

GLoucester City Council - Development Control

Committee:	Planning
Date:	2nd May 2023
Address/Location:	7 Denmark Road Gloucester GL1 3HZ
Application No:	22/01103/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	02.01.2023
Applicant:	Alex Green
Proposal:	Garage conversion to office
Report by:	Amy Robins
Appendices:	Plan 757-01 site location plan; 757-02A proposed site plan; 757-03 Existing Plan and Elevations; Proposed Plan and Elevations; 757/D&A Design and Access Statement.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a four-storey end-terrace dwelling, detached double garage and associated plot on the corner of Denmark Road and Hillfield Court Road. An existing off-road parking space is available at the front elevation with access via Denmark Road. The plot is situated within the Denmark Road Conservation Area.
- 1.2 The proposal is to convert the existing garage in the rear garden into an office ancillary to the dwelling. The office is intended for a maximum of 3 no. members of staff who are already employed on the site. The structure of the garage will be altered with a new roof, windows, doors, and external timber cladding.
- 1.3 The existing hard standing at the rear of the garden is also proposed to be removed and replaced with a new and enlarged permeable vehicular turning and parking area for 4 no. cars. Access to the proposed parking area would be formed by the removal of the timber fence at the southeast boundary adjacent to Hillfield Court Road, where existing dropped kerbs are located.

2.0 RELEVANT PLANNING HISTORY

No planning history.

3.0 POLICIES AND GUIDANCE

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:
- 3.2 **National guidance**
National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan** **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies include:

SD4 – Design requirements
SD8 – Historic Environment
SD14 – Health and environmental quality
INF3 – Green Infrastructure

3.4 **Gloucester City Plan**

Gloucester City Plan (“City Plan”) delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. The City Plan was formally adopted by the Council on 26 January 2023 and as such the policies have full weight. Relevant policies include:

A1 – Effective and efficient use of housing land and buildings
D1 – Historic environment
D2 – Non designated heritage assets
E4 – Trees, woodlands and hedgerows
F1 – Materials and finishes

3.5 All policies can be viewed at the relevant website address:- national policies:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
Gloucester City policies:
<https://www.gloucester.gov.uk/planning-development/planning-policy/adopted-development-plan/>

4.0 **CONSULTATIONS**

4.1 **Conservation Officer**

The Conservation Officer held no objections and considered that the development would have a neutral effect on the character of the Conservation Area.

4.2 **The Civic Trust**

The Civic Trust found the proposal to acceptable.

4.3 **Tree Officer**

The Tree Officer held no objection subject to conditions which are required due to the proposed parking spaces requiring excavation within the possible root zone of a highway tree on the pavement. Recommended conditions were provided if the planning committee are minded to approve the application.

4.4 **Cllr Hilton**

Cllr Hilton was content with the application in principle. He commented that the application is to a positive building within the Denmark Road Conservation Area and therefore the proposed works should be completed to the highest standard. The building should remain a conversion, not a new build, and the wooden cladding should remain. Windows should be retained in wood framing. Access for the vehicle parking area should remain off Hillfield Court Road, with the brick boundary wall along Hillfield Court Road and Denmark Road remaining in place.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and press and site notices were published.

5.2 No neighbour comments were received in response to the consultation.

5.3 The full content of all correspondence on this application can be viewed on:
<https://www.gloucester.gov.uk/planning-development/planning-applications/search-planning-applications/>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the Gloucester City Plan 2011-2037.

6.4 It is considered that the main issues with regards to this application are as follows:

- Residential amenity
- Impact on nearby highway tree
- Character and appearance
- Historic environment impacts

6.5 **Residential amenity**

Paragraph 130 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.6 No neighbour comments were received in response to the consultations.

6.7 The applicant has confirmed in correspondence on 13th December 2022 that the proposed parking provision will be for the use of existing staff working in the home and for occasional visitors, and therefore no intensification of visitors to the site is expected. As such, I do not consider that the proposal will have significant impacts to the amenity of neighbouring occupiers in this regard.

6.8 The proposal is sited at the rear of the garden with a separation distance of 20m from the rear elevation of the immediate neighbouring property, no. 1 Alexandra Road, to the southwest of the site. No windows are proposed to the southwest (side) elevation of the proposed office. Whilst windows are proposed at the northwest (front) elevation of the office, facing toward the rear of the application property, and to some extent towards the rear of no. 1 Alexandra Road, these windows are significantly distanced from the rear elevations and have a similar relationship to the existing overlooking that could occur from passers-by at Hillview Court Road. As such, I do not consider there to be any significant overlooking

impacts. Additionally, as the proposal will retain the scale and mass of the garage, I do not consider there to be any overbearing or overshadowing impacts to no. 1 Alexandra Road.

6.9 It is considered that the proposal complies with policies SD4 and SD14 of the JCS in regard to residential amenity.

6.10 **Impact on nearby highway tree**

The proposal would be located near to a highway tree on the corner of Denmark Road and Hillfield Court Road.

6.11 JCS Policy INF3 (Green Infrastructure) states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation, and play) and the connectivity of the green infrastructure network. Policy E4 of the GCP (Trees, Woodlands and Hedgerows) states that development proposals should seek to ensure there are no significant adverse impacts on existing trees.

6.12 The proposal includes the installation of parking spaces that will require excavation within the possible root zone of a highway tree on the pavement. The Tree Officer raised no objections, subject to 4 no. conditions listed below that could be attached if the planning committee is minded to grant permission for the scheme. These conditions would mitigate the risk posed to the tree and therefore the proposal will comply with policies INF3 of the JCS and E4 of the GCP.

6.13 **Character and appearance**

The NPPF promotes good design for all development proposals. Paragraph 130 sets out that planning decisions should ensure developments are visually attractive and sympathetic to local character and history. This is dealt with under general design principles set out at GCP policy A1 and JCS policy SD4, which require that proposals result in overall improvements to the built environment and do not have an adverse impact upon the street scene, character, appearance of the area. SD4 requires that new proposals respond positively and respect the character of the site and its surroundings. GCP policy F1 requires that development should make a positive contribution to the character and appearance of the locality, with external materials and finished that are locally distinctive and of high architectural quality.

6.14 The existing detached garage is of a wooden structure with timber cladding. The proposed office's external facing materials will be replaced like for like with timber cladding and window frames. The appearance of the proposal in regard to facing materials is therefore unlikely to change significantly, albeit having a 'fresher' appearance when initially built, although the wood will weather over time and will therefore further soften its appearance.

6.15 The existing garage has 2 no. garage doors fronting the highway onto Hillfield Court Road. These doors will be infilled with timber cladding that will have a similar appearance to the garage doors due to being in-set, while the proposed high-level window in one of these sections is proposed to be of a similar style to the windows at the side and rear elevations. The existing pitch roof is in need of repair and I consider that the replacement roof will, in appearance, have a slightly improved visual impact over the existing roof.

6.16 The proposal by reason of its design, siting, scale, massing, layout and materials is considered to be acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposed development would not constitute overdevelopment and adequate private outside amenity space at the rear of the property would continue to be afforded to the occupants. The

proposal accords with the NPPF, policy SD4 of the JCS, policies A1 and F1 of the GCP and the HEG SPD.

6.17 **Historic environment considerations**

The application site is located within the Denmark Road Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

6.18 Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Policy SD8 of the JCS similarly seeks to preserve and enhance local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. GCP Policy D1 sets out that proposals should conserve and enhance the character, appearance and architectural quality of the area and wider setting in terms of siting, scale, form, proportion, design and materials.

6.19 The proposed garage conversion does not visually alter the existing building in scale, mass, or materiality. The minor alterations to replace the garage doors with a window and door is also acceptable, as a result there is unlikely to be any change in the visual impact on the Conservation Area. The removal of the close boarded fencing to reinstate rear access is also non contentious. The development is considered to have a neutral affect on the character of the Conservation Area.

6.20 As such, the proposal complies with the NPPF, JCS policy SD8, and City Plan policy D1 as above. The requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met.

6.21 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission is GRANTED subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers, 757-01, 757-02-A, 757-03, and 757-04, except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Condition 3

The external facing materials to walls of the development hereby permitted shall match in colour, form and texture to those of the existing building.

Reason

To ensure the satisfactory appearance of the development in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Condition 4**Approval and Implementation of Trees/Hedgerow Protection Measures**

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

These measures shall include:

- I. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).
- II. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan

Condition 5**Implementation of Approved Trees/Hedgerow Protection Measures**

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in [Insert details of approved measures, e.g. approved arboricultural method statement] before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any

materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 6

Excavation or Surfacing within the Root Protection Area of Trees

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason

To prevent damage to or loss of trees. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 7

Protection of habitats

No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the nature conservation interest of the site is protected. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Informative

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property.

Building a free standing wall or a wall of a building up to or astride the boundary with a

neighbouring property.
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

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.

Person to Contact: Amy Robins (396757)



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Address: | 7 Denmark Road Gloucester
GL1 3HZ

Committee Date: | 2nd May 2023