

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 th September 2023
Address/Location:	36 Denmark Road
Application No:	22/01158/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	2 nd February 2023
Applicant:	Holmleigh Care Ltd
Proposal:	Construction of replacement entrance porch
Report by:	Adam Smith
Appendices:	Site location plan Proposed plan and elevation

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is on the north side of Denmark Road. Immediately to the east of the application property is a single width access road to the properties immediately behind the application site to the north. Beyond to the east is a two storey detached property that appears to be in residential use. To the west is a 2 storey detached property with an open parking area to the frontage. It appears to be in residential use and the arrangement of the frontage and cars parked in front suggest it may be split into flats or a house in multiple occupation.
- 1.2 The application site comprises of a three storey period property, with the third storey in the roof space. It is of red brick construction with timber black and white detailing to the front roof gables, and bay windows to front. It is understood to be used as a class C2 residential care home for persons with learning difficulties. The property also includes associated land to front and rear. At the front there is a fairly substantial front yard, containing two large trees. It is currently enclosed by a solid timber panel fence (this is subject to a separate application, currently invalid at the time of writing). This fence is mentioned in representations from local residents but is not part of the current application.
- 1.3 The proposal is for a new porch, broadly square in footprint, to the entrance door in the middle of the front elevation. The plans show it with a pitched roof, access door to the front face with glazing around and to the side elevation. A plinth detail has been added in amended plans, noted to be 'to match existing dwelling'. The submitted 'existing plan' shows the property without a porch, which is the current situation. However photographs submitted by objectors, and historic images online show a previous porch in this position that has evidently been removed, apparent from the scar marks on the wall when the property is viewed in its current state.
- 1.4 The application has been referred to Committee by a ward councillor.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
01/00802/FUL	Erection of eight bedroom residential care unit with ancillary facilities and laying out of car parking	Refused	05.03.2002
02/00372/FUL	Erection of residential care unit (8 bedrooms) with link (to 36 Denmark Road).	Withdrawn	19.06.2002
03/00204/FUL	Erection of 3 dwelling houses and garages. Alterations to existing vehicular access. (Amended Proposal)	Refused	06.01.2004
44/13464/HIST	P/668/64:- ERECTION OF PRECAST CONCRETE GARAGE AND LAYOUT OF PARKING AREA AND DRIVEWAY.	Approved	05.11.1964
44/13465/HIST	P/150/50:- CHANGE OF USE FROM NURSING HOME TO POLICE HOSTEL.	Approved	19.09.1950
44/13466/HIST	18114 (150A/50):- 36 INTERNAL ALTERATIONS	Permitted development	
44/13467/HIST	P/895/68:- DEMOLITION OF UTILITY ROOMS AND ERECTION OF KITCHEN EXTENSIONS AND WARDENS LIVING ROOM.	Approved	12.11.1968
44/13468/HIST	18114 (P/895B/68/69):- EXTN OVER KITCHEN TO FORM LOUNGE FOR WARDEN	Permitted development	
44/13469/HIST	18114 (983/85):- INTERNAL ALTERATIONS TO PROVIDE ADDITIONAL BEDROOM & TOILET	Permitted development	
99/00341/COU	Change of use from hotel (C1) to home for people with learning difficulties(C2)	Granted subject to conditions	09.08.1999
04/01226/FUL	Alteration of existing vehicular access to No.36 Denmark Road and rearrangement of parking area to Nos.36-38 Denmark Road	Granted subject to conditions	05.11.2004
05/01007/FUL	Erection of a dwelling house served off modified access arrangement to Denmark Road.	Granted subject to conditions	14.11.2005
15/00810/FUL	Retrospective application to retain boundary fence between 36 and 38 Denmark Road.	Granted subject to conditions	24.09.2015
18/00140/TRECON	Felling of Plum Tree in poor condition. Will be Re-Planted with an Apple Tree.	No objection	01.03.2018

3.0 **RELEVANT PLANNING POLICY**

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 from the JCS include:

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

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that ‘...*due weight should be given to (existing policies) according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Gloucester City Plan**

The Gloucester City Plan (“City Plan”) was adopted January 2023 and provides policies addressing local issues and opportunities in the City. Relevant policies include:

A1 – Effective and efficient use of housing, land and buildings
A9 – Extensions to existing dwellings (this is not a C3 dwellinghouse but given the clear intent of the policy and the nature of the property it is given some weight in the decision)
D1 – Historic environment
D2 – Non designated heritage assets
F1 – Materials and finishes

3.6 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. No policies are relevant to this application.

3.7 **Supplementary Planning Guidance/Documents**

Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document 2008 (this is not a C3 dwellinghouse in current use but given the clear intent of the guidance and the nature of the property and proposal it is given some weight in the decision)

Denmark Road Conservation Area Appraisal

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:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

(Full comments can be viewed by a request to the case officer. The application is a post cyber-incident case with associated more limited immediate online access to documents).

4.1 The **Conservation Officer** objects. The Officer notes that the property originally had a porch within the right angle of the bay front. This had been removed at some point within or prior to 2022 with a loss of character to the building and the conservation area, resulting in harm at the upper end of less than substantial to the character of the conservation area. The applicant

has stated that the porch was Upvc with a poly carbonate roof but has not submitted any evidence to support this and photographs on Google (2011, 2014 and 2016 although obscured) show an enclosed porch of timber construction with original stained-glass lights and a solid slate hipped roof with mop-roll ridge, which suggests that that is what was removed.

The Officer considers the reinstatement in principle would be acceptable but the application does not reinstate the historic fabric or character that has been lost. The revision to include the plinth is welcomed, however no detailed construction drawings have been submitted and the materials have not been specified, and the design of the proposed mock Georgian door is not acceptable. The replacement porch and door should be constructed of timber and the drawings fully detailed. The replacement porch should be in character with the conservation area so that the harmful impact of the loss of the original porch is reduced.

Overall the proposals by virtue of the addition of a new porch of an unsympathetic design, would neither preserve or enhance the character or appearance of the Denmark Road Conservation Area, nor sustain its significance as a designated heritage asset. The harm would be less than substantial, but not outweighed by any resultant public benefits. As such the proposal conflicts with paragraph 202 of the NPPF, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to elements of policy SD8 of the JCS and the requirement of policy D1 of the Adopted City Plan. The property has been identified as a non-designated heritage asset. The NPPF requires Local Planning Authorities to take into account the effect of an application on the significance of a non-designated heritage asset and to come to a balanced judgement regarding the scale of any harm or loss and the significance of the heritage asset. The current proposals, by virtue of the addition of a new porch of an unsympathetic design, would cause a level of harm disproportionate to the significance of this building as a non-designated heritage asset. As such the proposal conflicts with paragraph 203 of the NPPF, and to grant permission would be contrary to the requirements of Section 16 of the NPPF. The proposals are also contrary to elements of Policy SD8 of the JCS and Policies D1 and D2 of the Adopted City Plan.

4.2 The **Civic Trust** considered more negotiation was needed as the design bears no relation to the removed original porch or the style of houses in the area.

5.0 **PUBLICITY AND REPRESENTATIONS**

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

5.2 Five representations have been received. The issues raised may be summarised as follows:

Previous porch was removed without being inspected.

Porch should be replaced like for like including stained glass.

Design of porch not commensurate with quality of the earlier porch.

Original porch had double pitched roof – proposal is single pitched roof. New design loses character.

Several comments also refer to the fence and bin store to front, which are not part of this application.

5.3 The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Kingsholm and Wotton ward.

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 - 2017), The Gloucester City Plan (2023) and the partially saved 1983 City of Gloucester Local Plan.

6.4 It is considered that the main issues with regard to this application are design and heritage. In terms of residential amenity the scale, siting and likely usage of the porch are such that it would not cause harm to the amenities of nearby residents by virtue of any overlooking, overshadowing or overbearing impacts.

6.5 **Heritage and design**

Heritage policy

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. It 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. Also the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets both designated and undesignated as appropriate to their significance. Policy D1 of the City Plan reflects the guidance in the NPPF and JCS in respect of conserving heritage assets, also that proposals should conserve features that contribute to the significance of a heritage asset; demonstrate that it conserves and enhances the character, appearance and architectural quality of the area and setting in siting, scale, form, proportion, design and materials; and should use high quality and locally distinctive materials following traditional building methods and detailing where appropriate. Policy D2 deals with non designated heritage assets, setting out that development should protect and where appropriate enhance its significance, should be of high quality and designed sympathetically, and seek to enhance the character of the non designated heritage asset. The Conservation Area Appraisal identifies the application property as a positive building in the Conservation Area.

6.6 As the site is within the Denmark Road Conservation Area the Council is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with s72.1 of the Planning (Listed Building and Conservation Areas) Act 1990. As above, it is identified as a positive building in the Conservation Area within the Conservation Area Appraisal the the Conservation Officers consider it to be a non designated heritage asset.

6.7 *Design policy*

The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and

add to the overall quality of the area, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, and establish/maintain a strong sense of place.

- 6.8 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting. Design should establish a strong sense of place and have appropriate regard to the historic environment.
- 6.9 Policy A1 of the City Plan requires overall improvements to the built and natural environment, to be of a suitable scale for the site, preserve the character of the area and appearance of the streetscene. Policy A9 sets out that well designed extensions of residential properties will be granted permission where they satisfy criteria, including that the height, size, design and external facing materials are in keeping with the scale and character of the existing dwelling and its wider setting. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. The Home Extension Guide notes that special care and attention is required when extending a property in a Conservation Area. It requires extensions to be of a style, form and design that is appropriate and respectful to the character of the locality and appearance of the existing property.
- 6.10 The Denmark Road Conservation Area is characterised by large semi-detached Victorian Villas of red brick; these are considered within the conservation area appraisal to be positive buildings. The character of the street is that of substantial turn-of-the-20th century semi-detached red brick, bay fronted dwellings, with small front gardens. The Conservation Officer advises that the property originally had a porch within the right angle of the bay front and this has been removed causing a loss of character to the building and the conservation area, resulting in harm at the upper end of less than substantial to the character of the conservation area. The Conservation Officer advises that the original porch was a roof structure, probably open with a pillar. Possibly it was then enclosed in upvc, seemingly without any planning permission.
- 6.11 The application is poorly detailed given the Conservation Area location and the need for sufficient clarity on the quality of the proposal to ensure (as a minimum) the preservation of the character and appearance of the area. The application form notes a polycarbonate roof being removed, and that proposed materials are to 'match main roof of dwelling'. Logically that would appear to relate to the roof of the porch only and appears to be confirmed by the Design and Access Statement. The materials to the walls/glazing frame do not appear to be specified in the application, however it is apparent from discussions with the Conservation Officer and previous Planning Officer that the applicant has asserted that upvc would be appropriate arguing that the previous porch was built as such, though no evidence has been provided that this was an approved scheme. It is not apparent from the planning history that such a structure, if it was in those materials, received planning permission. The applicant's contention within the Design and Access Statement claims that the previous front entrance porch was reasonably modern, with a upvc door, side screen and polycarbonate roof. I should note that a photo has been supplied through the application process of the property with the former porch in place. It does appear that it could be in part in upvc, and indeed seems to match the windows in the front elevation of the property including the stained glass in both aspects of the property. Neither would have been an original feature of the property in upvc and there is no evidence that a upvc porch has been approved through planning.

6.12 As set out in the Conservation Officer's advice, the specification for the application is lacking (in relation to detailing and finish) or unacceptable (in relation to door design). The application has therefore failed to demonstrate that the quality of design and finish would be of a level to preserve (or enhance) the character and appearance of the Conservation Area. While the harm identified is in the 'less than substantial' categorisation it is still harm and the NPPF directs that great weight should be given to the asset's conservation irrespective of whether that harm amounts to total loss, substantial harm, or less than substantial harm to its significance, while similarly the 1990 Listed Building and Conservation Area Act at S72 directs decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The NPPF also sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification, which has not been provided.

6.13 As such in relation to adverse impact on the designated Conservation Area the application conflicts with Policy SD8 of the JCS, Policy D1 of the City Plan, and the NPPF, and approval would not satisfy s72(1) of the 1990 Listed Building and Conservation Area Act.

For non designated assets, in terms of the building itself, the test set out in the NPPF is that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application whereby a balanced judgement should be made, having regard to the level of significance of the asset and the scale of any harm or loss. Policy SD8 of the JCS and Policy D2 of the City Plan sets out similar. In relation to adverse impact on a non designated asset then, the harm represents a conflict with Policy SD8, Policy D2 of the City Plan and NPPF.

In amounting to poor design it also conflicts with Policy SD4 of the JCS, Policies A1, A9 and F1 of the City Plan, the Home Extension Guide and the NPPF.

6.14 Consideration of public benefits: Overall conclusion on heritage matters:
Consideration of the likely public benefits of the scheme is relevant to the determination of this application, both in the overall balancing of the application's merits and in the context of any harm to heritage assets, whereby the NPPF advises that less than substantial harm to the significance of a designated heritage asset should be balanced against public benefits of the proposal. The balancing of harm with public benefits is a policy test only for designated assets, so this would apply to the harm to the Conservation Area. The harm identified by the Conservation Officer is 'less than substantial' so this balancing test is engaged. The benefits from the proposal would appear to be private ones, if any, with the provision of a new porch for the owners. It is not considered that there are any significant public benefits. Therefore the harm continues to be decisive overall and is not outweighed by public benefits.

6.15 **Other matters raised in representations**

The fence and other structures to front are raised in a number of the objections. Those works are not part of this application and should not form part of the consideration.

6.16 **Conclusion**

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. The proposals have been assessed against development plan policies and guidance within this report.

6.17 The proposal would cause less than substantial harm to the Conservation Area as a designated heritage asset and there are no public benefits that outweigh this. It would cause

harm to the significance of the building itself as a non designated heritage asset, which adds weight to case against granting permission. The NPPF requires great weight to be given to conservation of heritage assets, while the 1990 Listed Buildings and Conservation Areas Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. There is therefore harm that should be given significant weight in the decision. The proposal is also harmful in design terms. For the reasons explained in this report it is considered that the proposals conflict with the development plan, with a supplementary planning document and with the NPPF, and the provisions of the 1990 Listed Buildings and Conservation Areas Act would not be satisfied if permission were granted. There are no other material considerations that would outweigh that harm and conflict. The harm is overriding and permission should be refused.

7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

7.1 That planning permission is **REFUSED** for the following reason;

The application has failed to demonstrate that the quality of design, architectural detailing and external materials of the proposed porch would be sufficient to preserve (or make a positive contribution to) the character and appearance of the Conservation Area and would lead to an associated harm to the character and appearance of the property itself as a non designated heritage asset. As such the proposal conflicts with Policies A1, A9, D1, D2 and F1 of the Gloucester City Plan 2023, Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, the Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document 2008, and the NPPF.

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