

38/19/0315/LB

GGFF LTD

## **Various external alterations to the front elevation of 2 Magdalene Lane, Taunton**

Location: 2 MAGDALENE LANE, TAUNTON, TA1 1SE

Grid Reference: 322862.124515

Listed Building Consent: Works

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## **Recommendation**

### **Recommended decision: Refusal**

#### Refusal

1 The proposed alterations will have a significant adverse impact resulting in considerable loss of historic fabric and loss of character to the principal elevation of the listed building, contrary to policies CP8 and of the Core Strategy Policy DM1 (d), Policy D4 (D) and Section 16 of the National Planning Policy Framework..

## **Proposal**

The proposal consists of the enlarging 2 no. of the existing four ground floor window openings and installing larger replacement windows and replacing the existing pair of centrally positioned timber front doors with a single leaf glazed door to No.2 Magdalene Lane.

The applicants have submitted the following supporting information :-

*The proposed scheme provides minimal intervention on the principle elevation of the listed building and will have little impact on the neighbouring Street scape due to the neighbouring commercial properties already benefiting from larger glazed openings and commercial looking elevations. The introduction of the larger replacement windows will also ensure the long-term commercial future of No.2 Magdalene Lane and create a space fit for its commercial use, giving it a required retail appearance.*

*It is well documented that retail premises in town centre locations across the country are struggling to survive and the local owner of No.2 Magdalene Lane wishes to improve the commercial viability and appearance of the premises to ensure a long-term future for the Listed portion of Fine Fabrics. The proposed changes are part of the evolution of change required for town centre premises to remain competitive for the retail environment.*

*Finally, the proposal aims to enhance and protect the existing fabric of the building and the setting through its quality of design, materials and workmanship.*

*The first floor of the east elevation onto Magdalene Lane will remain unaltered. No alterations are proposed to the layout of the first floor of the building. Materials*

*The proposed alterations will adopt a palette of materials currently being used within the existing building. This includes metal (powder coated aluminium) replacement windows & door with label mouldings to window heads and moulded Bath Stone dressings.'*

## **Site Description**

The site lies within the town centre and on the western side of Magdalene Lane. The building is part of Fine Fabrics to the north, although historically it relates to No.1 to the south.

The list description is as follows: *Former Almshouses erected in 1845. Gothic 2 storey red brick building with ashlar dressings. Left side comes forward slightly. 3 gables with moulded cappings rise into old tile roof. Large central ashlar stack. Linked weathered hoodmoulds run along the front. Original pointed lights to 1st floor (paired to left) and to ground floor on right. 2 moulded pointed doorways under rectangular dripmoulds. Original double doors. NOTE: Designed by Carver and Giles, erected in 1845-6.*

## **Relevant Planning History**

The most recent planning application, was for 'alterations to the window openings (4no.) on the front elevation under application nos. 38/18/0410 & 38/18/0411/LB and was refused 18th December 2018. The refusal reasons was:

The proposed alterations will have an adverse impact on the historic fabric and character of the listed building and will be contrary to policies CP8 and DM1d of the Core Strategy as well as Section 16 of the Planning (Listed Buildings Areas) Act 1990. In light of paragraph 196 of the NPPF, the public benefit is limited here and is not considered to outweigh the harm to the listed building.

Previous planning applications were 'demolition of two storey rear extension and erection of a larger two storey rear extension' under application nos. 38/18/0175 & 38/18/0176/LB and approved on 3rd August 2018 and for the 'change of use of first floor from storage to retail use' under application no. 38/06/0444 and approved on 21st November 2006 - as listed on Somerset West & Taunton Council's website.

## **Consultation Responses**

none

## **Representations Received**

none

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D4 - Shopfronts,  
CP8 - Environment,

## **New Homes Bonus**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **Determining issues and considerations**

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

In particular Paragraph 192 states:

In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

In particular Paragraph 193 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly

exceptional.

In particular Paragraph 196 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, including securing its optimum viable use.

Policies CP8 and DM1 set out that proposals should not harm Listed Buildings, and the street scene.

Policy D4 states that :- *Proposals for the alteration or construction of shopfronts will be permitted, provided that inter alia :*

*D. Where appropriate the scheme preserves and enhances the character and setting of Conservations Areas and Listed Buildings;*

It is considered that the proposal will not preserve or enhance the character or setting of the listed building.

In this case it is considered that the proposed changes will cause 'less than significant harm' to the heritage asset within the meaning of the NPPF advice. This is considered to be high end of this category.

A similar proposal was refused consent in 2018. That proposal was to alter all four ground floor window units and to widen the central doorway . This current proposals is to retain the ground floor windows at each end of the elevation and to replace the two other windows and the central door with large glazed units. This will result in the loss of two historic windows and the central doorway together with the stonework around these areas.

The building already has a retail use with an internal link to the building to the north to enhance its usability. A modern two storey extension has also been allowed at the rear of the building to benefit its use. The applicants are making the case for this alteration for reasons associated with commercial viability. However no evidence has been submitted of the consideration of other non retail commercial use that could be compatible with the existing form and appearance of the building.

It is noted that paragraph 19 of the NPPF advises that '*local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*'. However this proposal is not considered to be consistent with the conservation of the character of this listed building. The historic appraisal submitted with the application also suggests that the building should be regarded as locally listed and not listed as a designated grade 2 listed building for the reason that the building has been much altered internally and at the rear. Factually, this is a listed building and must be treated as such in the consideration of any proposals for works of alteration. It is admitted by the applicant that the works do affect the originally conceived principle elevation.

The proposal will result in significant loss of historic fabric and irreversible change to the character of the this principle public elevation which is special feature in this intimate historic lane where many other building have been much altered and modernised . Those are not listed buildings There is considered to be limited public

benefit from the proposal and the proposed substantial changes to the frontage in my view do not outweigh the high degree of harm.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Paul Dadson**