

**Application No:- 23/01490/FUL**

**Abbey House  
Gosditch Street  
Cirencester  
Gloucestershire  
GL7 2QU**

**Replacement of window with door and erection of external steps at 1 and 7 Abbey House at Abbey House Gosditch Street Cirencester Glos GL7 2QU**

<b>Full Application 23/01490/FUL</b>	
Applicant:	Mrs Jean Munkley
Agent:	DesignForLiving Architects Limited
Case Officer:	Tracey Birch
Ward Member(s):	Councillor Mark Harris
Committee Date:	9th August 2023
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. Main Issues:**

- (a) Design and Impact on Setting of Heritage Assets
- (b) Impact on Residential Amenity
- (c) Impact on Protected Trees

**2. Reason for Referral:**

- 2.1 The application has been referred to the Planning and Licensing Committee as the applicant is a close relative of a District Councillor.

**3. Site Description:**

- 3.1 This application relates to Abbey House, which is a three-storey, retirement apartment complex granted permission in the late 1960's. The site is situated at the end of Dugdale Road adjacent to Abbey Grounds Public Open Space. The property was built over the remains of the former 18th-century house of the Masters family, also known as Abbey House, which was demolished in the 1960s.
- 3.2 Under the modern town of Cirencester are the buried remains of the Roman and Medieval towns. Some of these remains are protected as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. The site lies on the Schedule Ancient Monument No. GC361.
- 3.3 The site is located within the Cirencester Development Boundary and the Cirencester Town Centre Conservation Area and is covered by a group Tree Preservation Order 06/00118/TPO.
- 3.4 The site lies adjacent to a Grade I listed church of 'St John' to the south, with 'Abbey Wall' and other Grade II listed properties to the west of the site.

#### **4. Relevant Planning History:**

- 4.1 CT.2596/A - To use wing for storage purposes: Permitted 26.02.1962
- 4.2 CT.2596/K - use of approximately 1.5 acres of land for residential development: Permitted 29.09.1966
- 4.3 CT.2596/K/1 - Erection of a two-storey block of 23 flats. Materials; Roof: Cotswold grey plain concrete tiles, Walls: Natural Ashlar Stone. Construction of new vehicular access: Permitted 01.03.1968
- 4.4 CT.2596/K/2 - Erection of 29 Flats: Permitted 28.11.1968
- 4.5 CT.2596/K/3 - Erection of 29 Flats: Permitted 27.03.1969
- 4.6 CT.2596/1/Q (00.02329) - Replace existing single-glazed windows with double-glazed units in aluminium frames: Permitted 18.01.2001
- 4.7 CT.2596/2/F (09/01049/FUL) - Retention of alterations to replace windows with patio doors on ground floor flats Nos 4,13,16 and 22 together with steps and handrails: Permitted 11.06.2009

#### **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- CDCLP CDC LOCAL PLAN 2011-2031
- DSI Development Strategy
- DS2 Dev within Development Boundaries
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas

#### **6. Observations of Consultees:**

- 6.1 Historic England: No objections. Comments incorporated into the Officer Assessment
- 6.2 Gloucestershire County Council Archaeology: No objections
- 6.3 Tree Officer: No comments
- 6.4 Conservation Officer: No comments

## **7. View of Town/Parish Council:**

- 7.1 Cirencester Town Council: "No objection to replacement of window with door and erection of external steps at 1 and 7 Abbey House, which will create an improved access for residents, to the grounds, without having to exit at the front and walk around to the rear. Although Abbey House is within the Cirencester Town Centre Conservation Area, the proposed alterations are in keeping with the character of the existing building and will follow the same style as previously granted planning permissions. Additionally, the proposed access steps will not be visible from the Abbey Grounds as the whole of the ground floor level of the apartment block is screened off by well-established hedges and shrub planting".

## **8. Other Representations:**

- 8.1 Cirencester Civic Society: "Replacing ground floor windows with doors will provide better access to the garden areas surrounding the building. This increased use will benefit the two residents concerned but might affect the privacy of others. Section details need to be scrutinised to ensure the doors are compatible with the adjacent windows. A standard product needs to be agreed to provide future uniformity to safeguard the architectural integrity of the building as others residents might wish to follow suit".
- 8.2 Third Party Objection: With regard to rights of permission to alter the exterior of the property and perceived restriction of common areas.

## **9. Applicant's Supporting Information:**

- Proposed Plans
- Design and Access Statement
- Heritage Statement

## **10. Officer's Assessment:**

- 10.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.2 With respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.3 Considerable weight and importance must be given to the aforementioned legislation.

## **Proposed Development**

- 10.4 This application seeks permission to replace full-height bay windows in two separate ground-floor apartments with glazed doors and add metal access steps to the exterior, with handrails and supports that lead down to the communal garden level.
  - 10.5 The steps are proposed to be approximately 0.4 metres high by 1.0 metres wide and would be attached to the frame of the proposed door for safety purposes, whilst the feet would rest upon the ground, with no foundations required and could be easily removed.
  - 10.6 The windows are proposed to have a Polyester Powder Coating aluminium frame of a similar design and shape to that of the existing windows in the property.
- (a) Design and Impact on the Character and Appearance of Cirencester Town Centre Conservation area, Scheduled Ancient Monument and the Setting of Listed Buildings**
- 10.7 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality. This conforms to the design considerations of National Planning Policy Framework (NPPF) Section 12.
  - 10.8 Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset d/or its setting with a greater weight given to more important assets.
  - 10.9 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.
  - 10.10 NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in.
  - 10.11 NPPF Section 16 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'.
  - 10.12 Located in Abbey Grounds, this apartment complex was granted permission in the late 1960's and contains aluminium windows set in dark brown painted hardwood frames. The proposed doors, although not an exact design match, will have a similar appearance to the existing windows, with regard to design and materials.
  - 10.13 Regarding comments on objections over the alterations and use of the communal area, this is a matter for the freeholder regarding the rights of the leaseholders, and this is not considered a planning matter.
  - 10.14 Initially, Historic England expressed apprehension about the steps' construction due to potential ground disturbance for the foundations. However, upon the submission of

further information it was determined that the steps could be placed directly onto the ground without needing foundations, of which Historic England approved.

- 10.15 Gloucestershire County Council Archaeology further advised that due to the application having minimal, if any, below-ground impact there would be no archaeological concerns and is considered not to have any adverse impact on the Schedule Ancient Monument.
- 10.16 The proposal is considered to have limited views from the Church of St John to the south and due to the scale and size of the development it is considered not to detract from the setting of the Grade I listed church, or harm the character and appearance of the setting of the nearby 'Abbey Wall' and other listed buildings.
- 10.17 It is considered that the development is in accordance with Local Plan Policies EN2, EN10 and EN11 and guidance in Sections 12 and 16 of the National Planning Policy Framework.

**(b) Impact on Residential Amenity**

- 10.18 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, in conformity to the amenity requirements of Section 12 of the NPPF.
- 10.19 Comments have been made in regard to the perceived restriction of common areas and the effects that the development would have on the privacy of others.
- 10.20 It is considered that the proposal would not have an unacceptable adverse impact on the privacy and residential amenity of residents within the complex. The proposed alteration of the window to a door would not be creating any new openings and the land onto which they would have access to, is an existing communal area.
- 10.21 As such, the development is in accordance with Local Plan Policy EN2 and guidance in Section 12 of the National Planning Policy Framework.

**(c) Impact on Protected Trees**

- 10.22 Local Plan Policy EN7 requires development to conserve and enhance natural assets to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees. This conforms with Section 15 of the NPPF.
- 10.23 The site is located within an area covered by a Group Tree Preservation Order; however given the scale of the proposed works and their distance from the protected trees, the proposed development is considered not to cause any harm to, or have any adverse impact on the trees covered by the Tree Preservation Order.

10.24 It is considered that the development is in accordance with Local Plan Policies EN7 and guidance in Section 15 of the National Planning Policy Framework.

## **11. Conclusion:**

11.1 Overall, it is considered that the development is in accordance with established policies and guidance. It is therefore recommended that the application is granted planning permission.

## **12. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 2470-P-02 and 2470-P-03A.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The metal steps hereby permitted shall be an aluminium frame, fixed to the frame of the door and shall be positioned to rest on the ground. If any below groundworks are required then works are required to cease. Details including required works shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

4. The materials to be used for the doors of the development hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

## **Informative:**

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.