below.

## **REPRESENTATIONS**

One letter of support received from a neighbour, mentioning:

- high standard of restoration at the property as a whole
- increase in no. of bedrooms helps towards the increase in number of bedrooms within the rented sector in the city, in accordance with the city's housing strategy
- conversion of large rooms of 1st floor flats to create more bedrooms is an appropriate example of increasing accommodation within existing buildings that should reduce need for building on new sites
- castle offers a good balance between provision of good quality rented accommodation to local people and provision of venues for public events such as the food festival, weddings, conferences
- the flats subsidise the provision of the public spaces below and make access sustainable.

## **CONSULTATIONS**

Several consultations have been received from English Heritage (as a statutory consultee), responding to the original proposals as submitted, and to subsequent amendments. These are discussed under the observations below, but the principal points made include:

- unnecessary harm to a highly graded heritage asset (as Grade II\*, within the top 6% of heritage assets in the country);
- the significance of the 18C court house lies principally in its architectural interest and historic plan form, that - despite 19 & 20C alterations - has remained legible, particularly in terms of room volumes. This first floor suite of rooms was associated with the running of the original courts. The present alterations have harmed this significance by destroying the historic room volumes and concealing design features such as a section of the cornice for no public benefit;
- whilst the applicant's supporting information asserts that the alterations are necessary to secure the sustainable future of the site as a whole it does not demonstrate that they are the only reasonable means of achieving this for Flat 8;
- lack of detail concerning the roof lights and impact of new services.

## **PLANNING POLICIES/POLICY GUIDANCE**

*Central Government Guidance:*

National Planning Policy Framework paras 17, 129, 131, 132, 133, 134

*Exeter Local Plan First Review 1995-2011:*

Policy C2 - Listed Buildings

*Supplementary planning guidance:*

Rougemont Castle Development Brief (2005)

## **OBSERVATIONS**

The principle of residential conversion and use is not in question, and has already been established by the previous consents. Notwithstanding the fact that the present alterations have already been made without the benefit of listed building consent, the principal issues include:

- a) whether the alterations cause harm to the particular significance of these rooms and thereby to that of the Grade II\* listed courts building as a whole, and
- b) whether the alterations, and any harm, can be justified in terms of viability, need, and any public benefit.

In order to consider these issues it is necessary to summarise the particular significance of these rooms, and in particular of the large central room.

The conservation plan produced for the city council by Alan Baxter Associates in 2004 (and referred to in the applicant's supporting statement) identifies the walls of the rooms as being "highly significant", and the spaces themselves as being of "some significance", with the caveat that more thorough survey is needed to establish the exact significance of any part of the building. Subsequent to this, further information submitted by the previous owners in support of earlier applications identifies the central room as probably having been used as a jury room and on occasion for petty court sessions, with subsidiary offices to each side. Few original internal details surviving from the 18C were identified, other than a couple of door

frames, and some skirting; the cornice is mentioned but it is not clear how much of it is or was original.

As the principal first floor room of the original 18C court house, and due to its historic use for core court functions - for holding small court sessions and as the jury room, it has a strong historic interest and significance. This significance is reflected architecturally in the central location of the room in between the two main court rooms and over the main entrance - with a view down to the gate and Castle Street beyond, in its large size and height, and in the presence of the moulded cornice, albeit much repaired and replaced. Its size and location therefore reflects its status as the principal first floor room of the court house, and as such, in terms particularly of its size and volume, plan form, and remaining internal cornice (albeit probably in part a modern matching replacement), it does have a high architectural as well as historical significance.

The side rooms, although as high, are smaller and were subsidiary to the principal room; their significance lies primarily in their plan form, reflecting this original layout, and in their relationship to the principal room.

With regard to the first principal issue:

*1. Original proposals submitted in late November 2014*

These involved the complete vertical subdivision, by a solid wall, of the central room, and the construction of new mezzanine floors within the smaller remaining part of the original room, and within the side rooms. The front walls of the mezzanines are solid, with central windows, and are set back from the main windows within the rooms. Rooflights have been inserted to provide natural light to the new mezzanine rooms, and - from the information subsequently provided - the new services required for the new bathrooms have utilised previous service runs.

By providing such a solid subdivision within the main room, these proposals detract from the significance and character of the latter, by reducing the volume and destroying the proportions of the principal room, and by obscuring its original plan form and cornice, making it difficult for the significance of the room as one of the principal rooms of the original court house to be appreciated and understood. Although the new wall is provided with a matching cornice, this creates a false impression, and its intended visual effect is undermined by the awkward relationship of the new dividing wall with the original window.

Due to the damage caused to the significance of the principal first floor room of the original 18C court house, and to the current and future ability to appreciate and understand it, this proposal is not considered to be acceptable.

*2. Amended proposals received in February 2015*

These involved the removal of the solid "first floor" section of the dividing wall, with the solidity of the remaining "ground floor" section being reduced by the introduction of glazed doors and partition at the end adjoining the windows. The mezzanine within the main room is still present, but with an open glass balustrade rather than a solid wall, and still includes a bathroom within the corner of the room.

Whilst these proposals should enable the original proportions and size of the room to be read and appreciated, by re-revealing all of the original front windows and most of the ceiling, when viewed from within the lounge, they still involve a subdivision of the main space and the obscuring of the corner of the room and the cornice by the bathroom. Although an attempt to reduce this effect has been made by part glazing the upper part of the bathroom walls, it is unclear as to how effective this would be in practice.

### 3. *Further amended proposals received in March 2015*

The major change is the complete removal of the upstairs bathroom, fully revealing the extent of the room and ceiling cornice when viewed from the lounge. One of the rooflights will be removed and the ceiling and cornice reinstated. Whilst there is still clearly a modern subdivision of the main room, this is now more lightweight in appearance due to the glazing and balustrades, and is more easily readable as a modern addition within an original large room, the windows and ceiling of which will now be visible again. It is these proposals that the applicant is now seeking consent for. The comments of English Heritage on these latest proposals are awaited and will be reported to committee.

With regard to the second issue:

#### *Viability and justification of need*

The supporting information originally submitted mentions that the present owner has prepared a strategy to ensure that the long term viability of the site is secured, and that he had concluded that the previous configuration of Flat 8 (as consented in 2010) was impracticable, having disproportionate room areas and being inefficient to heat. The applicant has subsequently confirmed that "the apartment has never realised a rental income, the size and utility costs have always detracted from rental prospects".

It is also relevant to note that Flat 8 is currently occupied by the owner (the applicant) and his family, with part of it being self contained and used as separate accommodation for guests from time to time. Flat 8 is not let out, nor is accessible to the public, so there is no direct public benefit to the proposals that may justify the alterations.

However, it is recognised that difficulties have been experienced in the past in letting Flat 8 in its previous configuration, and that there is a natural and reasonable desire by any owner/occupier to maximise the use of the space available. Therefore it is reasonable to consider alterations to Flat 8 to achieve greater viability and ease of use, but in the context of not compromising its essential character and significance as the principal first floor room within a highly graded former courts building. To this end it is considered that any alterations should be concentrated within the subservient side rooms, with only minimal changes within the large central room, that do not unduly compromise its volume, proportions and plan form, nor obscure any significant architectural detail.

#### *Rooflights*

These have already been installed and are set flush on the reverse roof slope, and as such will not be visible from any public view point. The principle is therefore acceptable, subject to receiving acceptable details concerning their materials and appearance. One will now be removed and the roof reinstated.

### **CONCLUSIONS**

This is a retrospective application, for works that have been carried out without the benefit of any previous pre application discussion about the need for, and acceptable form of, any alterations to Flat 8. Notwithstanding this, it is necessary to assess the proposals on their merits, in terms of their impact on the significance and character of the Grade II\* Listed Building, and whether or not this is acceptable in the context of viability, need and public benefit.

Based on the observations above, it is concluded that the proposals as originally submitted (and as currently built) are unacceptable, in terms of their impact on the character and significance of the central room in particular. However, although still not ideal, the latest amended proposals (as received in March 2015) are more acceptable, in that they should allow the original proportions of the room, including all three of the original windows and the full extent of the original ceiling and cornice, to be read and appreciated, albeit with an opened sided mezzanine insertion within part of it. It is considered that the proposals now

meet the majority of officer and English Heritage concerns, apart from the pure principle of subdivision. If approved, the consent should include a condition setting a time limit within which the alterations should be made, including the removal of those elements that do not have consent.

### **DELEGATION BRIEFING 10.03.15**

Members noted the proposals, that they were retrospective, and the subsequent amendments submitted, and requested a site visit.

### **MEMBERS' SITE VISIT 17.03.15**

The site was viewed from outside and from within Flat 8. The unauthorised alterations and the proposed further changes were noted. Members were concerned that the alterations do not respect the internal space and character of the original building. Subject to further discussion at the next delegation briefing meeting, they considered that the proposed further alterations would be make the original space and character more readable and could be acceptable.

### **RECOMMENDATION**

Subject to consideration of any further comments received from English Heritage on these amended plans, delegation to the Assistant Director City Development to **APPROVE** subject to the following conditions:

- 1) No work shall commence on site under this permission until full details of the roof lights have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 2) C08 - Time Limit - L.B. and Conservation Area.
- 3) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 16 March 2015 (*ArchitEXE Ltd dwg. no. 13/29/02E*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223