
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: 23 June 2017

Appeal A Ref: APP/C1625/W/17/3168891

Wisma Mulia, Bridge Road, Frampton on Severn, Gloucestershire, GL2 7HE.

- 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 Mr Philip James against the decision of Stroud District Council.
 - The application Ref.S.16/1996/FUL, dated 9 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is *a two storey building on the site of the demolished Art Room and store. Two sub-standard extensions to Denhalls Cottage are shown removed, the Porch/Bathroom single storey extension on the South East gable end and an unsatisfactory Porch on the East front. New extensions and a Link through at First Floor allows for one common lobby to serve four two bedroom units with a common stair and a lift. One Ground Floor unit has a separate level access. Also two modest extensions to the Bungalow allow accommodation here to be increased to three two bedroom units and the proposal includes a simple pergola type covered Link between the Accommodation building and the Bungalow with a covered seating area for Residents in the middle.*
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Appeal B Ref: APP/C1625/Y/17/3168901

Wisma Mulia, Bridge Road, Frampton on Severn, Gloucestershire, GL2 7HE.

- 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 Mr Philip James against the decision of Stroud District Council.
 - The application Ref.S.16/1997/LBC, dated 9 September 2016, was refused by notice dated 21 November 2016.
 - The works proposed are described as *a two storey building on the site of the demolished Art Room and store. Two sub-standard extensions to Denhalls Cottage are shown removed, the Porch/Bathroom single storey extension on the South East gable end and an unsatisfactory Porch on the East front. New extensions and a Link through at First Floor allows for one common lobby to serve four two bedroom units with a common stair and a lift. One Ground Floor unit has a separate level access. Also two modest extensions to the Bungalow allow accommodation here to be increased to three two bedroom units and the proposal includes a simple pergola type covered Link between the Accommodation building and the Bungalow with a covered seating area for Residents in the middle.*
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Decisions

1. Appeal A is dismissed insofar as it relates to the proposed two storey extension and extension to Denhalls Cottage but is allowed insofar as it relates to the extensions to the Bungalow and the provision of a new pavilion, art room and therapy room. Appeal B is allowed insofar as it relates to the proposed pergola link between the existing accommodation block and the Bungalow and the demolition of the art room and store, but is otherwise dismissed.
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2. Planning permission is granted for extensions to the Bungalow, including the pergola link with the existing accommodation block, the provision of a new pavilion, art room and therapy room and listed building consent is granted for the pergola link and some works of demolition at Wisma Mulia, Bridge Road, Frampton on Severn, Gloucestershire, GL2 7HE. The permission and consent are granted in accordance with the terms of the applications, Refs. S.16/1996/FUL and S.16/1997/LBC, dated 9 September 2016, subject to the conditions in the Schedules below.

Background / Preliminary Matters

3. The Council's decision notices include shorter descriptions of the proposals. A more concise description of the proposals to the ones set out above and more informative than those given by the Council are: the erection of single and two storey extensions, the provision of a new pavilion, art room and therapy room (appeal A) and; the erection of single and two storey extensions and some works of demolition (appeal B).
4. The Wisma Mulia community was founded in 1973 as a Housing Association with the aim of providing self-contained accommodation for a number of people who no longer wished to maintain individual houses and wanted to live in a community with some aspects of shared life. The appeal site includes a care home, which I understand is registered for up to 23 residents with dementia (currently 18 residents) and 4 independent residents. The planning application form states that there are 34 full-time employees. In essence, the appellant is seeking to upgrade the standard of facilities / accommodation and to introduce younger residents and increase the self-sufficiency of the community.
5. The Bungalow (circa 1970s) is a free-standing building within the curtilage of the early 19th century building that is listed (grade II) as Wisma Mulia. The Council has not identified any concerns / issues regarding the proposed extensions to the Bungalow or the proposed pergola link. I concur with the assessment undertaken by the Council's officer's that these elements of the proposals would not harm the significance of the listed building and, as a consequence, would accord with the provisions of heritage policies CP11(1) and ES10 of the adopted Stroud District Local Plan (LP).

Main Issues

6. The two main issues are: firstly, whether the proposed two storey extension, including associated works to Denhalls Cottage, new pavilion, art and therapy room would preserve Wisma Mulia or its setting or any features of special architectural or historic interest which it possesses (both appeals) and; secondly, the effect upon trees and flooding (appeal A only).

Reasons

Impact on Listed Building

7. The listed building (identified as 'Westmont' on the existing site plan) is an attractive Georgian classically designed house that is set in a pleasing and well maintained garden¹. A two storey residential wing, linked to this former house by a covered corridor and conservatory, was added in the 1970s. Buildings

¹ Some trees growing within the garden, mainly along the southern and eastern boundaries, are the subject of a Tree Preservation Order (TPO).

within the curtilage of this designated heritage asset, including Coach House and Denhalls Cottage, were altered at that time to provide additional accommodation. As noted above, the Bungalow was also built. The original access to the listed building ran to the north west of Canterbury House (in separate ownership). The appellant has retained a right of way along this former access but the main access to Wisma Mulia is now from a modern driveway to the south east of Canterbury House.

8. The significance of the listed building is derived primarily from its architectural and historic qualities. These include the primacy of the principal (south east facing) rendered elevation with its central projecting Roman Doric porch with entablature and blocking course and pilasters, panelled entrance door and stone steps, window arrangement (comprising sash windows with moulded architraves), as well as its historical associations with Frampton on Severn following the opening of the nearby Gloucester and Sharpness Canal in 1827.
9. As I noted during my visit, these architectural qualities can best be experienced when standing in the garden of the listed building. However, the public realm (Bridge Road) also affords important views of the building. One such view is from the north east across the route of the former entrance driveway. From here, the building is set apart from the late 20th century ancillary buildings / additions, with the principal elevation and its impressive porch, along with windows in the flank wall and part of the roof clearly visible. This provides an appreciation of the quality and grandeur of this early 19th century house, as well as an understanding of its historical relationship to the canal.
10. The major element of the proposals would involve demolishing an existing art room and store to the north of the main listed building and some extensions to Denhalls Cottage and erecting a two storey building, linked at first floor level to Denhalls Cottage, to provide 4 two bedroom units with shared living space. This new building would have a simple rectangular plan. It would be lower than the listed building with a low pitched hipped roof, generous eaves overhang, corner window bays and would be finished with white painted rendered walls and a standing seam zinc roof. I note that the design was formulated following pre-application discussions with the Council's officers.
11. The proposed works of demolition would not involve the loss of any important historic building fabric or harm the significance of the listed building. The appellant's architect has given thoughtful consideration to designing a building that attempts to respect the scale, form and appearance of the early 19th century house alongside whilst safeguarding the amenity of the neighbouring residents in Elmcroft.
12. However, this sizeable new building would be constructed in very close proximity to the listed house. Whilst it would be set back from the principal elevation of this designated heritage asset, I concur with Historic England that it would compete architecturally with the formal façade of this nationally important building and detract from its architectural interest.
13. Furthermore, although some views of the listed building would remain from Bridge Road, when seen from across the original entrance driveway, this new two storey building, by virtue of its siting and scale, would appear unduly prominent and would intrude into the public's appreciation of the special architectural qualities. Together with the proposed connecting links to Denhalls Cottage, these elements of the proposals would occupy much space between

the heritage asset and the roadside and would diminish the sense of grandeur associated with the listed building. This element of the proposed development would conflict with LP policy ES10.

14. In the context of the National Planning Policy Framework (the Framework), the proposed two storey building and connecting links would result in less than substantial harm to the significance of the listed building. However, this is not a less than substantial planning objection. This harm carries considerable weight in the planning balance and if permission was to be forthcoming it would need to be outweighed by public benefits. It would not be outweighed by masking 'paraphernalia', such as the steel fire escape at the rear of the listed building, or a previous permission for two single storey dwellings and garages on land adjacent to Denhalls Cottage (Ref. S.12/0592/FUL).
15. The proposed pavilion would be sited on part of the lawn to the south east of the listed building and just beyond the crown spread (and identified root protection area) of a very attractive and mature Tulip tree. This new low profile building with a shallow pitched roof would be of a very modest size. Its 'pear drop' footprint would reflect the shape of the lawn edge and there would be much glazing in the walls and doors to allow natural light into the building.
16. This new garden structure would be finished with brick walls along the modern entrance driveway and a shallow pitched natural zinc roof to give an overtly modern design. The existing timber shed/café on the lawn would be removed and the vast majority of the garden space would remain unaffected. This element of the proposals, by virtue of being set back a considerable distance from the listed building, its low profile and modern design, would not compete with the designated heritage asset or intrude into or disrupt any important views of the asset. It would preserve the setting of the listed building and accord with LP policy ES10.
17. I conclude on the first main issue that the proposed two storey extension, including associated works to Denhalls Cottage, would fail to preserve the setting of Wisma Mulia and some features of special architectural and historic interest which it possesses, whilst the proposed pavilion, art and therapy room would preserve the setting of this grade II listed building.

Trees/Flooding

18. I understand that when the Council determined the application the appeal site was within an area identified as Flood Zones 2 and 3 on maps compiled for the Environment Agency (EA). However, it appears that these maps have since been updated to take account of the protection afforded to the site from tidal flooding by the Gloucester and Sharpness Canal. I understand that the site has a low level of flood risk. The proposed extensions to the Bungalow (including the pergola link) and the pavilion building are very modest developments. These would be unlikely to have any significant effect upon flood storage capacity (if indeed the site performs any such function) or increase the risk of flooding to residents. The proposal would not offend LP policy ES4.
19. I note that the Council, having requested further details from the appellant in respect of the likely impact upon trees growing within the site, determined the application before the appellant was able to submit a tree survey/arboricultural impact assessment. This assessment shows that two small trees growing

within that part of the site where the pavilion is proposed (a Rowan and Crab Apple) and an evergreen hedge would need to be removed.

20. However, these two trees are not of any particular merit and do not appear to be covered by the TPO. Whilst parts of the pavilion would, to a limited extent, encroach within the root protection areas of a veteran False Acacia tree and mature Beech tree, provided adequate tree protection measures were in place before works commenced, this element of the proposals would be unlikely to have any significant effect on these trees. There would be no conflict with LP policy ES8.
21. I conclude on the second main issue that the proposal would be unlikely to increase the risk of flooding or have any significant effect upon important trees.

Other Matters

22. The Framework recognises the importance of supporting strong, vibrant and healthy communities and providing a mix of housing based on the needs of different groups in the community, including older people. The proposal would accord with these aims by improving the standard and range of accommodation for elderly people within this part of the district. It would also strengthen existing employment opportunities at the appeal site and provide some limited support to the construction industry. I attach moderate weight to these social and economic benefits.
23. I note the appellant's concerns that the Council's decisions and the officer recommendation to refuse the applications were inconsistent with the pre-application advice. Whilst I can appreciate the sense of frustration following a change in case officer and the unexpected involvement of Historic England, this does not lend any significant weight to the arguments for granting approval.
24. The proposals would not result in any serious adverse effect upon the living conditions of neighbouring residents.

Planning Conditions

25. In addition to the 'standard' condition requiring the commencement of development / works within three years, in the interests of certainty it would be necessary to specify the approved plans. To safeguard the special qualities of the listed building conditions would be necessary requiring the submission / approval of details relating to the pergola link, tree protection measures and replacement tree planting, materials of construction and the removal of the existing shop / café.
26. Many of the conditions suggested by the Council appear to be more closely related to the two storey element of the appeal scheme and would be unnecessary in respect of the smaller elements of the scheme.

Overall Conclusion

27. The harm that I have identified to the significance of the listed building would not be outweighed by the public benefits of the appeal scheme. I therefore conclude that the elements of the appeals to which this harm relates should not therefore succeed.

28. As I have found that other aspects of the proposals would not be harmful and would be 'severable'/capable of implementation from the remainder, I am able to issue a split decision and allow these parts of the appeals.

Neil Pope

Inspector

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, insofar as they relate to the proposed extensions to the Bungalow and the proposed covered open-sided pergola link: SD200 Rev B (site block plan); SD203 Rev A (Bungalow plans as proposed); SD241 Rev A (Bungalow plans as proposed); SD207 Rev B (new crafts and therapy pavilion).
3. Prior to the commencement of the construction of the covered open-sided pergola link, details of the proposed elevations and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
4. Prior to the commencement of works for the pavilion, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - i) tree protection measures for those trees identified as T8, T9, T10 and T15 in the arboricultural report prepared by Austin Design Works and dated 10 November 2016;
 - ii) details of replacement tree planting within the site and a timetable for planting;
 - iii) samples of the materials to be used on the exterior walls and roof.The approved tree protection measures shall be provided before any construction materials are brought on site and shall be retained throughout the construction phase. The development shall be undertaken in accordance with the approved tree planting details and materials.
5. The extensions to the Bungalow shall be finished using materials to match those used on the existing external walls and roof of the building.
6. Upon completion of the works to the pavilion the existing shop / café on the lawn shall be removed and shall not be re-sited anywhere else within the curtilage of the listed building.

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 site block plan ref. SD200 Rev

B insofar as it relates to the proposed pergola link only.

3. Prior to the commencement of the construction of the covered open-sided pergola link, details of the proposed elevations and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
4. Upon completion of the works to the pavilion the existing shop / café on the lawn shall be removed and shall not be re-sited anywhere else within the curtilage of the listed building.