
Appeal Decision

Hearing held on 25 November 2015

Site visit made on 25 November 2015

by S D Harley BSc (Hons) MPhil MRTPI ARICS

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

Decision date: 11 January 2016

Appeal Ref: APP/F1610/W/15/3132004

Lumley Insurance Limited, Southway House, Southway, Cirencester, Gloucestershire GL7 1FN

- 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 Lumley Insurance Limited against the decision of Cotswold District Council.
 - The application Ref 14/04415/FUL, dated 6 October 2014, was refused by notice dated 9 April 2015.
 - The development proposed is extensions and alterations to provide additional (Class B1) office accommodation together with 4 no. (Class C3) residential flats and associated ancillary development.
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Preliminary Matters

1. It was confirmed at the Hearing that a **plan showing a "true mansard"** and plan PC01 **"03 Bookends"** are for illustrative purposes only and do not form part of the proposals. It was also confirmed that plan SV08 shows the existing not the proposed elevations. I have dealt with the appeal on this basis.
2. The Council says that a five year supply of housing can be demonstrated. Although this has not yet been concluded through a Local Plan Examination, this position was accepted by the Inspector in the appeal decision Ref APP/F1610/A/14/2228752. I have seen no evidence that leads me to a different conclusion.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the local area and the Cirencester Town Centre Conservation Area (the CA); and
 - the living conditions of occupiers of The Walled Garden.

Reasons

5. The appeal site is in Cirencester opposite the Forum town centre car park and contains a two storey office building with a private car park to the side. It was permitted in the nineteen eighties. It is within the Commercial Centre as

designated in the Cotswold District Local Plan 2001-2011 (the LP). In principle there is no objection to an office extension or to the provision of dwellings in this sustainable location provided other local and national planning policies are satisfied.

Character and appearance

6. Cirencester is an attractive market town strongly influenced by historic development. The combination of the narrow curving medieval street layout and tightly packed, mostly historic built form gives some of the older parts of the town a very distinctive and intimate character. The CA is large and is subdivided into character areas.
7. The appeal site lies within the Forum Character Area which is a multi faceted predominantly retail area but with other commercial and residential uses also present. The site is opposite the Corinium Roman Town Scheduled Ancient Monument which is generally believed to be below the Forum car park. Views north along Southway towards the Parish Church tower are important. CA3 Cirencester Town Centre Character Appraisal and Management Plan 2008 (the CAMP) identifies poorly proportioned 20th Century buildings in the vicinity of the Forum as detracting from the special architectural and historic character and as offering an opportunity for enhancement of the CA.
8. The Planning (Listed Buildings and Conservation Areas) Act, 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy 15 of the LP reflects this and there is a strong presumption in the Framework against development which would harm the character or appearance of a conservation area.
9. Policies 18 and 42 of the LP seek to ensure that the siting, scale and appearance of development reflects the character, appearance and local distinctiveness of the area including style, harmony, proportion and materials. The Framework also requires developments to be of good design that respects the surroundings.
10. Although the above Policies of the LP are of some age they broadly align with the principles of the Framework. Accordingly they can be given appropriate weight in deciding planning applications and appeals which should be determined in accordance with the development plan unless material considerations indicate otherwise.
11. The parties agree that the existing building does not make a particularly positive contribution to the CA. It has two sets of windows and an off centre door to the front and a pitched roof. Materials are re-constituted stone, which has bleached over time, and concrete tiles. The appellant wants to improve its appearance but any scheme must be practical and affordable. The proposals are a two storey extension to the side; a single storey extension with a green roof, a Mansard roof to create space for flats and re-facing the entire building. Although the roof would be more bulky it would not be higher than the ridge of the adjacent Job Centre Plus building. The enlarged footprint would occupy practically the whole site. The Council raises no objection in principle to the proposed mass of the building. At my site visit I saw buildings of comparable scale around the Forum and consider the proposed scale would not be out of character in principle.

12. The proposed design has been discussed with the Council. The latest proposals include some vertical articulation provided by a very slight projection of the central and end bays. This attempts to offset the horizontal emphasis and slab like appearance identified as one issue with 20th Century buildings in the CAMP. The proposed fenestration would retain existing windows and replicate their arrangement in the two storey extension. The proposed mansard would have a high ridge, flat top, hipped corners and slot-like dormers. The proposed facing materials would be mainly insulated Sto-render with a slate mansard.
13. Improving the appearance and energy efficiency of the existing building would be positive benefits. However, the proposals would result in a longer slab-like building with insufficient vertical articulation. The balanced, but not symmetrical, windows would not align centrally within the articulation of the façade. The proposed middle window would be much taller than the windows to either side and would bear down on the relatively low entrance so that together they would appear cramped and out of proportion with the remainder of the façade. The detailing around the windows and parapet would be render faced which would not provide the impact of stone detailing or link with the predominantly stone townscape of Cirencester.
14. The appellant says that the retention of the existing building constrains the way in which the building can be extended and that it would be difficult to achieve the energy efficiency sought for the existing building if stone was used around the windows. However, it seems to me that more stone could be included in practice given the proposed use of stone around the main entrance (Paragraph 4.7 of the Planning, Design and Access Statement). It also seems to me that Cotswold stone would be more appropriate than Portland stone.
15. Mansard roofs are not typical in the area but there is no uniformity of roof shape nearby. However, the proposed roof due to its shape, height and pitch would appear heavy for the relatively low building it would cover.
16. The improvement to the existing front elevation would enhance the character and appearance of the CA. However, due to the combination of factors set out above, on balance I conclude that the scheme as a whole would not respect the local character or identity of the surroundings or amount to good design that preserves or enhances the appearance of the CA or the area generally. Although it would amount to less than substantial harm to the CA as a whole, it would conflict with Policies 15, 18 and 42 of the LP; the CAMP and those principles of the Framework that seek to respect the character of the surroundings and to preserve or enhance the character or appearance of CAs.

Living conditions

17. The appeal site has a high stone wall on its rear boundary. Behind this are residential properties, Nos 22 – 36 The Walled Garden, which are ground and first floor apartments facing a shared parking courtyard. The resultant two storey building would extend along the entire gap between The Walled Garden buildings very close to the boundary wall. The proposed mansard roof and parapet would also increase the mass of built form close to the boundary.
18. The overall height of the proposed building would be only marginally higher than the existing ridgeline. However, due to the increased length, the increased bulk at second floor level and the position of the extensions, the outlook across the boundary wall from properties in The Walled Garden and the

shared car park would be severely curtailed. The result would be a gloomy oppressive outlook for occupiers of those properties even if the proposed rear elevation was a light colour. The appellant says that closing off the view of the BT Exchange would be a benefit. However, the BT Exchange is a significant distance away and the effect of the proposal would be the loss of the openness of the sky above the boundary wall.

19. The appellant has provided shadow diagrams which show that for the majority of the time any shadow would fall across South Way. However, there would be morning shadow cast over Nos 26 and 28 in particular which would further erode the living conditions of occupiers of those dwellings.
20. For the reasons set out above I conclude the proposed development would have an unacceptable adverse effect on the living conditions of occupiers of The Walled Garden. Accordingly it would be contrary to those principles of the Framework that seek a good standard of amenity for existing and future occupiers of land and buildings.
21. Local residents have raised concerns about overlooking and there would be three large office windows at first floor and windows in the mansard roof facing the courtyard of the Walled Garden. The Council says that the rear windows overlook a communal parking area rather than private garden and therefore raises no objections on the grounds of loss of privacy. Although not a determining factor in my decision, it seems to me that given the proximity of the proposed windows to the boundary and the lack of other outside space, there would be a perception of being overlooked from the proposed office windows in particular.

Other considerations

22. The proposed development would enable the expansion of a local, highly respected and successful business employing a number of people. It is not clear how much additional employment would occur as a result of the proposal. However, the retention of the business, which has expanded over recent years and which is now very cramped in the existing premises, would be of substantial economic benefit to Cirencester.
23. The proposed development would provide New Homes Bonus. This would be true of any residential development and in the absence of specific schemes to be funded I give this neutral weight.
24. The appellants have demonstrated that no other premises locally could meet their needs. I was told at the Hearing that a planning application for a different proposal has been submitted to the Council but that has not been decided and I give that in itself little weight.
25. The proposed flats would add activity and vitality to the area and would add in a small way to the supply of housing which would be social benefits. In addition the appellant says the residential element of the proposal would contribute significantly towards the costs of the building works making them more affordable. I give these matters some weight.
26. The proposal includes spaces for 2 cars to park on the site. The Highway Authority has calculated a parking demand for 29 vehicles arising from the proposals including 4 spaces for the flats. The appellant would increase the number of parking permits for staff and the submitted parking survey shows

there would be sufficient on street capacity for the flats. Accordingly neither the Highway Authority nor the Council consider there would be a severe cumulative effect in this town centre location. I acknowledge that local residents consider parking in the area is under pressure. However, on the basis of the available evidence I see no over whelming reason to depart from the views of the Highway Authority.

27. The two trees adjacent to the site are protected by virtue of being in the CA. The proposed single storey extension would be curved to reduce the impact on the protected tree and the main stem of the other tree would be protected during works to the existing building. With suitable safe guarding conditions this is acceptable to the Council and I see no reason to disagree.
28. The development is across the street from the Scheduled Ancient Monument and would appear not to affect it directly. The Archaeological Evaluation identified a number of finds. Conditions requiring a programme of archaeological work and careful excavation and construction would ensure that historic interests would be protected.

Conclusion

29. The proposed development would have economic and social benefits as set out above including an improvement to the existing building. However, these are set against the environmental effects arising from unsympathetic design, the unacceptable effect on the living conditions of occupiers of The Walled Garden and the marginal effect on parking in the town centre. The proposal before me is unlikely to be the only way in which the needs of the business could be accommodated. In all probability housing needs for the District can be met elsewhere so there is no overriding public need for the proposed four flats. On balance I conclude that the public benefits of the proposal would not out weigh the harm to the character and appearance of the area and to the living conditions of the occupiers of The Walled Garden.
30. For the reasons set out above, and taking into account all relevant matters raised, I conclude the appeal should be dismissed

SDHarley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr John Lumley	Lumley Insurance Limited
Mr Andrew Pywell MRTPI	Plan-A Planning and Development Limited
Mr Henry Homersham	Architect

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mike Napper DipTP; MRTPI	Cirencester District Council
Mr Justin Ayton	Cirencester District Council