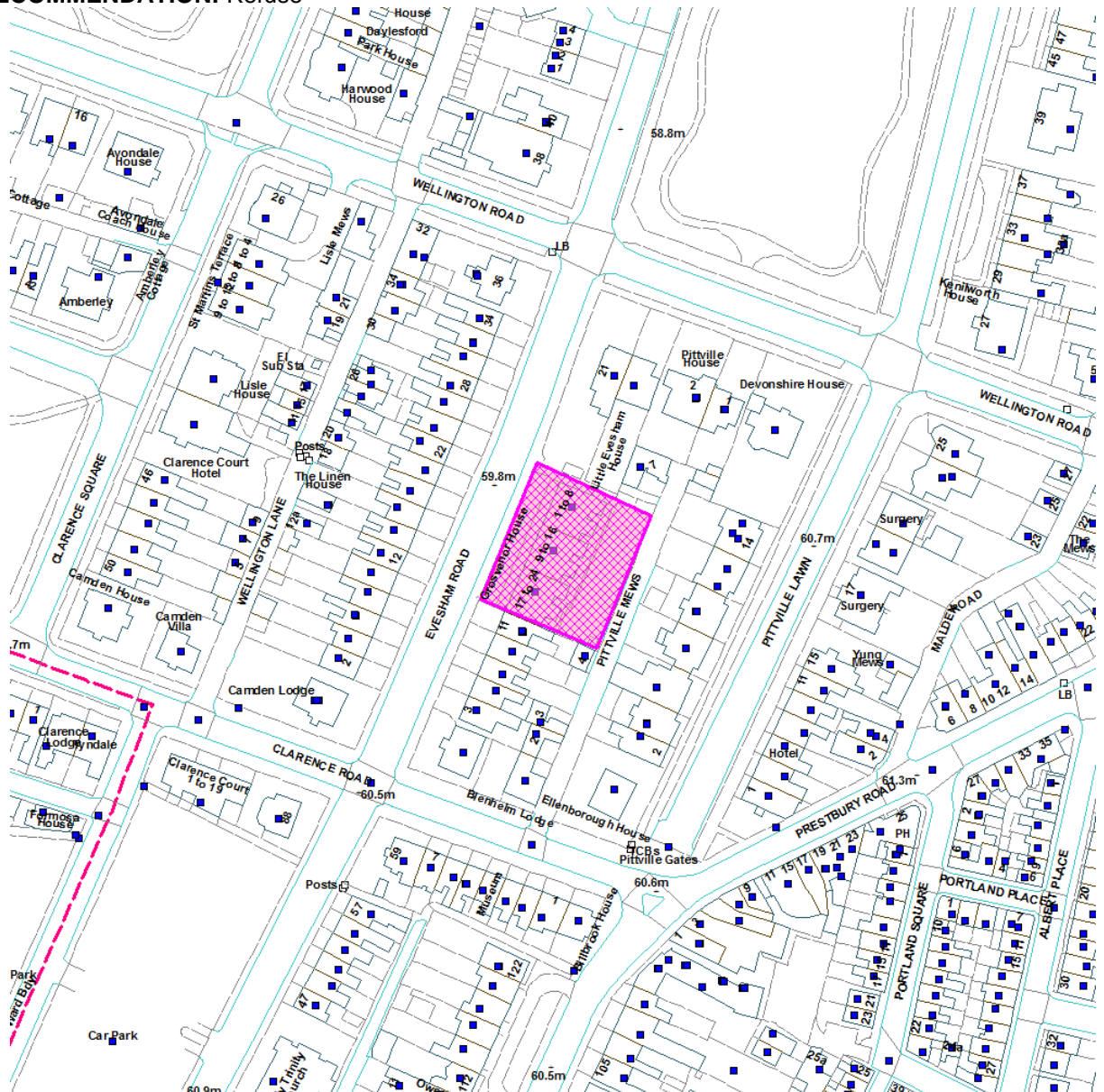


<b>APPLICATION NO:</b> 23/01699/FUL		<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 13th October 2023		<b>DATE OF EXPIRY:</b> 8th December 2023
<b>DATE VALIDATED:</b> 13th October 2023		<b>DATE OF SITE VISIT:</b> 28/11/23
<b>WARD:</b> Pittville		<b>PARISH:</b>
<b>APPLICANT:</b>	GH (Cheltenham) Management Company	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	Grosvenor House 13 - 19 Evesham Road Cheltenham	
<b>PROPOSAL:</b>	Replacement of all existing timber sash windows within the rear (east) elevation with Legacy style uPVC double glazed sliding sash windows with Georgian glazing bars, replacement of all existing double glazed timber juliet balcony and basement doors within the rear (east) elevation with uPVC double glazed doors with glazing bars	

**RECOMMENDATION:** Refuse



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## DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a terrace of buildings known as 'Grosvenor House' and comprises of 24 residential apartments; the building fronts on to Evesham Road and is located within the Pittville Character Area of the Central Conservation Area and is identified within the townscape analysis of this area as being a 'positive building'.
- 1.2 The building is a mock regency design granted consent in 2005 (ref: 05/00967/FUL). The site comprises of a large, detached rendered building with a large tarmac parking area to the rear which is accessed via Pittville Mews.
- 1.3 The applicant is seeking planning permission to replace all the existing single-glazed timber windows and double-glazed timber Juliet Balcony doors on the rear (southeast) elevation of properties 13-19 Evesham Road (Grosvenor House).
- 1.4 The timber windows on the northwest elevation fronting Evesham Road would be unaffected by the proposed works.
- 1.5 The application is similar to planning application ref: 16/01175/FUL which sought the replacement of all the existing timber windows and Juliet balcony doors with new white uPVC windows and doors on both the front and rear elevations.
- 1.6 Application 16/01175/FUL was refused for the following reasons:

*The proposed replacement of all windows and doors in this building represents an unacceptable form of development that fails to adequately respond to the character of the existing building and is considered to have a harmful impact on the character of the conservation area.*

*Accordingly, the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006) and guidance set out within the NPPF.*

- 1.7 A pre-application proposal for the proposed replacement of all existing windows and doors on the rear (southeast) elevation of properties 13-19 Evesham Road (Grosvenor House) was received by the Council on 09.03.2021. The Conservation Officer concluded that the proposed works would be detrimental to the character and appearance of the designated heritage asset and therefore its significance. As such, officers were unable to support the proposed works.
- 1.8 This application is before Planning Committee at the request of Councillor Tooke. The reasons given for the referral are as follows: "*The building is a modern building. If the windows are turned down it would be fly in in the face of CBC's Net Zero targets and not be in the interests of residents who are facing a cost of living crisis.*"

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Principal Urban Area  
Residents Associations  
Smoke Control Order

### **Relevant Planning History:**

**05/00441/REM 31st May 2005 REF**

Approval of landscaping scheme and other details relating to permitted scheme for 19 flats

**05/00967/FUL 3rd August 2005 PER**  
 Erection of 24 flats with car parking (resubmission of previous schemes)  
**21/00557/PREAPP 15th April 2021 CLO**  
 Replacement windows  
**16/01175/FUL 7th October 2016 REF**  
 Replacement of all apartment windows and juliet balcony doors

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development  
 Section 4 Decision-making  
 Section 8 Promoting healthy and safe communities  
 Section 12 Achieving well-designed places  
 Section 14 Meeting the challenge of climate change, flooding and coastal change  
 Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan Policies**

D1 Design  
 SL1 Safe and Sustainable Living

#### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
 SD4 Design Requirements  
 SD8 Historic Environment  
 SD14 Health and Environmental Quality  
 INF5 Renewable Energy/Low Carbon Energy Development

#### **Supplementary Planning Guidance/Documents**

Climate Change (2022)

### 4. CONSULTATIONS

See appendix at end of report

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>51</b>
Total comments received	<b>2</b>
Number of objections	<b>0</b>
Number of supporting	<b>2</b>
General comment	<b>0</b>

- 5.1** Letters of notification were sent out to 51 neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. 2 representations of support have been received in response to the publicity. The comments are available to view on public access, but in brief, the comments relate to environmental and financial benefits.

### 6. OFFICER COMMENTS

#### **6.1 Determining Issues**

- 6.2** The key issues are the impact of the proposals on the character and appearance of the Conservation Area and the setting of adjacent and nearby listed buildings.

### **6.3 Design**

- 6.4** Section 12 of the NPPF emphasises the importance of achieving well designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.
- 6.5** The application site is located within the Conservation Area. As such the local authority should have regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
- 6.6** The proposal is to replace the fenestration at the rear and although this is a rear elevation, the full face of the rear can be seen and appreciated from the public realm and arguably, does not display the more typical functional characteristics of a historic rear service range. Although a modern building, it contributes positively to the character and significance of the Conservation Area.
- 6.7** The proposed windows would be of Legacy style uPVC double glazed sliding sash windows with Georgian glazing bars and the doors uPVC double glazed with glazing bars. An existing rear elevation, proposed windows and doors-sectional details and brochure details of those proposed has been provided. Notwithstanding this, given the limited details of the existing windows and doors it is difficult to determine how this would compare to the existing windows and doors.
- 6.8** Having regard to section 16 of the NPPF, the Conservation Officer concludes that the *“proposed double-glazed units are not ‘slim’ at 24mm and their reflective qualities will be at odds with what appears to be the principal approach to glazing in the immediate vicinity to the rear of Nos. 13-19. The appearance of the numerous double glazed uPVC items will detract from the appearance of the positive building and therefore detract from the character of the conservation area, to the detriment of its significance.”* The potential degree of harm is considered to be less than substantial.
- 6.9** The application site comprises of 24 residential apartments, therefore there is the risk that the windows and doors could be replaced at different dates, resulting in a variation of existing and new windows and doors. The consistency in the appearance of the rear elevation is an important part of the character of the building. Variation in the appearance of the windows and doors would disrupt this and be incongruous. It would be unreasonable to impose a condition requiring the full replacement of the fenestration within a certain time period.
- 6.10** For the purposes of the Framework, the Conservation Area is a designated heritage asset. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of this. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset’s conservation.

### **6.11 Sustainability**

- 6.12** Section 14 The NPPF prescribes that the planning system should support the transition to a low carbon future in a changing climate. This is a key theme and objective of the Cheltenham Local Plan. This aim is recognised in Policy SD3 of the JCS, which sets out an expectation that all development should be adaptable to climate change.
- 6.13** The planning statement states the Energy Performance Certificate (EPC) ratings for the existing apartments mainly fall below the ‘C’ rating and the proposed Legacy style sash windows have an outstanding energy rating of ‘A’ and a u-value of 1.4W/m<sup>2</sup>K.

**6.14** Provisions for limiting heat loss for Heritage Buildings and Conservation Areas are suggested within Cheltenham's Climate Change Supplementary Planning Document (SPD), for example, through careful restoration, draught proofing and secondary glazing. Each of these improvements should compensate for loss of heat through single glazing.

#### **6.15 Public Benefits**

**6.16** The applicant considers that the new windows and doors will be of public benefit as it will enable the Council to meet its carbon neutral aspirations.

**6.17** As discussed above, the proposed development is considered to result in harm to the Conservation Area. The Conservation Officer considers the level of harm to be less than substantial.

**6.18** Paragraph 202 of the NPPF states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

**6.19** The proposal would bring about environmental benefits with the energy efficiency of the proposed windows and doors and accord with local and national policy aims with regard to climate change. Nonetheless, as a result of the scale of the proposal, the contribution is difficult to determine and would likely be limited. Officers note the immediate benefit to the homeowners within Grosvenor House. However, these do not represent public benefits.

**6.20** As such, the public benefits would not outweigh the identified material harm to the designated heritage asset. The proposal would therefore be contrary to the historic environmental policies contained within the Framework.

#### **6.21 Public Sector Equalities Duty (PSED)**

**6.22** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

**6.23** Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

**6.24** In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 Harm to the significance of designated heritage assets has been identified. The identified harm has been weighed against the public benefits of the proposals, as required by paragraph 202 of the NPPF.
- 7.2 Whilst officers support the applicant's aim to improve energy efficiency associated with the new windows and doors, these benefits are limited and not considered to outweigh the identified harm to the significance of the heritage assets.
- 7.3 Officer recommendation is therefore that planning permission be refused.

## **8. REFUSAL REASONS**

- 1 The proposed introduction of uPVC double glazed sliding sash windows and uPVC double glazed doors to the rear of this building represents an unacceptable form of development that fails to adequately respond to the character of the existing building and is considered to have a harmful impact on the character of the Conservation Area.

Therefore, the development proposals do not comply with Chapter 16 of the National Planning Policy Framework (2023), Policies SD4 and SD8 of the Joint Core Strategy (2017), and Policy D1 of the Cheltenham Plan (2020).

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm to the Conservation Area.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

## Consultations Appendix

### Ward Councillors

6th November 2023 - I strongly support this application and as councillor for Pittville, if necessary, would like this called to planning committee

### Building Control

27th October 2023 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### Heritage And Conservation

9th November 2023 - Relevant legislation and policies

Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

The National Planning Policy Framework (DLUHC: 2023) (the framework).

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (the JCS).

Consideration

S.72 (1) of the 1990 Act requires that in the exercise of planning functions 'with respect to any buildings or other land in a conservation area' special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.'

This duty is reflected in section 16 (Conserving and enhancing the historic environment) of the framework.

The officer visited Pittville Mews (to the rear, south-east) of the proposal site on 8 November 2023.

The description of the proposal reads - Replacement of all existing timber sash windows within the rear (east) elevation with Legacy style uPVC double glazed sliding sash windows with Georgian glazing bars, replacement of all existing timber juliet balcony and basement doors within the rear (east) elevation with uPVC double glazed doors with glazing bars.

The property (Nos.13-19) has been subject of application 16/01175/FUL (Replacement of all apartment windows and juliet balcony doors). This was refused by the Local Planning Authority (the LPA) via the decision of 7 October 2016. The reason is as follows.

'The proposed replacement of all windows and doors in this building represents an unacceptable form of development that fails to adequately respond to the character of the existing building and is considered to have harmful impact on the character of the conservation area'.

The LPA provided pre-application advice via 21/00557/PREAPP (replacement windows). The report concluded 'officers are unable to support the proposed works' (un-numbered 4th page).

The proposal site is located in the Central Conservation Area (Pittville Character Area), a designated heritage asset (Cheltenham's Central Conservation Area was designated by Gloucestershire County Council on 28 May 1973 and its boundary was extended by Cheltenham Borough Council on 14 August 1987).



The Pittville Character Area Appraisal and Management Plan (the appraisal SPD), was adopted by Cheltenham Borough Council on 28 July 2008 as a Supplementary Planning Document.

Figure 1 (Townscape Analysis Map of Pittville Character Area) of the appraisal SPD (p.1), identifies the subject building(s) as a 'positive building'.

"Positive buildings are those buildings which make a positive contribution to the character and appearance of each character area. They often have a collective group value" (the SPD, para. 5.23, p.26).

Buildings included on the National Heritage List for England (the NHLE) are situated in the immediate vicinity of the proposal site, including but not limited to, those under list entry number 1387459 to the south-east of the proposal site and those under list entry number 1104288, attached to the south-west of the subject building.

Nos. 13-19 were seemingly constructed as a result of application 05/00967/FUL (erection of 24 flats with car parking (resubmission of previous schemes)). Condition 3 of the decision notice is reproduced below for reference.

'All doors and windows shall be of traditional painted timber construction and finished in a colour to be agreed in writing by the Local Planning Authority and thereafter so maintained in the approved colour unless an alternative is first approved in writing by the Local Planning Authority'.

Reason: In the light of Cheltenham Local Plan Second Review policies CP7, BE 8 and national guidance set out at PPS1 & PPG15, it is important to protect and maintain the character and appearance of the area in which this development is located.'

It is clear that the design of the rear elevation(s) (south-east) of Nos. 13 -19, draws from the typical approach of polite terraced houses constructed in the first half of the nineteenth century and found frequently across the town.

It appears that the character of windows serving the buildings to the rear of the proposal site (Pittville Mews) is predominantly defined by multi-paned, single-glazed timber windows, to which Nos.13-19 contribute.

The scheme proposes the replacement of timber windows and doors with uPVC double glazed items with applied glazing bars. The proposed external colour of the replacements is not evident.

The application lacks scale drawings of the existing windows and doors, therefore it is not possible to conclude if the components of the proposed items are bulkier or indeed finer than those in place.

With reference to the historic applications as referred to above, it is apparent that the Local Planning Authority recognises that timber windows and doors are a key component of the appearance of the positive building.

The proposed double-glazed units are not 'slim' at 24mm and their reflective qualities will be at odds with what appears to be the principal approach to glazing in the immediate vicinity to the rear of Nos. 13-19. The appearance of the numerous double glazed uPVC items will detract from the appearance of the positive building and therefore detract from the character of the conservation area, to the detriment of its significance.

The submission states 'Any harm is therefore considered to be limited and less than substantial' and that there will be 'limited harm arising from the development' (Planning and Heritage Statement, para. 3.10, p. 7 and para. 3.20, p. 9).

'Any harm to, or loss of, the significance of a designated heritage asset' should require clear and convincing justification' (the framework, para. 200).

For the benefit of the Planning (case) Officer, the Planning and Heritage Statement provides comment on climate change from paragraph. 3.14, p. 8.

The framework prescribes that great weight be given to the conservation of a designated heritage asset, irrespective of the level of harm. Where less than substantial harm is identified this needs to be weighed against the public benefits of the scheme (paras. 199 and 202) (a separate exercise to the general planning balance, the two should not be conflated).

The presumption in favour of preserving the character or appearance of the conservation area, as afforded by the 1990 Act is not met, and the scheme will result in less than substantial harm.