



Appeal Decision

Site visit made on 10 June 2020

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/U1620/W/20/3245493

7 Southgate Street, Gloucester GL1 1TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mikari Investments Ltd against Gloucester City Council.
 - The application Ref 19/00464/FUL, is dated 10 April 2019.
 - The development proposed is extension and alteration to create 5no. flats.
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Decision

1. The appeal is allowed and planning permission is granted for extension and alteration to create 5no. flats at 7 Southgate Street, Gloucester GL1 1TG in accordance with the terms of the application Ref 19/00464/FUL dated 10 April 2019, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The Council had validated the planning application, but, subsequent to receiving proposed details of fixing into the neighbouring properties, were of a mind that the requisite notice (Certificate B) had not been served and that the application was considered to be invalid. In any event, during the course of the appeal, the appellant served the requisite notice (Certificate B) on the owners of adjoining properties that would be physically affected by the proposed development. I am satisfied that the appropriate notices have been served and that the appeal should now proceed on that basis.

Background and Main Issues

3. The appeal site (No. 7) is located on the east side of Southgate Street, prominently located within the retail centre of Gloucester and the City Centre Conservation Area (CA). No. 7 is an unlisted building but is flanked on one side by the Grade II listed building known as Number 5 Southgate Street; and on the other, by the Grade I listed building known as Numbers 9 – 9a Southgate Street. I am mindful of my statutory duties in respect of preserving listed buildings and conservation areas.
4. The appeal is made against the failure of the Council to determine the planning application. During the course of the appeal proceedings, the Council has clarified that, had it been in a position to issue a decision within the prescribed period, planning permission would have been refused. The crux of the Council's concerns relates to the potential harm that fixing into neighbouring listed buildings might have and the structural capacity of the appeal building.

5. Accordingly, the main issues in this appeal are:

- whether the proposed development would preserve the setting or special architectural and historic interest of neighbouring listed buildings; and whether the character and appearance of the City Centre Conservation Area would be preserved or enhanced.

Reasons

6. Number 5 Southgate Street (No. 5) is of significance and special interest in part owing to its distinctive shop front, which includes a clock and automated figures within an arched recess on the first floor. The building is identified as being of 'group value' and its significance and special interest are derived from the integral contribution to the scale and character of the street, its historic integrity and the unique architectural interest of the building's distinctive shopfront and clock.
7. Numbers 9 and 9a Southgate Street (Nos. 9 – 9a) is of 17th century origin and timber-framed with a jettied frontage at first and second floor levels. The building's surviving historic architectural features, fabric layout and integrity all contribute to its special interest. So too do the building's historic origins, social history and relationship with the built evolution of this part of Gloucester and is implicit in the identification of the building's 'group value', its inclusion in the highest category of listed buildings of national significance.
8. The significance of the CA is derived from its combination of historic buildings, street pattern and townscape that have developed over many centuries. Southgate Street is a principal route through the heart of the city centre and is fronted by a variety of retail buildings, many listed. Remnants of an historic plot layout and the existence of medieval religious houses have informed the local development pattern and contributes to the area's richness and special interest. Due to their prominent location and central position within the CA, the appeal building, as well as No. 5 and Nos. 9- 9a is integral to the retail frontage of Southgate Street and part of the rich built backcloth that underlies the significance and special interest of the CA as a whole.
9. The appeal building is likely of some age, but, was remodelled and truncated during the mid-20th century, causing the building to appear somewhat 'squat' in comparison to the taller neighbouring buildings and to stand out as atypical in the overall Southgate Street frontage.
10. The proposal would involve upward extension of the appeal building by two storeys. The extant first and second floors would be configured so that each would comprise one one-bedroomed and one two-bedroomed flat. A three-bedroomed flat would be within the upper storey, whilst a coffee shop would be retained at ground level. The proposal is also to enlarge the window openings on the first floor and replicate the solid-to-void ratio on the new upper floors.
11. The Council do not object to the principle of the scheme, which would effectively reinstate a traditional frontage to No. 7 that would represent an enhancement to the street scene and the character and appearance of the CA. I agree. In respect of the settings of the neighbouring listed buildings, the proposals would appear sympathetic to and enhance the street frontage. As a consequence, the group value and setting of the neighbouring listed buildings would be preserved.

12. Although the proposed works would require fixings to be anchored into the adjacent buildings, from the evidence provided, these would be low-key and not obviously impact on any significant historic fabric. Rather, the proposed construction details provided indicate that the intervention into adjacent fabric would be a pragmatic, sensitive solution. Indeed, there is no dispute that No. 5 was historically a taller building that conceivably would have been attached to its neighbours by some means. Whilst the proposals would inevitably involve some intervention into the fabric of the listed neighbours, the degree of intervention illustrated does not indicate to me that the special architectural or historic interest of each listed neighbouring building would not be preserved.
13. I agree with the Council that additional details would be necessary in order to ensure the proposal does not unacceptably compromise the structural integrity or historic fabric of the neighbouring listed buildings, which could ultimately harm to their special interest. However, I am of the opinion that any potential impact on the fabric of the adjacent structures could, in this case, be mitigated through a suitably worded condition that would ensure harm was avoided.
14. I am also of the opinion that the works of fixing into listed structures, however small in scale, would not be authorised without listed building consent. That said, the absence of an associated application for listed building consent does not persuade me that planning permission should be withheld for the proposed development, the principle of which has been accepted by the Council.
15. I have paid special regard to the desirability of preserving listed buildings or their settings, and the desirability of preserving or enhancing the character or appearance of conservation areas, and am content that the proposed development would satisfy the statutory provision of the Act. Therefore, subject to the imposition of conditions, the proposed development would accord with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury JCS and the historic environment protection policies within the National Planning Policy Framework, revised February 2019 (the Framework). As I do not consider there would be harm to designated heritage assets in this case, there is no need to balance any harm against wider public benefits that would otherwise be required under paragraph 196 of the Framework.

Other matters

16. I have taken into consideration the case advanced by the owner of the neighbouring restaurant, and the potential conflict between the living conditions of future occupiers of the proposed development and the existing bar and restaurant business next door. However, a conflict between a residential development and a lively city centre location is not inevitable. However, I am satisfied that, subject to suitably worded conditions, noise and disturbance could be mitigated through sound attenuation measures. Thus, I consider the proposed development would not cause harm in respect of future occupiers living conditions.
17. I have also taken into account the concerns raised regarding the adequacy of the local drainage system. However, I have seen no firm evidence that drainage systems would not be able to cope and am satisfied that a suitable drainage solution could be secured by an appropriately worded planning condition.

Conditions

18. I have considered the conditions suggested by the Council in the light of the advice given in the Framework and Planning Practice Guidance (PPG). Whilst I impose most of the suggested conditions, I have varied the wording in the interests of precision and clarity, and to meet the required tests. Where necessary, I have sought agreement to the imposition of pre-commencement conditions.
19. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for reasons of certainty. Due to the findings of the Archaeological Assessment, I impose an archaeological condition to ensure satisfactory archaeological investigation and recording of the site; as well as a condition requiring details of below ground and structural works to avoid harm to heritage assets of national significance. Conditions that require inclusion of noise mitigation methods and testing are necessary to ensure that future occupiers' living conditions are protected from noise and disturbance associated with neighbouring business operations. Conditions requiring details of windows and external surfaces, as well as samples of some external detailing, are necessary to ensure the character and appearance of the CA is preserved. To ensure compliance with development plan policies, conditions securing the implementation of disposal of waste water and adequate cycle storage are also necessary.

Conclusion

20. The appeal site is located in central Gloucester, where the principle of residential development is acceptable. I have found the character and appearance of the CA would be preserved; as would the settings and special architectural and historic interest of relevant listed buildings. The ground floor café would be kept and so the primary shopping frontage retained, thereby ensuring the vibrancy and vitality of the city centre. Additionally, the provision of five residential units would contribute to boosting housing supply and be in a location that would minimise the need to travel by private vehicle and where future occupiers would feed into the local economy and support services and facilities therein.
21. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

H Porter

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2805 P(0) 01 – Site Location & Block Plan (with indicated bin storage/collection); 2805 P(0) 02 – Existing Floor Plans; 2805 P(0) 03 – Existing Elevations; 2805 P(0) 04 – Existing Sections; 2805 P(1) 01 – Existing Floor Plans; 2805 L(5) 01 – Proposed Construction Details; 2805 P(2) 01A – Proposed Floor Plans; 2805 P(2) 03A – Proposed Elevations Cont.; 2805 P(2) 04A – Proposed Section.
- 3) No development shall take place until a Written Scheme of Investigation has been submitted to the Local Planning Authority. The scheme shall include:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall then be carried out in accordance with the Written Scheme of Investigation approved by the Local Planning Authority.

- 4) No development shall take place until details (including a detailed design of foundations, drainage, and services, as well as strengthening any wall or supporting any floor, and a method statement relating to carrying out these works) have been submitted to and approved in writing by the Local Planning Authority. The relevant parts of the development shall be carried out in accordance with the approved details and the approved method statement.
- 5) No development shall take place until an acoustic assessment scheme, including proposed mitigation measures as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the proposal will achieve indoor noise levels for dwellings in line with BS 8233:2014. The development shall be carried out in accordance with the approved details and shall be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 6) Before the development is occupied, and following the completion of any approved mitigation measures, sound testing demonstrating that the development achieves indoor noise levels for dwellings in all habitable rooms in line with BS 8233:2014 shall be submitted to and approved in writing by the Local Planning Authority.
- 7) Before the insertion of any new windows, details of the design of new windows including drawings at scale of 1:10, annotated to indicate materials, colour, finish and furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 8) Before the construction of external surfaces commences, details and samples of the materials to be used in roofing materials, rainwater goods, and stone quoins and cornice detailing, shall be submitted to an approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and samples.
- 9) Before the construction of external surfaces commences, details of the materials and finish to be used on rendered surfaces shall be submitted to and approved in writing by the Local Planning Authority. This includes details of the render mix, application, finish, paint type and RAL number. The development shall be carried out in accordance with the approved details.
- 10) Before the development is occupied, works for the disposal of foul and surface water flows shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 11) Before the development is occupied, details including location, design and specification of cycle storage facilities for a minimum of 5no. bicycles have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.