

Application No: 23/00554/FUL

**39 Victoria Road
Cirencester
Gloucestershire
GL7 1ES**

Demolition of workshop, erection of 2.5 storey side extension and associated change of use of land from use class E to C3 at 39 Victoria Road Cirencester Gloucestershire GL7 1ES

Full Application 23/00554/FUL	
Applicant:	Mr & Mrs Hall
Agent:	Dennis L Rayton Ltd
Case Officer:	Amy Hill
Ward Member(s):	Councillor Joe Harris
Committee Date:	12th July 2023
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Principle of Change of Use within a Principle Settlement
- (b) Design and Impact on Heritage Assets
- (c) Impact on Residential Amenity

2. Reasons for Referral:

2.1 Councillor Harris, the Ward Member, has requested the application is referred to the Planning and Licensing Committee for the following reasons:

"I don't think there is any harm caused to the conservation area and disagree with the Conservation Officer's (CO) conclusion.

The CO's reason for refusal hinges on the loss of the shop front being detrimental to the conservation area. Victoria Road is and always has been a predominantly residential area and this application only seeks to extend a residential dwelling, in a sympathetic way, in a largely residential area.

Historically Victoria Road hasn't had a lot of shop fronts, while the CO references the road having had a mix of uses over the years I believe too much weight is being given to this and therefore it shouldn't tip the balance in favour of refusal. Reference is also made to the special status of this non-designated heritage asset; the shop front part of the building has been run down for many years and I believe doesn't add greatly to the historic fabric of the street scene, I think the new application will enhance the street scene within the conservation zone.

I note that a neighbour has made a submission in support outlining that they are happy with the proposed changes as they appear sympathetic. Cirencester Town Council have issued no objection and there are no other objections."

3. Site Description:

3.1 The site comprises a two-and-a-half-storey dwellinghouse with attached single-storey commercial unit to the site (including a redbrick section to the rear). The property dates from

the latter part of the 19th Century, and is located along Victoria Road with a number of properties of a similar age (with the property to the immediate north very similar in detailing to the site). Due to its architectural and historic interest, as well as its group value, it is considered to be a Non-Designated Heritage Asset (NDHA).

3.2 The property is set back from the road by a parking space, in line with others along the road, with a garden area to the rear. The site is within Cirencester South Conservation Area and the Cirencester Development Boundary. The site is also within an Urban Archaeological Area, with the closest section of the Roman Town Scheduled Ancient Monument approximately 30m to the south of the site.

4. Relevant Planning History:

- 4.1 CT.5389/ED - Change of use of stone masons workshop to the glazing, processing and retailing of flat glass including windscreen replacements - Refused 25/10/1977.
- 4.2 17/04282/FUL: Demolition of existing conservatory, and erection of two storey rear extension and single storey rear extension. Permitted July 2018

5. Planning Policies:

TNPPF The National Planning Policy Framework
CDCLP CDC LOCAL PLAN 2011-2031
DS1 Development Strategy
DS2 Dev within Development Boundaries
EC1 Employment Development
EC3 All types of Employment-generating Uses
EC7 Retail
EC8 MainTown Centre Uses
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets

6. Observations of Consultees:

- 6.1 Conservation Officer: Objection
- 6.2 Gloucestershire County Council Archaeology: Pre-commencement conditions requested, although one condition can be re-worded to be in accordance with information submitted

7. View of Town/Parish Council:

- 7.1 Cirencester Town Council:

“No objection to this proposal for demolition of workshop, erection of 2.5 storey side extension and associated change of use of land from use class E to C3. The existing workshop is run

down and the proposal, which matches materials of the existing building, would be an improvement. The site is large enough to accommodate the proposed extension and there is sufficient parking on site.”

8. Other Representations:

8.1 1 Support Comment:

- Appears sympathetic and will improve personal view looking towards Victoria Road
- Won't cause loss of much light, feel overlooked or lose their privacy
- The windows proposed would have a similar impact to the existing ones

9. Applicant's Supporting Information:

- Design and Access Statement

10. Officer's Assessment:

10.1 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.'

10.2 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.

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

10.4 The application seeks to demolish the existing single-storey side section of the building and replace it with a two-storey section. This would include the change of use of the area from a business (E Class) use to part of the dwellinghouse (C3).

(a) Principle of Change of Use within a Principle Settlement

10.5 The application site is within the Cirencester Development Boundary, but not within a designated employment or commercial area.

10.6 Local Plan Policy ECI (Employment Development) supports and improves the vitality and viability of Primary, Key, District and Local Centres. Local Plan Policy EC2 (Safeguarding Employment Sites) requires the retention of established and allocated employment sites to be retained for B Class employment sites (noting B Class was used prior to the more recent substantial changes to the Use Class Order). For the purposes of this Policy established and allocated employment sites are identified in the Local Plan. The site is not within one of these.

10.7 Local Plan Policy EC7 (Retail) directs retail provision to within town centres, with EC8 (Main Town Centre Uses) directing these to the Primary Shopping Area and Town Centre, with the loss of shops within these areas restricted. The site is not within an identified centre.

10.8 Local Plan Policy DS2 (Development Within Development Boundaries) supports development within Development Boundaries.

10.9 The loss of the commercial unit would therefore not be contrary to Local Plan Policies, and the increase in residential use would be supported. As such, the principle of the change of use is considered acceptable.

(b) Design and Impact on Heritage Assets

10.10 As the site is within South Cirencester 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.

10.11 Local Plan Policy EN1 promotes the protection, conservation and enhancement of the built, historic and natural environment in new development. It seeks to ensure the protection and conservation of such assets and their setting in proportion with the significance of the asset. It seeks development contributes to the provision and enhancement of multi-functional green infrastructure and helps address climate change, habitat loss and fragmentation whilst improving air, soil and water quality where feasible. It seeks to ensure design standards complement the character of the area and the sustainable use of the development.

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

10.13 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.

10.14 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.

10.15 Local Plan Policy EN12 requires development affecting a non-designated heritage asset to be designed sympathetically, having regard to the significance of the asset, its features, character and setting. Where possible, development should seek to enhance the character of the non-designated heritage asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of

the asset and the scale of harm or loss. This policy also sets out criteria for assessment of whether a site, feature or structure is considered to be a non-designated heritage asset.

10.16 These accord with the requirements of Sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

10.17 Section 16 seeks to protect the historic environment. Specifically Paragraph 197 requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Within Conservation Areas Paragraph 206 states proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

10.18 The application site is located with Cirencester South Conservation Area, (also known as area 4). Within the "CA4: Cirencester South Character Appraisal and Management Plan" one of its key characteristics of Victoria Road identified in '*a linear character area developed predominantly in the nineteenth century, and comprising a mix of terraced, semidetached and detached development of mostly three-stories, with some two-stories, set at right angles from the straight road by narrow front gardens in long, mostly narrow plots, having a fairly consistent building line, but occasionally enlivened by a movement forwards or back to the fairly wide road.*' With it also noted that '*The character area appears less densely developed than other parts of the southern Cirencester*'.

10.19 The road contains '*mostly national architectural forms, the earlier examples are often marked by simple classical proportion and restraint*'. No.39 is a detached single fronted house, with single-storey shop attached to the side, which follows these simple classical proportions and restraint, with similar features to buildings nearby, giving '*a harmonious and cohesive character*' with a '*distinctive yet consistent quality*' of the overall road.

10.20 It appears that the single storey section was contemporary with house, given the continuous stonework. The shopfront, door and signage also appear to be characteristic of the latter part of the C19th, to which the building dates. Whilst Victoria Road is primarily residential in use, a mix of uses was historically characteristic, which this shop element evidences, thereby contributing to the significance of this part of the Conservation Area. The Conservation Officer also advised that the shop element along with the house itself provides the overall building, with the architectural and historic interest and group value that results in it being considered a NDHA.

10.21 The Conservation Officer goes on to advise *Another key characteristic of this part of the conservation area is 'Frequent gaps between each terrace, or between semi-detached pairs or individual houses, allowing glimpses to rear gardens and or the recreation ground beyond, whilst permeability within the area is created by rear pathways....'*

Therefore, the form of 39 and its placement within the road and gaps between buildings provides a rhythm of development and building line, which contributes to the special character of the area. Its design with simple classical proportion and restraint along with its repetitive of features found on other buildings within this part of the street and use of local materials giving also contributes positively to the harmonious and cohesive character of the road.

The Conservation Area Statement also discusses uses in the area. 'Bennett's Garage on the corner of Victoria Road and Purley Avenue is the largest of three small commercial garages in the area. Other low-key commercial/ light industrial uses include the Wetpaint Art Gallery on London Road, Dike and Son Monumental Masons on Victoria Road, CW Neal & Son Joinery and Glass suppliers off Lewis Lane, Earle and Ludlow Printers off Victoria Road and Stan Gough Electricians situated at The Avenue. The area readily absorbs such uses without significant detriment to its amenities or character.'

10.22 The current proposal which would remove the shop element is therefore considered to cause harm to the significance, character and appearance of this part of the Conservation Area, by virtue of the loss of part of the building. The demolition of the shop element of the building would result in the loss of evidence of the historic uses of Victoria Road, which also contribute to the significance of the Conservation Area and its character and appearance.

10.23 Therefore whilst the design of the extension in and of itself is not considered inappropriate, the loss of the shop part of the building, would not be considered to preserve or enhance the special character and appearance of the Conservation Area in terms of the retention of positive features.

10.24 For the reasons above, the demolition of the shop part of the building would also harm the significance of property as a NDHA, considering the resultant total loss of the shop part of the building, with its features, character and setting. The proposal is therefore considered to have failed to have been designed sympathetically to the significance of the asset, and therefore fails to accord with Local Plan Policy EN12.

10.25 The site is near to a SAM, and previous evaluations have found remains at 0.6m in depth below the modern ground surface. The foundations would therefore need to be carefully designed. The applicant has advised of the depth of the foundation and other works, which the GCC Archaeologist have advised would be acceptable. Conditions to this effect would have been attached, had the scheme otherwise been acceptable.

10.26 The proposal is therefore considered to harm the character and appearance of the Conservation Area and significance of the NDHA. It is therefore contrary to Local Plan Policies EN2, EN10, EN11 and EN12, and NPPF Sections 12 and 16.

(c) Impact on Residential Amenity

10.27 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.

10.28 Owing to the scale, siting and position to relative neighbouring properties, the proposed development is considered not to 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.

(d) Other Matters

10.29 Bats: The buildings to be removed have a metal roof and as such are considered to have a low potential for roosting bats.

11. Conclusion:

11.1 The proposal is considered to harm the significance of the Non-Designate Heritage Asset, and to harm the character and appearance of the Cirencester South Conservation Area. It is therefore contrary to Local Plan Policies EN2, EN10, EN11, and EN12, and is recommended for refusal.

12. Reason for Refusal:

39 Victoria Road, is considered to be a Non-Designated Heritage Asset due to its architectural and historic interest, as well as its group value, part of which stems from the mixed used history of the building evidenced by the single-storey 'shop' part of the building. It is also located within Cirencester South Conservation Area. The removal of the shop section is considered to harm the significance of the Non-Designate Heritage Asset, and to harm the character and appearance of the Cirencester South Conservation Area. There are no public benefits which would be accrued by the scheme which would outweigh the harm to the Conservation Area. The proposal is therefore contrary to Local Plan Policies EN2, EN10, EN11, and EN12, and Sections 12 and 16 of the NPPF.