

Item No 06:-

18/04146/FUL

**24 Chester Crescent
Cirencester
Gloucestershire
GL7 1HE**

Item No 06:-**Relocate access, demolition of existing garage and erection of car port at 24 Chester Crescent Cirencester Gloucestershire GL7 1HE**

Full Application 18/04146/FUL	
Applicant:	Mr & Mrs Paul Chadwick
Agent:	
Case Officer:	Amy Hill
Ward Member(s):	Councillor Joe Harris
Committee Date:	13th February 2019
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Design and Impact on Conservation Area
- (b) Impact on Residential Amenity
- (c) Archaeological Impact
- (d) Parking and Highways

Reasons for Referral:

Cllr Harris called the application to committee as he considered the Conservation Officer's concerns did not warrant refusal of the application.

1. Site Description:

The site consists of a residential corner plot in a historic built up area of Cirencester. The dwellinghouse is located down a small side lane (Chester Crescent), and faces onto it. The area where the works are proposed is located primarily along the boundary of Chester Street. There is an existing high stone wall forming the boundary, with garage doors forming a break to one side (away from the corner). Part way down Chester Crescent, this boundary wall changes to red brick of a similar height.

The site is also within an archaeological urban area and near the Scheduled Ancient Monument of Corinium Roman Town.

2. Relevant Planning History:

15/01348/FUL - Erection of Guest/"Granny" Annexe - Permitted October 2015

3. Planning Policies:

NPPF National Planning Policy Framework
 EN1 Built, Natural & Historic Environment
 EN2 Design of Built & Natural Environment
 EN10 HE: Designated Heritage Assets
 EN11 HE: DHA - Conservation Areas

4. Observations of Consultees:

Archaeology: Although within a sensitive location, the scale of the works should not penetrate the ground to the level of archaeological interest.

Conservation: Objection, comments incorporated into the report below.

5. View of Town/Parish Council:

Cirencester Town Council raised no objections

6. Other Representations:

None received at time of writing

7. Applicant's Supporting Information:

'Comments On Impact Of The Changed Access On The Conservation Area'
Proposed Plans
Photographs

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If 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 starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

As the site is within Cirencester South Conservation Area the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

(a) Design and Impact on Conservation Area

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

Section 16 of the National Planning Policy Framework states that historical 'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. Specifically Paragraph 192 states that local planning 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. Paragraph 193 states 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. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The removal of the garage structure within the site is considered acceptable, with the structure having no visual merit to the appearance of the conservation area, other than by the doors forming part of the high boundary around the site.

The addition of a car port, whilst not traditional, could be acceptably screened via planting to soften its appearance. It would then have a limited impact on the appearance of the conservation area and would be considered acceptable.

The main impact on the conservation area would be from the removal of a section of wall to create an access into the garden with a parking area. This would include the continuation of the wall where the garage doors are currently; however, the proposed access is significantly wider. Although it would be preferred for the existing garage entrance to be utilised, the applicant has advised that due to parked cars along the road that the use of this entrance is not feasible.

The section of wall proposed to be removed, whilst in need of repair, forms a historic boundary of the site. The 1843-1893 map shows a solid boundary treatment along the area this application relates to, pre-dating the dwellinghouse. The dwelling and a large structure are shown to have been erected by the 1904-1949 map. The structure disappeared by the 1960-1980 map; however, a clear boundary remained.

The wall is in a prominent corner location and provides a clear and suitably urban containment of the site. It makes a positive contribution to the character and significance of the Cirencester South Conservation Area and street scene. Due to its positive contribution, it is considered that this wall should be preserved in in-situ.

A high stone wall boundary is characteristic of historical boundaries, whereas the resultant gates would be uncharacteristic, appearing more similar to timber close boarded fencing. The opening and gates proposed are wider than the scale more visually suitable for the streetscene, such as that of the existing garage. Additionally, the access position alongside the corner wall is awkward and uncharacteristic of historic accesses. The rebuilding of a section of wall where the garage is, would have limited benefit to the street scene, and would not be sufficient to mitigate the harm the proposal would cause to the character and appearance of the conservation area.

Section D.67.2.n. of the Cotswold Design Code states 'Only minimal openings should be created in front boundaries. Traditional enclosure, such as walls, railings and hedges, should be maintained and not removed to establish off-street parking.' The proposal is in clear contradiction with this, and causes unacceptable harm to the conservation area. Whilst it is acknowledged there are a range of heights and types of boundary treatments in the surrounding area, this is not considered to detract from the merit the current wall contributes to the character and appearance of the conservation area.

The level of harm caused to the Cirencester South Conservation Area would be less than substantial. Paragraph 196 of the NPPF indicated that for a scheme to be found acceptable, when the level of harm is less than substantial, the public benefit must outweigh the harm caused by the development.

The National Planning Practice Guidance states 'Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation'

Whilst the potential removal of vehicles associated with the site from the roadside would provide some benefit, this would predominantly be of private benefit to the applicant. The removal of cars associated with the site from the street would provide some public benefit by allowing space for other vehicles to park; however, the scale of this is considered insufficient to result in public benefit which would outweigh the harm caused by the removal of the section of wall to the character and appearance of the conservation area.

It is noted that a previous application on the site, 15/01348/FUL, allowed the removal of the wall in question; however, the outbuilding this permitted effectively replaced the wall. The result of the approved scheme would be the continuation of a solid stone boundary on the prominent corner along the street scene. The impact caused by the proposals to the character and appearance of the conservation area would be significantly different.

The proposal is therefore contrary to relevant considerations of Local Plan Policy EN2, EN10 and EN11, and Section 16 of the NPPF, specifically Paragraphs 194 and 196.

(b) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

Owing to the scale, siting and position to relative neighbouring properties, the proposed development is considered to not impinge on the residential amenities of the neighbouring properties having regard to loss of light, loss of privacy or overbearing. The proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF.

(c) Archaeological Impact

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. This includes archaeological remains both visible, such as hill-forts and field patterns and buried, including the roman remains beneath Cirencester.

The application site is archaeologically sensitive, since it is located in Cirencester's Roman town. While not within the area of the Roman town which is designated a Scheduled Monument, it is known to contain significant Roman remains. Previous studies in the locality have revealed that the uppermost level of Roman archaeology lies at a depth of circa 1.1 m below current ground level. The proposed development involves relatively minor ground works which are unlikely to penetrate to a depth of 1.1m below ground.

Gloucestershire County Council's Archaeological Officer has therefore confirmed that, in his view, the proposal should have no adverse impacts on any Roman remains which may be present

below the footprint of the development. As such the proposal is considered to satisfy the archaeological considerations of Local Plan Policy EN10.

(d) Parking and Highways

Local Plan Policy INF4 relates to Highway Safety and seeks to avoid location where cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and having regard where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it. Local Plan Policy INF5 states that 'Development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.'

Section 9 of the NPPF promotes sustainable transport. Paragraph 105 requires parking standards to take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 108 requires that all development ensures safe and suitable access to the site can be achieved for all users. Paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

It is noted that parking provision in the area appears limited and mostly on-street; however, the site is an existing dwellinghouse. The site is also within close walking distance to Cirencester town centre and as such the requirement for parking provision is limited.

As discussed above, the scale of the on-street parking in the area is such that the removal of vehicles associated with one property is considered to have a very limited impact on the parking issues and highway safety of the street. Additionally, whilst the removal of vehicles associated with the site from the street would potentially allow others to park where the applicants otherwise would have, the creation of the vehicular access itself would remove some existing on-street parking space which is currently available to the general public and surrounding residents. As such the public benefit of the proposal is considered insufficient to outweigh the harm the proposal would cause to the conservation area.

The proposed access is alongside the entrance of Chester Crescent, which would potentially bring these accesses into conflict; however, the proposed access is 3.5 metres as required by Gloucestershire County Council's guidance. Overall, given the 20 mile per hour speed limit, with the speed also restricted by road conditions, the changes to the access would not cause unacceptable harm to highway safety. This would; however, require the access to be the width as indicated on the submitted plans.

The proposal is considered in compliance with Local Plan Policy INF4 and INF5, and Section 9 of the NPPF.

9. Conclusion:

The boundary wall proposed for removal is a historic boundary which makes a positive contribution to the historic character and significance of the designated conservation area as outlined above. The public benefit of the proposal is considered insufficient to outweigh the harm it would cause to the character and appearance of Cirencester South Conservation Area. The proposal therefore conflicts with the aims of Local Plan Policy EN10 and EN11. The proposal also

conflicts with Policy EN2 (Design of The Built and Natural Environment) whereby the Cotswold Design Guide states that only minimal openings should be created and traditional boundaries should not be removed to establish "off street" parking.

10. Reason for Refusal:

24 Chester Crescent is within the Cirencester South Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The boundary wall proposed for removal is a historic boundary which makes a positive contribution to the historic character and significance of the designated conservation area. The partial removal of the wall would neither preserve nor enhance the character and appearance of the Cirencester South Conservation Area, nor sustain its significance as a designated heritage asset. The harm would be less-than-substantial, but not be outweighed by the resultant public benefits. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Cotswold District Local Plan Policies EN2, EN10 and EN11 and Section 16 of the Framework.



24 CHESTER CRESCENT CIRENCESTER

Scale: 1:1250

Organisation: Cotswold District Council

Department:

Date: 31/01/2019



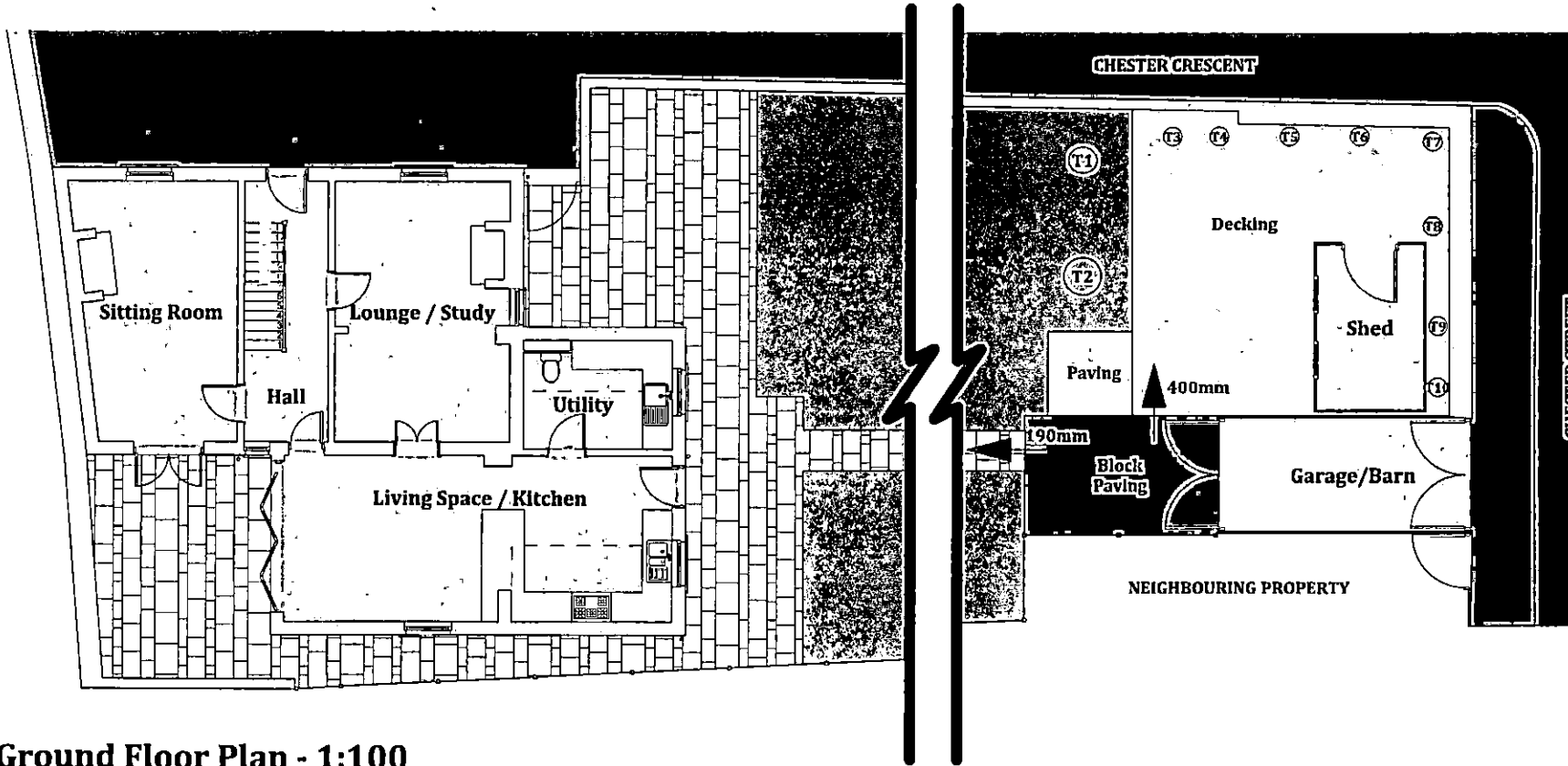
COTSWOLD
DISTRICT COUNCIL



NORTH



Scale 1:100



Ground Floor Plan - 1:100

Key:
 T1 - Bay Tree
 T2 - Fig Tree
 T3-10 - Leylandii Trees

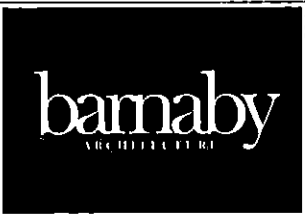
Project: Proposed Car Park
 24 Chester Crescent
 Cirencester
 Gloucestershire
 GL7 1HE

Client: Paul & Selina Chadwick
 24 Chester Crescent
 Cirencester
 Gloucestershire
 GL7 1HE

Survey/Existing Ground Floor Plan

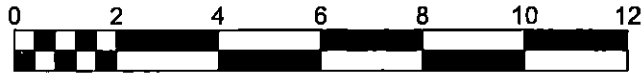
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Drawing: 03 - 001

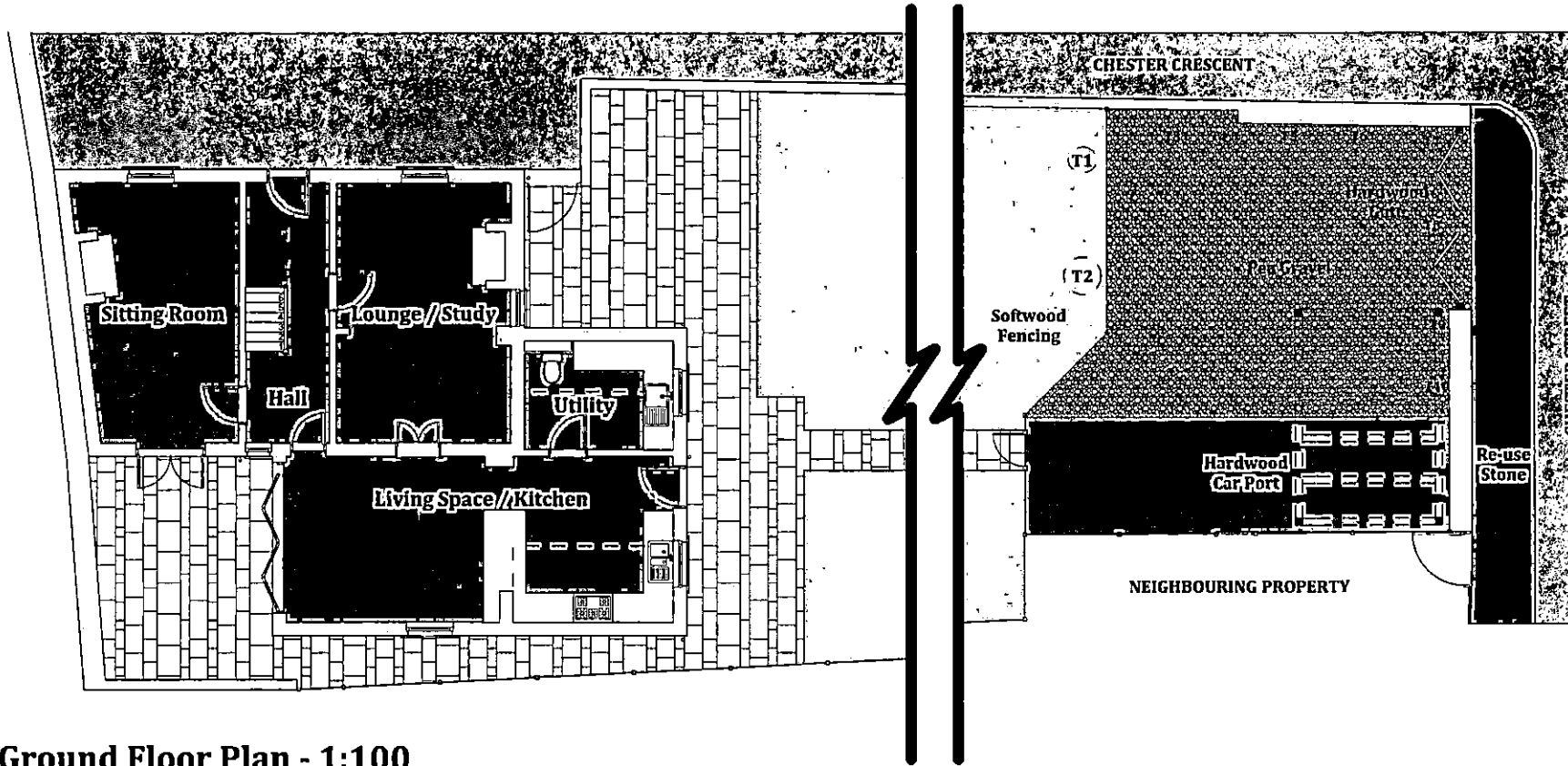


Email: barnaby.architecture@gmail.com

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Scale 1:100



Ground Floor Plan - 1:100

Key:
 T1 - Bay Tree (Pruned)
 T2 - Fig Tree (Removed & Replaced)
 T3-10 - Leylandii Trees (Removed)

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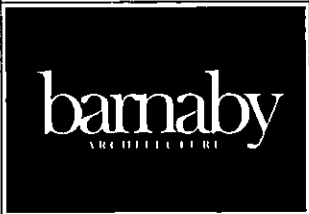
Client: Paul & Selina Chadwick
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Proposed Ground Floor Plan

Scale (A3): 1:100

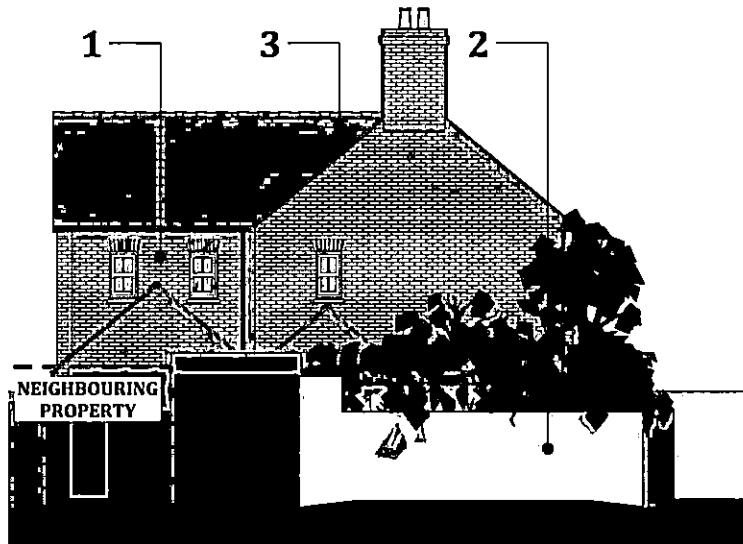
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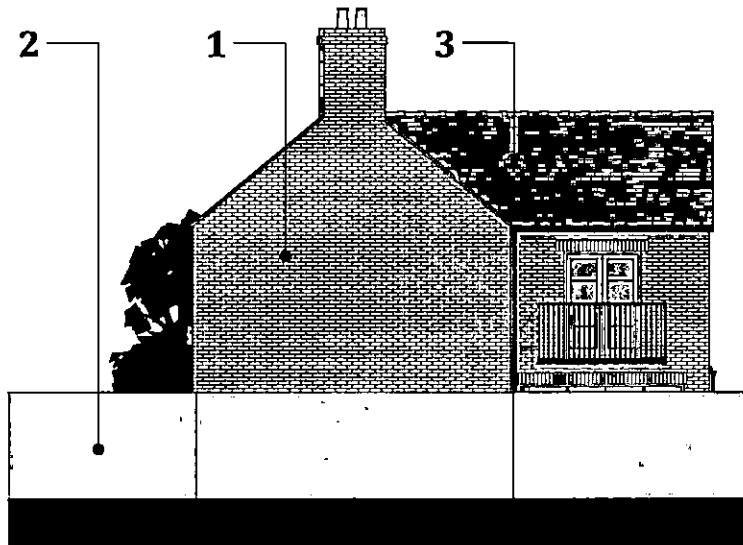
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Scale 1:100



East Elevation - 1:100



West Elevation - 1:100

Key:
 1 - Red Brick
 2 - Natural Stone
 3 - Natural Slate
 4 - Softwood Fencing

Project:
 Proposed Car Park
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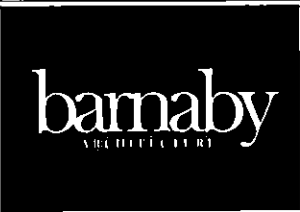
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Client:
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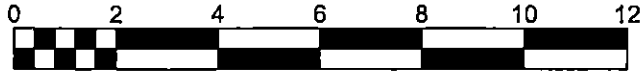
Survey/Existing East & West Elevations

Scale (A3): 1:100

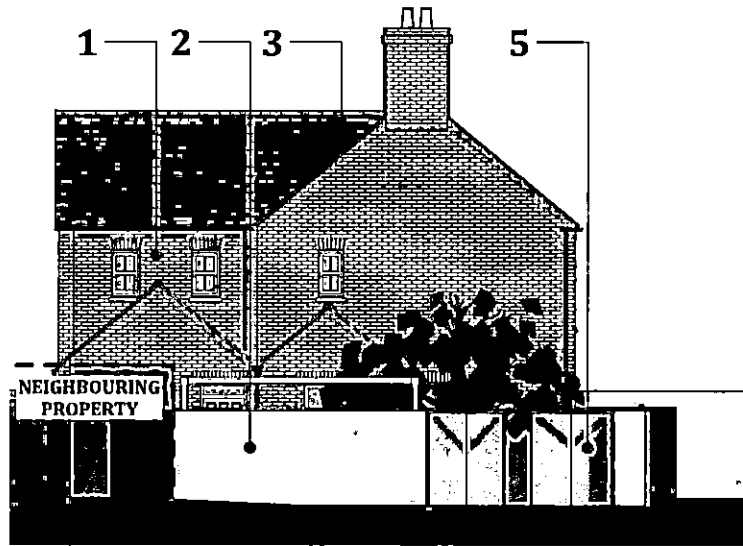
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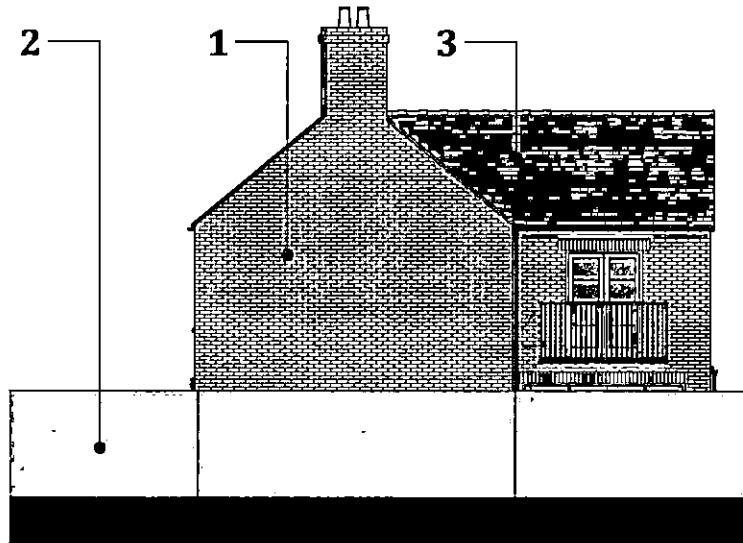
Email: barnaby.architecture@gmail.com



Scale 1:100



East Elevation - 1:100



West Elevation - 1:100

- Key:
- 1 - Red Brick
 - 2 - Natural Stone
 - 3 - Natural Slate
 - 4 - Softwood Fencing
 - 5 - Hardwood Gate

Project: *Proposed Car Park
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Client: *Paul & Selina Chadwick
24 Chester Crescent
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Gloucestershire
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Proposed East & West Elevations

Scale (A3): 1:100

Drawing: 03 - 014

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