

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7TH APRIL 2015**

ADDRESS/LOCATION : **2C HARTINGTON ROAD, GLOUCESTER.**

APPLICATION NO. & WARD : **15/00102/FUL
MORELAND**

APPLICANT : **MR NEIL THOMAS**

PROPOSAL : **DEMOLITION OF EXISTING BRICK
GARAGES ON SITE TO BE REPLACED
WITH 2 NEW SINGLE BED DWELLINGS ON
LAND ADJACENT TO 2C HARTINGTON
ROAD.**

REPORT BY **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **1 SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is brought before the Planning Committee at the request of Ward Councillor Terry Pullen.
- 1.2 The application site is located approximately 40 metres to the southeast of the junction between Bristol Road and Hartington Road. The site is located upon the southern side of the street, adjacent to no.2c Hartington Road, which previously formed the rear wing to no.203 Bristol Road and has since been subdivided into flats, forming 2a to 2c Hartington Road.
- 1.3 The application site is presently occupied by a pair of flat roof brick built garages, a flat roof storage building and area of hard-standing set under an open canopy area, behind a pair of timber gates.
- 1.4 The site measures approximately 17.1 metres in width and 7.2 metres in depth. To the south-eastern side of the site is a private road which provides access to garages and parking spaces serving properties at Bristol Road.
- 1.5 The application seeks planning permission to replace the existing structures at the site with a pair of semi-detached 1 no. bed dwelling houses. The proposed dwellings would be of a 'modern' design, with a mono-pitch roof and would have a render finish to the front and end elevations, with brickwork and grey cladding to the rear.

- 1.6 The properties would be set back from the street by approximately 1.3 metres and would extend up to the rear (south-western) boundary of the site. Each of the dwellings would benefit from a single integral garage which would also provide bicycle storage.
- 1.7 The dwellings would be laid out with a bedroom and bathroom on the ground floor and a kitchen diner to the first floor. The first floor would incorporate high level windows to the rear elevation with Juliet Balconies and hall way windows to the front elevation.
- 1.8 While neither of the dwellings would benefit from a garden space, the proposal would have an area to the rear of the north-western elevation for the storage of bins away from the street.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The most recent planning history for the site is set out below:

14/00981/FUL - Demolition of existing brick garages on site to be replaced with 2no. single bed dwellings on land adjacent to 2C Hartington Road – Withdrawn

95/00642/CON - Conversion of first floor and part ground floor to form 4 no residential units - Grant - 1995

11240/01 - Change of use from flat on first floor to hairdressers, clothes shop and ancillary store - Refuse 1992 - Appeal Allowed - 1993

P/876/75 - Erection of double private garage - Grant - 1975

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

3.3 The policies within the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policies are relevant:

Policy H.4 – Housing Proposals on Unallocated Sites
Policy BE.7 - Architectural Design
Policy BE.21 – Safeguarding of Amenity
Policy TR.31 – Road Safety

3.5 In terms of the emerging Local Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its Local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 PUBLICITY AND REPRESENTATIONS

4.1 The occupiers of 15 neighbouring properties were notified of the application by letter and a site notice was also posted.

4.2 In response to the consultation the council has received four letter of objection.

4.3 The comments raised are summarised below:

- Existing garages on the proposed site were built as a result of planning conditions imposed on the conversion of 201A & B Bristol Road from shop to flats.
- Why can this now just be forgotten - these are linked to previous permission
- Regularly suffer obstruction of garage opposite site.
- Will applicant keep garage access clear during demolition & construction?
- Are proposed garages actually big enough for a car?
- Garages wont be used for parking (due to problems accessing them)
- Will more likely be used for storage therefore potentially placing a minimum of two additional vehicles onto a road
- Most households have two or more cars, many have vans as well
- Parking in area has always been difficult
- Narrow street not suitable for further traffic
- Need to look at existing parking at 10.00pm - not during the daytime when everybody is at work
- Disruption during demolition / building
- Large vehicles regularly get 'stuck' at the top of Hartington Road which is a one way street
- Will the building works encroach onto the pavement, where will skips be kept
- Hours of construction should be restricted to minimise impacts on residents
- Quantity of Asbestos cement roofing on site
- Would overlook gardens
- Lack of gardens for residents
- New development would not blend with Victorian/Edwardian properties
- Will stand out and take away historic value of street.

4.4 Ward Cllr Terry Pullen, has requested this application be brought before the planning committee and has made the following comments:

- I am concerned about parking as this development is in an area that already has a parking problem and is close to junction with Bristol Road.
- However, I feel that this development would improve what is an untidy and run down part of Hartington Road.
- If it is not used for residential purposes then it would either continue to be an 'eyesore' or could be used for other less suitable purposes.
- Decision would be best made by planning committee.

4.5 Gloucestershire Highways – No objections.

4.7 Severn Trent Water – No objections

4.8 The full content of all correspondence on this application can be viewed online via the Councils website at:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00102/FUL>

5.0 OFFICER OPINION

5.1 The main issues in the consideration of this application are:

- Character and Design
- Neighbouring amenities
- Highway impact

Character and Design

5.2 The application site is located within a traditional Victorian suburb of the City, which is predominantly residential in character, particularly to the eastern side of Bristol Road.

5.3 The application site provides a transition and 'gap' in the street scene formed between the end of the terraced properties on Hartington Road and the rear of properties at Bristol Road. This separation and spacing is a characteristic of the site as well as the wider area is defined by these transitional gaps which serve to provide relief within the street scene, and promote a more open and spacious character and appearance to the area, particularly close to the junctions between streets.

5.4 The redevelopment of the site, which is presently occupied by low level structures, with a new substantially larger building, which would be taller than the existing rear wing to 203 Bristol Road (now 2a-c Hartington Road) would serve to erode the existing open character to this part of the road to the detriment of the character and appearance of the area.

- 5.5 Hartington Road is characterised by pairs of attractive bay fronted brick built properties with sash type windows, forming a traditional, harmonious appearance and rhythm to the street.
- 5.6 While it is accepted that in some instances a 'modern' building may compliment an area, it is my opinion that this would not be the case with the current proposal which is of a rather confused architectural form and materials palette which fails to provide any reference to or harmonise with the existing attractive street scene.
- 5.7 The proposed development would occupy the entirety of the site, save for an area retained for the storage of bins.
- 5.8 Paragraph 6.22a of the Second Deposit City of Gloucester Local Plan (2002) advises that development will need to provide adequate garden spaces, setting out appropriate areas on the basis of the number of bedrooms provided. In the instance of a one bedroom property the suitable garden area to serve that dwelling would be 40 square metres, with a minimum area of 10 square metres designed as a 'private area' not overlooked from adjoining properties.
- 5.9 This approach to provide/protecting amenity is emphasised at Paragraph 17 of the Framework which advises that planning should '...seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...'.
- 5.10 The proposal would provide no garden space for future occupiers accordingly the application represents an unacceptable overdevelopment of the site and would result in unacceptable living conditions for future occupiers.
- 5.11 The applicant proposes that on site garden space is not necessary as there are plentiful amenity areas in the locality. I do not consider this the case, particularly as the Lannett playing field some 700 metres to the northeast and the nearest access point to the canal towpath is some 700 metres to the southwest. Accordingly these public areas are not close enough to meet the reasonable day-to-day amenity needs of the occupiers, particularly when considered with the absence of any on site amenity areas, deprive future occupiers of even the most basic space for purposes such as sitting out, 'entertaining' or drying clothes.

Neighbouring Amenities

- 5.12 The proposal would replace a series of ramshackle outbuildings visible from Hartington Road and across the open rear garden areas to properties Bristol Road.
- 5.13 The proposed building would be sited adjacent to the boundary with no. 205 Bristol Road. While this property has a relatively long garden, the garden is very narrow with a width of between 3 and 4 metres. The area to the immediate rear of that dwelling is laid out as a lawn and is already dominated

by the 2 storey elevation to nos. 2a-c Hartington Road. The proposed development would further compound this situation by introducing a further sense of enclosure.

- 5.14 The garden area to no.205 immediately adjacent to the application site is tended to and used as a 'vegetable' patch and seating area. It is evident that the occupier of this property derives significant pleasure from the garden which would be dominated by the proposed dwellings.
- 5.15 While it is noted that the rear elevation of the proposed building would be lower than the front, the development would be significantly higher than the existing structures at the site and would result in an unacceptable overbearing effect upon the garden to no.205, and 207 Bristol Road.
- 5.16 Hartington Road runs at approximately 70 degrees to Bristol Road and as a result the rear elevations to the terrace of properties at Bristol Road are skewed towards the existing wing at 2a-c Hartington Road and the application site beyond.
- 5.17 Viewing the application site from the immediate rear of these properties it is particularly evident that the cumulative effect of the existing 2 storey wing to 2a-c Hartington Road and the proposed new dwelling would result in an unacceptable overbearing effect and sense of enclosure to nos.203a, 205 and 207 Bristol Road to the detriment of the living conditions of the occupiers of those properties.

Highway Impacts

- 5.18 The impacts of the development have been assessed by the County Council Highways Officer who has raised no objections to the development and advised that Hartington Road is a Class 4 highway, with a one way carriageway and is subject to a posted speed limit of 20mph.
- 5.19 The carriageway provides on street parking, with parking restrictions at the junction of Bristol Road.
- 5.20 The proposed development would generate a trip rate of 5 vehicle movements per dwelling and 1 of those trips would be during the peak hour. This is not considered to be a significant increase in traffic.
- 5.21 Given presence of the existing site access and the absence of any recorded incidents in close proximity to Hartington Road at its junction with Bristol Road or Gladstone Road, the impact upon highway safety would be severe
- 5.22 Residents have commented that the application site was intended to provide parking for the adjoining flats. I have reviewed the file for application no. 95/00642/CON, while there is a file note that members were satisfied with the provision of four off street parking spaces (on the land which presently forms the application site) there is no condition on the associated permission to require this area to be retained for that purpose.

- 5.23 The application site is in separate ownership to the adjoining flats which do not benefit from the use of the garage spaces. The proposed development would therefore not result in any actual displacement of vehicles onto the highway.
- 5.24 The proposed dwellings would provide garage spaces albeit only suitable for smaller vehicles and further on street parking would be available on street in front of the current gateway and garage doors to the outbuildings at the site.
- 5.25 The National Planning Policy Framework is explicit at Paragraph 32 that '...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.26 Accordingly and considering that as a result of the nature of accommodation being proposed and the inclusion of integral garages the proposal would not result in a severe impact on the highway network.

Other Matters

- 5.27 In terms of housing need, the 2014 Gloucester City Housing Monitoring Report evidences that over the past 23 years the city has delivered on average 582 dwellings per annum. The submitted Gloucester, Cheltenham and Tewkesbury 'Submission Version' Joint Core Strategy (Nov.2014) has a requirement for the city to deliver 565 dwellings per annum (2011-2031). The Joint Core Strategy Housing Background Paper (Nov 2014) demonstrates that the city has a 5 year plus 5% housing land supply as required by paragraph 47 of the NPPF.
5. As a result the proposed dwellings are not needed to meet the councils housing targets particularly as the benefits of the proposed dwellings would not outweigh the harm and identified above and the clear conflict with planning policy.

6.0 CONCLUSIONS

- 6.1 While there is no objection in principle to the redevelopment of the site, it is evident from the application that the site is of an insufficient size to accommodate two dwellings and achieve a good standard of amenity for all existing and future occupants of land and buildings as well as those of the occupiers of adjoining properties.
- 6.2 Furthermore the scale and design of the building would be incongruous and detrimental to the character and appearance of the area and would result in an unacceptable overbearing impact to neighbouring properties.
- 6.3 For the reasons cited above, the proposed development is considered to be unacceptable and contrary to Paragraphs 17, 56, 58 and 64 of the National Planning Policy Framework and Policies BE.21, H.4, H7 & H.13 of the Second Deposit City of Gloucester Local Plan (2002).

- 6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.5 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop and use land buildings in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

- 7.1 That planning permission is refused planning permission for the following reason:

Reason for Refusal

The application site forms an important transition space between two streets and is part of the traditional Victorian 'street block' character. The proposed development would be of a poor design which would erode this gap in the street and would fail to harmonize with the locally distinctive character and architectural quality of the surrounding area. The building would appear visually incongruous within the street scene and would provide a poor level of amenity for the future occupiers. Furthermore the scale and proximity of the development in relation to the site boundaries would constitute an unacceptable overdevelopment of the site and would be overbearing to nos.203a, 205 and 207 Bristol Road, and to the detriment of the living conditions of the occupiers of those properties. The proposal is therefore contrary to advice contained within Paragraphs 17, 56, 58 and 64 of the National Planning Policy Framework and Policies BE.21, H.4, H7 & H.13 of the Second Deposit City of Gloucester Local Plan (2002)

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant National and Development Plan Policies, and the fundamental issues of principle could not be resolved through further negotiation.

Decision:

Notes:

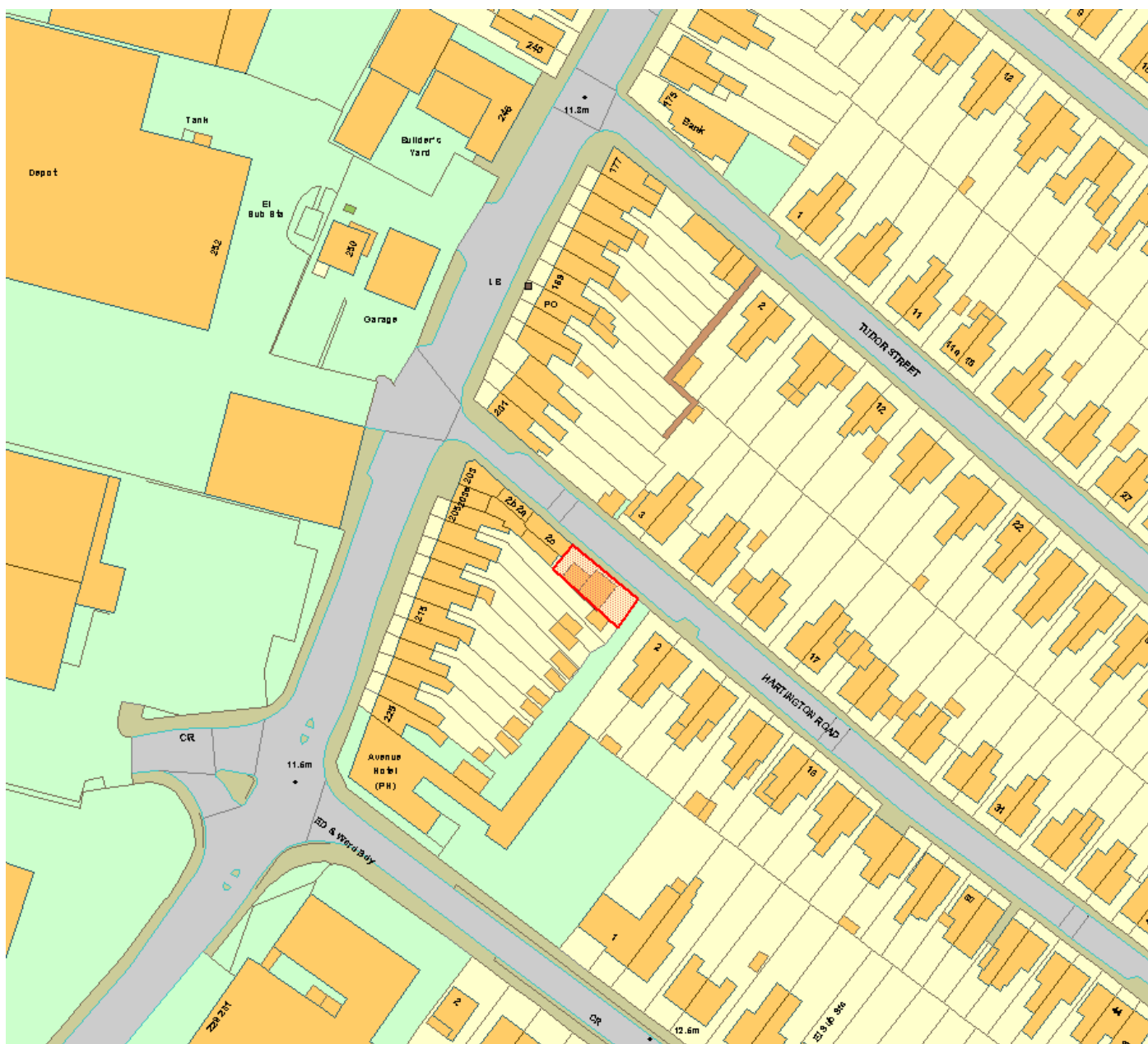
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15/00102/FUL

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Planning Committee 07.04.2015



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