
Appeal Decisions

Site visit made on 7 June 2017

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2017

Appeal A Ref: APP/B1605/W/17/3168375

11, Portland Street, Cheltenham, Gloucestershire, GL52 2NZ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Upper Langley against the decision of Cheltenham Borough Council.
 - The application Ref.16/01384/FUL, dated 22 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is the demolition of existing garage and construction of a two storey two bed dwelling.
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Appeal B Ref: APP/B1605/Y/17/3168377

11, Portland Street, Cheltenham, Gloucestershire, GL52 2NZ.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Upper Langley against the decision of Cheltenham Borough Council.
 - The application Ref.16/01384/LBC, dated 22 July 2016, was refused by notice dated 28 September 2016.
 - The works proposed are the demolition of existing garage and construction of a two storey two bed dwelling.
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Decisions

1. The appeals are allowed. Planning permission and listed building consent are granted for the demolition of existing garage and construction of a two storey two bed dwelling at 11, Portland Street, Cheltenham, Gloucestershire, GL52 2NZ. The permission and consent are granted in accordance with the terms of the applications refs. 16/01384/FUL and 16/01384/LBC, dated 22 July 2016, subject to the conditions in the Schedules below.

Main Issues

2. The two main issues are: firstly, whether the proposal would preserve the grade II listed building at 11 Portland Street or its setting or any features of special architectural or historic interest which it possesses and whether it would preserve or enhance the character or appearance of the Cheltenham Central Conservation Area (CCA) [appeals A and B] and; secondly, whether the proposal would result in harmful overlooking and a significant loss of privacy for the occupiers of 11 Portland Street [appeal A only].
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Reasons

Listed Building / CCA (appeals A and B)

3. The appeal site includes a slate roof and red brick garage which I understand dates from the mid-20th century. It forms part of a row of 'service' buildings at the rear of the early 19th century, three storey slate roof and stucco building at 11 Portland Street (listed jointly with No.13). Since 2016, No.11 has been in use as a house in multiple occupation. Vehicular access to the appeal site is from Albion Place.
4. The significance of 11 and 13 Portland Street is derived primarily from their architectural qualities (such as the sash windows, doors, chimney stacks, architraves) and historic attributes (such as important building fabric and associations with the growth of Cheltenham, including plot boundaries).
5. The CCA is a sizeable area that includes buildings of different styles and sizes and a wide range of uses. Having regard to the Council's CCA 'Old Town Character Area Appraisal and Management Plan' (2007), the significance of this designated heritage asset is derived primarily from the numerous listed buildings, Buildings of Local Importance and the layout of the streets/roads.
6. I concur with the appellant's architect that the existing garage is unremarkable and of no architectural merit. There is also no cogent evidence before me to demonstrate that the fabric of the building is of historic importance to the significance of either the listed building or the CCA. The southern flank wall of the garage assists in defining the historic boundary of the plot to No.11 but the building itself is not of heritage interest. Whilst policy BE8 of the Cheltenham Borough Local Plan Second Review 1991-2011 (LP) is generally not permissive of demolition, the building that is of value as a heritage asset would remain.
7. Activity associated with the proposed dwelling would enliven this part of the town. Whilst the building would be wider and taller than the existing garage it would be subservient in size and scale to the listed building and would add to the assortment of roofs found within this part of the town. It would be set back from No.11 and would not be unduly prominent or detract from an appreciation of the architectural qualities of the listed building. Space would also be retained around the proposed building to avoid any cramped effect.
8. The proposed dwelling would be built along part of the southern perimeter of the site thereby maintaining the historic plot boundary. The use of natural slates on the roof and red brick walls would be in keeping with the appearance of the CCA. The proposed window arrangements and use of timber clad screens would assist in breaking up the mass of the brick walls. Boundary treatments within this part of the CCA include brick walls and black painted metal railings. The use of the latter in the appeal scheme would not be inappropriate. The design of this 'mews style' dwelling would preserve the special architectural and historic interest of the listed building and the CCA.
9. I conclude that the proposal would preserve the setting of 11 Portland Street and its features of special architectural and historic interest and would preserve character and appearance of the CCA. In so doing the proposal would accord with LP policies CP3 and CP7.

Privacy / Overlooking (appeal A only)

10. The Council has calculated that the proposed window to bedroom 1 would be 17m from a facing bedroom window in No.11. I note the appellant's calculation that this distance would be 18.5m. Whether the distance is 17m or 18.5m, in a compact urban environment such as this and where there is pressure to develop 'brownfield' land for housing in preference to 'greenfield' sites, such distances are not unusual¹. In this instance, the oblique angle between the facing windows and the extent of separation would ensure there was no harmful overlooking or serious loss of privacy for the occupiers of No.11.
11. The size, design and siting of the proposed dwelling would not result in any significant overlooking or loss of privacy for the occupiers of 11 Portland Street. The proposal would accord with LP policy CP4.

Other Matters

12. The proposal would entail the more efficient use of urban land for housing and would make a very small contribution towards addressing the shortfall in housing land supply within the Borough. It would accord with the provisions of LP policy HS1. Occupiers of the proposed dwelling would have very convenient access to services and facilities, thereby reducing the need to travel. The proposal would also provide some limited support to the construction industry. These matters lend weight to the argument for granting permission.

Planning Conditions

13. In addition to a condition requiring the commencement of development/works, in the interests of certainty, conditions would be necessary specifying the approved plans. To safeguard the special qualities of the listed building and the CCA conditions would be necessary requiring the submission/approval of samples of the external materials and details of the boundary walls/fences and hard surfaced areas within the site. To avoid harming the setting of No.11 and creating an inappropriate gap within the CCA, a condition would be necessary requiring details of the arrangements for the redevelopment of the site.
14. Given all of the above, I conclude that these appeals should succeed.

Neil Pope

Inspector

¹ During my visit I saw the very close proximity of windows/balconies in Coliseum Apartments to 50A Albion Place.

SCHEDULE OF CONDITIONS – APPEAL A (Planning Permission)

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development shall be undertaken in accordance with the following approved plans: PL001 (site location plan); PL002 (proposed block plan); PL003 (proposed floor plans); PL004 (proposed elevations) and; PL005 (elevations and sections).
3. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) samples of the natural slates to be used on the roof;
 - ii) samples of the bricks and timber clad screens for use on the external walls;
 - iii) details of the boundary walls/fences;
 - iv) details of the hard surfaces within the site (which shall be permeable).The development shall be undertaken in accordance with the approved samples/details.
4. No demolition shall take place until arrangements have been put in place to secure the redevelopment of the site approved under this decision and details of these arrangements have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this decision. The redevelopment shall be carried out in accordance with the approved arrangements/details.

SCHEDULE OF CONDITIONS – APPEAL B (Listed Building Consent)

1. The works hereby permitted shall begin not later than three years from the date of this decision.
2. The works shall be undertaken in accordance with the following approved plans: PL001 (site location plan); PL002 (proposed block plan); PL003 (proposed floor plans); PL004 (proposed elevations) and; PL005 (elevations and sections).
3. No works shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) samples of the natural slates to be used on the roof;
 - ii) samples of the bricks and timber clad screens for use on the external walls;
 - iii) details of the boundary walls/fences;
 - iv) details of the hard surfaces within the site (which shall be permeable).The works shall be undertaken in accordance with the approved samples/details.
4. No demolition shall take place until arrangements have been put in place to secure the redevelopment of the site approved under this decision and details of these arrangements have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this decision. The redevelopment shall be carried out in accordance with the approved arrangements/details.