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# Appeal Decision

Site visit made on 13 October 2015

**by David Spencer BA (Hons) DipTP MRTPI**

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

**Decision date: 04/11/2015**

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**Appeal Ref: APP/E2205/W/15/3129533**

**Hospital frontage administration building, Kings Avenue, Ashford, Kent TN23 1NT**

- 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 Abbey Developments Ltd against the decision of Ashford Borough Council.
  - The application Ref 14/00679/AS, dated 4 June 2014, was refused by notice dated 23 February 2015.
  - The development proposed is demolition of former N.H.S. administration building and redevelopment of the site to provide a 2 ½ storey apartment block comprising 4 no. two bedroom and 2 no. one bedroom apartments, associated cycle/bin storage, car parking, access and landscaping/amenity areas.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are as follows:
  - i. Whether or not the appeal site constitutes a non-designated heritage asset and the significance;
  - ii. Whether the building is capable of having a viable use in the future; and
  - iii. Whether any public benefits and other considerations outweigh the loss of the building.

## Reasons

### *Significance*

3. The appeal site comprises a two storey red brick building beneath a slate-clad hipped gable roof with brick chimneys. The front elevation to the building has a pronounced central projection which rises to the eaves height and is capped by a broken pediment. This provides the main entrance into the building flanked by stone columns. The external detailing and materials are representative of a well-executed design which competently captures the neo-Georgian style. The building was constructed between 1926 and 1928 as the project of a highly regarded local architect and reputable local builders. The building is positioned such that the façade frames the view along Kings Avenue and despite the surrounding housing development the building remains a key focal point, particularly at the junction of Kings Avenue and Sackville Crescent.

4. I note that the original layout of the building was conceived to reflect a pavilion style hospital. As such the layout originally included two single storey flanking wings which would have continued the stone band between ground and first floors. These elements were removed in 2010 such that the side elevations now crudely reveal their demolition. The building has also remained empty for some time and as such shows signs of disrepair, principally internally. However, as described above, the main body of the building remains intact and despite the removal of the side pavilions it presents itself as a well-proportioned and symmetrical building, particularly in the important view along Kings Avenue.
5. It was constructed prior to the formation of the welfare state from locally raised public subscription and the foundation stone for the building was laid in a ceremony attended by the then Duke of York (later King George VI). Notably, because of its proximity to the Continent it performed a documented role in providing medical refuge to those injured in conflict during the Second World War, a role which remains within living memory of those who worked at the hospital and the townsfolk of Ashford. Accordingly, from the evidence before me it is a notable building within the urban fabric of this part of the town and the design and historic role of the building is clearly recognised by local residents and various amenity and historical groups<sup>1</sup>.
6. The building is not identified on a local list and I appreciate that the historic building recording of the Ashford Hospital site in 2009 was at level 2 which is commensurate with a record prior to demolition. However, I am satisfied that, notwithstanding various alterations to the building, its current condition and the change in its immediate context from the new housing development, the evidence is clear that the building should be regarded as a non-designated heritage asset and as such its significance is a material consideration<sup>2</sup>.
7. The National Planning Policy Framework (NPPF) at paragraph 126 identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 135 of the NPPF specifically states that the effect of development on the significance of a non-designated heritage asset should be taken into account and a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. **The appellant's heritage statement assesses the impact of the appeal proposal on the core constituents of significance using a methodology which has comparisons to guidance published by English Heritage. The appellant's assessment is that the building is of low/negligible significance and although its loss would be a major change there would only be a medium/small impact. However, for the reasons above and from the significant evidence submitted in support of the Council's decision from heritage bodies and individuals, which has largely remained unaddressed by the appellant, I cannot share the appellant's assessment in terms of significance and impact.**
9. I note the appellant does not disagree that the existing building is recognisable and identifiable to local people. In my view, this attribute together with its prominent position in public views along Kings Avenue makes it a landmark building. Whilst it may not be within a conservation area, it clearly relates to

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<sup>1</sup> Kent Historic Buildings Committee, Save Britain's Heritage, Twentieth Century Society

<sup>2</sup> Planning Practice Guidance Paragraph: 039 Reference ID: 18a-039-20140306

the historic environment in terms of the early Twentieth Century residential expansion to the west of the town centre, identifiable by terraces and villas employing similar materials and detailing as the appeal building. As such it makes a positive contribution towards this particular phase of the evolution of the built environment of Ashford.

10. The appellant emphasises that the extent of alteration, including the removal of the original pavilion wings, the insertion of UPVC windows, together with the altered internal fabric of the building means that any meaningful local interest has been irrevocably compromised. However, as set out above, I find the architectural qualities of the building including the articulation to the neo-Georgian façade are well preserved and together with the social history embedded in its past use, these comprise the main significance as a non-designated heritage asset. Accordingly, the building continues to positively contribute to the historic environment of this part of Ashford.
11. I therefore conclude that the appeal site constitutes a non-designated heritage asset and its loss would be contrary to the Ashford Local Development Framework Core Strategy 2008 (the Core Strategy) which at Policy CS1 seeks to conserve the historic environment of the Borough. Its loss would also conflict with the NPPF which recognises heritage assets as an irreplaceable resource.

### ***Future Use***

12. The appeal site is identified at Policy U10 of the Ashford Local Development Framework Urban Sites and Infrastructure Development Plan Document 2012 (USIDPD) as part of a wider residential allocation. The appeal site is not identified in the policy for retention but paragraph 6.92 of the USIDPD states the following. "However, the former main hospital building is of local architectural and historic interest and should be retained and re-used if **appropriate.**"
13. **I have carefully considered the appellant's submissions that there is no** development plan policy requirement for the building to be retained or reused and that the appeal proposal is not a reserved matter to any previously approved outline consent. However, the evidence leads to me find that there has been a long held objective through successive development plan documents to secure the retention of the appeal building. Accordingly, it has been carefully incorporated within the layout of the surrounding housing development in previously approved proposals for the wider site.
14. From the evidence before me I am satisfied that the building is capable of **being converted and I consider the appellant's** evidence focuses on demonstrating that a re-use would not be cost effective rather than impractical. Consequently, despite evidence of vandalism and water damage within the building I see little reason as to why the building would not structurally accommodate a carefully designed re-use as previously indicated by the appellant as part of the approved 2011 reserved matters scheme.
15. The viability evidence of both parties indicates that, when taken in isolation, the conversion of the building to residential would not be viable. I am satisfied that the particular viability issues that arise at the appeal building do not stem from any abnormal conversion costs and reflect typical sales values. However, there is particular **merit to the Council's submission that viability should be**

appraised more widely to include the larger development site. The appellant acquired the former hospital site in the knowledge that the planning consent that showed the retention of the building, as secured by condition<sup>3</sup>. Furthermore, any due diligence in appraising the overall viability of the scheme should have included the extensive planning obligation. Following acquisition, the appellant submitted a reserved matters application in 2011 which included refurbishment of the appeal building and I have little evidence before me that **the appellant's own scheme presented viability issues for the overall re-development** of the site, including the need to renegotiate planning obligations.

16. **As such the appellant's** viability appraisal should have considered the wider **development under the appellant's control and** consequently I cannot conclude that the wider redevelopment site could not sustain an appropriate re-use of the appeal building. The Council has also stated that it is prepared to take a flexible approach in the levels of planning obligations and other contributions to ensure that their impact does not render an appropriate re-use of the appeal building unviable. Such an approach would be in accordance with the Planning Practice Guidance<sup>4</sup> (PPG) and I have very little in response from the appellant on what would appear to be a pragmatic option to viably retain a non-designated heritage asset.
17. I therefore conclude that as an integral part of the wider, planned redevelopment of the former hospital site, there is no compelling structural evidence or persuasive viability evidence to satisfy me that it would not be appropriate to retain and re-use the appeal building.

### ***Public Benefits***

18. The appeal proposal would provide additional housing on a previously-developed site in a sustainable location. These are appreciable benefits which weigh in favour of the appeal proposal. The appellant also submits that the appeal proposal would secure high quality design. However, the appeal proposal would comprise of a single apartment building which would occupy a larger footprint and taller proportions than the existing hospital building. Whilst it has sought to replicate vertical and horizontal rhythms of the building, it would nonetheless appear as an appreciably bulkier building. This would be emphasised by the broad width and accentuated 3 storey scale of the proposed central section on the visually prominent front façade. Additionally, the detailed proportions of the small door and windows on the landmark front elevation would appear unbalanced against the overall scale of the building
19. Whilst the proposed dormers above the eaves height could be described as 2½ storey, the cumbersome pitch and height of the roof, without the detailing of chimneys, means it would appear noticeably taller than the adjoining residential development without the architectural finesse and detailing of the existing building to reduce its bulky mass. It was also appear as a conspicuously large building at odds with the surrounding scale of the recently developed largely two storey housing, particularly given the tight arrangement of the enlarged footprint parallel to the access to the parking courtyard and to the residential street to the north-east.

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<sup>3</sup> Condition 37 to Planning Reference 09/00962/AS

<sup>4</sup> Planning Practice Guidance Paragraph: 026 Reference ID: 10-026-20140306

20. **I recognise that the proposed accommodation would meet the Council's** standards but the scale and mass of the building block required to achieve this would fail to appropriately replicate the proportions and detailing of the existing building. Consequently, it would appear as a simple and bulky building, including in the important vista along Kings Avenue, and would fail to reinforce local distinctiveness. Accordingly, I do not consider that the design of the proposed building represents a public benefit in that it would not represent high quality design that would enhance the built environment.
21. I recognise that in its current condition the building could be reasonably considered as detracting from the appearance of the new residential environment around it. However, appearance issues primarily flow from the lack of maintenance or any proactive strategy for the re-use of the building whilst the rest of the site is being developed rather than any inherent faults with the building. Additionally, at present notable parts of the wider site remain under construction such that the appearance of the building and surrounding hoarding does not significantly detract from the character of the site. As such I do not consider the removal of the building on this basis to represent a wider public benefit.
22. Whilst I have identified there are appreciable benefits from delivering further housing on the appeal site, given the emphasis the NPPF places on heritage assets, I find that these benefits alone would not outweigh the loss of the non-designated heritage asset which could appropriately accommodate alternative uses.

### **Conclusion**

23. For the above reasons I find that the loss of the building would conflict with Core Strategy Policy CS1 which requires development, amongst other things, to conserve and enhance the historic environment and built heritage of the Borough. Additionally, the appeal proposal would conflict with Core Strategy Policy CS9 which seeks to secure design quality by ensuring development proposals, amongst other things, positively respond to character, distinctiveness and sense of place, demonstrate legibility and provide richness in detail. It therefore follows that the appeal proposal would not accord with the objectives of the NPPF to conserve heritage assets and secure high quality design. In this way the appeal proposal would not amount to sustainable development for which there is a presumption in favour of at Policy U0 of the USIDPD and the NPPF. Thus, I conclude that the appeal should be dismissed.

*David Spencer*

INSPECTOR.