



Delegated Report

Planning & Listed Building Consent Applications

Planning Application No: 20231329
20231330

Location: 146 Milton Road Gravesend Kent DA12 2RG

Description: 20231329 - Opening up an existing window opening and wall below to form a door. Install a free standing pergola to the east side of the restaurant and onto the existing decking.

20231330 - Application for Listed Building Consent for the opening up an existing window opening and wall below to form a door. Install a free standing pergola to the east side of the restaurant and onto the existing decking.

Applicant: Mr A Mancuso

Site Visit Date: 19/01/2024

Submitted Documents/Plans

- Application form;
- Drawing no. 23/423/01 – Survey drawing;
- Drawing no. 23/423/02 – Proposed drawing;
- Drawing no. 23/423/03 – Proposed side door; and
- Heritage Statement.

~~Drawing no. 23/423/02 – Proposed drawing;~~

The agent submitted an amended version of drawing no. 23/423/02 as they proposed a single door instead of a double door for the proposed window to door alteration.

Relevant Planning History

Reference	Description	Decision	Decision Date
20020775	Application for Listed Building consent for internal alterations in connection with conversion of the first and second floors from offices into 3 no. one bedroom and 2 no. two bedroom self-contained flats.	Permitted	21.11.2002
20020774	Conversion of the first and second floors from offices into 3 no. one bedroom and 2 no. two bedroom self-contained flats.	Permitted	21.11.2002
20020602	Retrospective application for Listed Building Consent for the installation of a new fire escape door at ground floor level at the rear.	Permitted	04.09.2002

20000457	Application for Listed Building Consent for internal alterations at ground floor level involving the removal and construction of internal walls; installation of an external extraction ventilation duct at the rear and removal of the existing redundant external ducting.	Permitted	01.08.2000
20000343	Change of use of basement and ground floor of bank premises to a restaurant, and installation of external ventilation duct at the rear.	Permitted	28.07.2000
19990667	Conversion of first floor to 3 no. self-contained flats and the second floor to 1 no. self-contained 2/3 bedroom flat.	Withdrawn	12.01.2000
19940731	Change of use of the basement and ground floor of bank premises to Class A3 use (Food & Drink).	Permitted	09.03.1995
19870660	Application for Listed Building Consent for internal alterations basement and ground floor level and installation of a fire exit door at ground floor level and installation fire exit door at ground floor level of the rear elevation.	Permitted	18.11.1987
19850723	Application for Listed Building Consent for siting of plant containers on forecourt.	Permitted	13.12.1985
19820365	Application for Listed Building Consent for alterations to the grove elevation to facilitate the installation of a banking machine	Permitted	21.07.1982

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

Other material considerations

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its

setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, states that with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-designed and Beautiful Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Harmer Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

No response from:

- GBC Conservation Officer
- National Amenity Societies

Neighbouring properties

20231229 – 8 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 09.02.2024 – no responses received.

20231330 – Advertised by site and press notices – overall consultation expiry date was 09.02.2024 – no responses received.

Officer's Analysis

The site consists of a part three storey building with later two storey extension which is in use as a restaurant at ground floor with flats above.

The building is on the junction with The Grove and is grade II listed and situated in the Harmer Street Conservation Area.

The principle considerations are as follows:

- Whether the development would preserve this grade II listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of Harmer Street Conservation Area;
- Neighbouring Amenity.

Heritage Matters

This application is for planning and listed building consent for opening up an existing window opening and wall below to form a door and install a free standing pergola to the east side of the restaurant and onto the existing decking for an external seating area. The submitted Heritage Statement states that the pergola would be an aluminium frame which will be glazed to the side and rear elevations with doors to the north elevation and there will be a material roof which can slide open on dry, warm days. The pergola would be free standing and fixed down to the decking only and not to the building.

In respect of the proposed change of an existing window into a door on the elevation facing The Grove, this window has been altered already from a 1982 permission (ref. 19820365) which gave listed building for a banking machine to be inserted. As the window has already been altered (foreshortened) and it is also considered the door would look more visually pleasing than the existing foreshortened window, it is considered this element of the proposal would be acceptable and would not cause harm to the listed building or Harmer Street Conservation Area.

The Harmer Street Conservation Area is centred on the buildings which form a planned development of 1840. It contains the historic thoroughfare of Harmer Street, Berkley Crescent and part of Milton Road in the south and part of The Terrace in the north. It retains its prestigious 19th century character with its extent and coherence unmatched elsewhere in the town. The significance of the Conservation Area is therefore considered to be the classical building styles and materials that reflect their age and historic function.

The listed building dates from circa 1850 and comprises a part three, part two storey building with a rounded corner. It is rendered at ground floor level with round headed windows with pilasters in between and the main entrance door on the corner has a column either side. The upper floors are in yellow brick with straight headed windows with architraves at first floor level and rendered gauged arches above the third floor level windows. It is considered that the classical architecture and detailing particularly the windows of the building together with its traditional materials contribute to the special interest of the listed building as a prominent well-preserved example of architecture from the first half of the nineteenth century. Moreover, its historic fabric, classical form and materials contribute positively to the character and appearance, and therefore the significance, of the Conservation Area.

The proposed pergola would extend down the whole of the side of the building, the entire length of the existing decking at some 20m in length. Its large scale, design, and proximity to the listed building are such that it would obscure the building's side elevation at ground floor level. While the upper elevation of the building would be visible above the pergola, views of the lower part of the building and the distinctive round headed windows with pilasters in between would be disrupted by the pergola. The pergola would have two continuous horizontal components comprising the top of the structure and its 'eaves' level and it would then have regular vertical posts every 2m or so. Although the glazing to the side and rear elevations of the pergola and the glazed doors to the north elevation would allow views through the structure, parts of the listed building beneath the pergola would nevertheless be obscured from certain perspectives from the horizontal and vertical components of the aluminium frame and would be even more concealed when the fabric roof covering is in use. The ground floor side elevation of the listed building would be disrupted, and concealed in part, and consequently it would be visually diminished as a result.

The pergola would therefore be a conspicuous, inauthentic, and alien addition that would dominate the side elevation and obstruct views of the listed building, it would be clearly visible when viewed from the front elevation also. As a result, this highly distracting addition would significantly erode the simple classical form, features and materials of this listed building.

The pergola would be visible when looking towards the listed building from The Grove but also from Milton Road. The pergola by virtue of its location and design would be visually obtrusive and an alien feature markedly at odds with the cohesive form and materials of the historic townscape in this part of the Harmer Street Conservation Area. Its presence to the side of the listed building would consequently diminish the contribution the listed building would make to the significance of the Conservation Area and consequently the character and appearance of the Harmer Street Conservation Area would not be preserved.

Given the above it is considered the pergola would harm the special interest of the listed building and would fail to preserve the significance of the Harmer Street Conservation Area.

Paragraph 205 of the NPPF (2023) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Taking into account the scale and nature of the development, it is considered that the harm

would be less than substantial in this instance but nevertheless of considerable importance and weight.

In such circumstances, paragraph 208 of the NPPF (2023) advises that this harm should be weighed against the public benefits of the proposal. The submitted Heritage Statement states that the alterations will enhance the business and therefore enable the use to succeed which then assists in the preservation of the building, and that should the use change then the pergola can be removed without damage to the building and the windows, wall and render restored.

In the absence of any evidence in relation to the business finances or the contribution made by the increased outdoor dining, it has not been demonstrated that the business would not be viable, and the use not able to continue, in the absence of the pergola. The reversibility of the pergola is noted in that it would be fixed to the decking not the building but this does not diminish the identified harm that would occur whilst the pergola is in place and that if the use of the building changed there would be no guarantee that the pergola would be removed in any case. It is therefore considered that taken together, these are limited benefits which would not outweigh the harm to the special interest of the listed building and the significance of the Conservation Area.

Given the above and in the absence of any substantiated public benefit, it is concluded that, on balance, the proposal by virtue of its location and design would fail to preserve the special interest of this grade II listed building and would not conserve or enhance the character or appearance of the Harmer Street Conservation Area. The proposal would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would be contrary to Policies CS19 and CS20 (LPCS), saved Policies TC2 and TC3 (LPFR) and section 16 of the NPPF (2023).

Neighbouring Amenity

There are residential flats above the premises on the first and second floors. GBC Environmental Protection have advised that they have concerns with the proposal. They comment that although they have not received any complaints regarding the use of the existing decking area, as this area only started being used at the end of last summer any use since that period may not be representative of the use that would occur during the spring and summer months; particularly with a pergola which would likely allow greater use and therefore more noise than would currently be possible with the existing parasols/umbrellas. GBC Environmental Protection advise that noise from customers using the seating area as well as smoke from cigarettes would likely have a significant impact on the residents of the upper floor flats who have windows overlooking the proposed external seating area. It is also noted that that pergola will offer nothing in terms of sound insulation. They acknowledge that this is a town centre location where some degree of noise is expected but that this must be balanced with the rights of residents to be able to have some reasonable degree of peace in their homes. There is no mention of the impact on neighbouring amenity within the application submission.

In summary, the proposed pergola for use as an external seating area due to its location and proximity to the flats on the upper floors of the building which have windows overlooking the area would likely have a significant impact on the amenity of residents of the upper floor flats from noise from customers using the seating area as well as smoke from smokers. As such the proposal is contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2023).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposal by virtue of the location and design of the proposed pergola would fail to preserve the special interest of this grade II listed building and it would not conserve or enhance the character or appearance of Harmer Street Conservation Area. As such the proposal is contrary to Policies CS19 and CS20 (LPCS) and saved Policies TC2 and TC3 (LPFR) and section 16 of the NPPF (2023).

The proposed pergola for use as an external seating area due to its location and proximity to the flats on the upper floors of the application building which have windows overlooking the area would likely have a significant impact on the amenity of residents of the upper floor flats from noise from customers using the seating area as well as smoke from cigarettes. As such the proposal is contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2023).

Recommendation:

20231229 – Refusal

20231330 - Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	21 February 2024	Dated:	22 February 2024