

APPLICATION: MA/11/0702 Date: 21 April 2011 Received: 2 November 2011

APPLICANT: Mr S Nagar

LOCATION: 11, GABRIELS HILL, MAIDSTONE, KENT, ME15 6HL

PARISH: Maidstone

PROPOSAL: An application for listed building consent for works to facilitate the change of use of first and second floors to form two self contained flats as shown on drawing numbers 2015/01, 2015/02 and 2015/03 and Noise Assessment by Peter Moore dated 9th February 2007 received 16th May 2011; drawing numbers 2015/15 and 2015/16 received 26th October 2011; and drawing numbers 2015/13A and 2015/15A and Design and Access Statement and Heritage Statement dated October 2011 received 2nd November 2011.

AGENDA DATE: 12th January 2012

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- The applicant is married to an employee of the Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: Not applicable.
- South East Plan 2009: BE6
- Village Design Statement: Not applicable.
- Government Policy: PPS5 Planning for the Historic Environment
- Other: Maidstone Centre Conservation Area Appraisal

2. HISTORY

- MA/11/0701 Change of use of first and second floors to form two self contained flats- CURRENTLY UNDER CONSIDERATION
- MA/08/1983 An application for listed building consent for alterations and extensions to provide 2 (no) one bed apartments inc. addition of a single storey rear extension to roof terrace, addition of part external staircase and new door entry at second floor level and restoration /alterations to existing outbuilding - REFUSED
- MA/08/1982 Alterations and extensions to provide two one bed apartments - REFUSED

- MA/07/0290 Conversion of upper floors from shop storage into a studio at first floor and a maisonette at second and third floor - REFUSED
- MA/07/0289 An application for listed building consent for conversion of upper floors from shop storage into studio at first floor and a maisonette at second and third floor - REFUSED
- MA/06/2248 An application for listed building consent for the removal of internal staircase, new external staircase to rear for access to upper floors and insertion of rear door to rear elevation for access into upper floors – APPROVED WITH CONDITIONS
- MA/06/2247 New External staircase to rear for access to upper floors and insertion of door to rear elevation for access into upper floors - APPROVED WITH CONDITIONS

2.1 The proposal site has an extensive development management history, in respect of applications for planning permission, listed building consent and advertisement consent, some of which are not directly applicable to the current proposal. The details of the relevant history are summarised above.

2.2 Planning permission and listed building consent have previously been refused for the conversion of the upper floors of the building to provide two independent residential units. The reasons for the refusal of the previous applications for planning permission and listed building consent are summarised in the table below.

Application reference number	Application type	Reason(s) for refusal
MA/08/1983	Listed building consent	The insertion of the staircase, in particular the external section between the first and second floors would provide a modern feature that would not compliment the character and historic integrity of the Grade II listed building.
MA/08/1982	Planning permission	Due to insufficient acoustic protection and the site's proximity to nearby noise sources, the proposal would result in an unsatisfactory living environment for future occupiers. The installation of the external staircase between the first and second floors would provide a modern feature that would not compliment the character and historic integrity of this listed building or the surrounding conservation area.
MA/07/0290	Planning permission	Due to insufficient acoustic protection and the site's proximity to nearby noise sources, the proposal would result in an unsatisfactory living environment for future occupiers.

MA/07/0289	Listed building consent	<p>The removal of the original staircase between the first and second floors would result in the loss of a valuable feature of the Grade II listed building, which would be detrimental to its character, special interest and historic integrity.</p> <p>The installation of acoustic protection measures required to mitigate noise pollution for future occupiers would, in the opinion of the local planning authority, involve works which would substantially alter the glazing and structure of the building, causing unacceptable harm to its character, appearance and historical integrity.</p>
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2.3 The current proposal is the subject of a concurrent application for planning permission, the details of which are set out above.

3. CONSULTATIONS

3.1 Maidstone Borough Council Conservation Officer: raises no objection to the proposed works.

4. REPRESENTATIONS

4.1 No representations were received as a result of the publicity procedure.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located to the north east of Gabriel's Hill, a pedestrianised shopping road within the town centre of Maidstone. The building comprises a three storey eighteenth century terraced property which is Grade II listed as group comprising number 11-15 Gabriel's Hill. The buildings were listed in 1974.

5.1.2 The application relates to above ground floor level accommodation of number 11 only, which is accessed from the rear of the premises via an alley way from Gabriel's Hill. The building has been extended to the rear through the introduction of various single storey outbuildings, and access to the interior of the building is gained via an external stairway and existing flat roof.

5.1.3 The building is in commercial use at ground floor level, and is vacant above. The ground floor has a modern shop front, but internal and external features of interest have been retained in other parts of the building, including dormers,

sash joinery, fireplaces and ceiling roses. It is understood that the use of the building would originally have been as a shop at ground floor level with associated living accommodation above.

5.1.4 The site is located within the Maidstone Centre Conservation Area.

5.2 Proposal

5.2.1 The application seeks listed building consent for works to facilitate the conversion of the building above ground floor level from a single vacant premises to two self contained residential properties arranged over the first and second floors, and utilising accommodation in the roof space.

5.2.2 The works to the exterior of the building include the introduction of a first floor extension to the rear of the property to provide an enclosed access to the premises which would comprise a mono-pitched structure which would be partially timber boarded with a slate roof, and partially glazed with resin bonded roof and elevations. These works would include the rearrangement of the openings to an existing outbuilding to the rear of the property which would enable use of the roof space of the outbuilding to enable enclosed access to the proposed residential units and provide additional storage for the properties.

5.2.3 The application also includes the replacement of the joinery to the openings of the building. All additional glazing would be secondary, and the overall appearance and arrangement of the openings (other than those described in paragraph 5.2.3 above) would remain the same.

5.2.4 The application also includes internal works to enable the use of the property as two separate residential units. These include the removal of recent stud walls and the introduction of partition walls in the rear of the building; the introduction of an additional staircase in the rear of the building. In addition, works are proposed to the external and party walls, ceilings and floors for thermal and acoustic upgrading of the building.

5.2.5 The works to the exterior of the building, comprising the introduction of a first floor rear extension and works to the exterior of the existing outbuilding, and the change of use of the building to provide two residential units are the subject of a separate application for planning permission (MA/11/0701).

5.2.6 The current scheme differs from the previous proposals, both of which were refused, in retaining the original staircase (MA/07/0289) and omitting an external stairway to a new second floor opening (MA/08/1983).

5.3 Assessment

- 5.3.1 The application is for listed building consent, and as such the only matter for consideration under the scope of the current application is the impact of the proposal on the character and appearance of the Grade II listed building.
- 5.3.2 The Maidstone Borough Council Conservation Officer raises no objection to the proposal. It is considered that the current application for listed building consent addresses the reasons for refusal of the previous applications for listed building consent through the measures set out in paragraph 5.2.6.
- 5.3.3 The works proposed to the rear of the building, although designed in a modern vernacular, would compliment the existing building and, through the design and scale of the extension and choice of materials, pay respect to the character and appearance of the original building.
- 5.3.4 In the circumstances of this case it is considered that the impact of the proposal on public views of the building is acceptable, and that it would make a positive contribution to the overall appearance of the listed building. In any case, the works would be subject to limited views from ground floor level, which in any case would be restricted to views from the private access alley way to the rear of the building, which members of the public would not be expected to be used on a regular basis.
- 5.3.5 The proposed works to the interior of the building are considered to be appropriate and necessary for the conversion of the building to the use proposed (see MA/11/0701), and to retain the overall character of the original building whilst allowing the retention of original features of interest such as original walls and stairways, fireplaces and ceiling roses, and the arrangement of the fenestration. For these reasons the works to the interior of the building are considered to be acceptable.

6. CONCLUSION

- 6.1 For the reasons set out above, it is considered that the design and scale of the proposed works would preserve the historical integrity and character of the Grade II Listed Building and would enhance its character and appearance, whilst having a limited impact upon that of the Conservation Area at ground level.
- 6.2 It is therefore concluded that Listed Building Consent be granted subject to conditions.

7. RECOMMENDATION

LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development and to secure the character and appearance of the heritage asset in accordance with policy BE6 of the South East Plan 2009 and central government planning policy and guidance in PPS5 Planning and the Historic Environment.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers 2015/01, 2015/02 and 2015/03 and Noise Assessment by Peter Moore dated 9th February 2007 received 16th May 2011; drawing numbers 2015/15 and 2015/16 received 26th October 2011; and drawing numbers 2015/13A and 2015/15A and Design and Access Statement and Heritage Statement dated October 2011 received 2nd November 2011;

Reason: To ensure a satisfactory appearance to the development and to secure the character and appearance of the heritage asset in accordance with policy BE6 of the South East Plan 2009 and central government planning policy and guidance in PPS5 Planning and the Historic Environment.

Informatives set out below

Please note that the internal works should be undertaken strictly in accordance with the details shown on drawing number 2015/15A received 2nd November 2011 in order to allow the retention of ceiling roses and any other features of interest.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.