

# PLANNING AND LICENSING COMMITTEE

## 9th December 2020

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### SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
  - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
  - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
  - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

**PLANNING AND LICENSING COMMITTEE 9th December 2020  
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**Item No 01:-**

**20/02390/FUL**

**Church Farm  
Little Rissington  
Cheltenham  
Gloucestershire  
GL54 2ND**

## Item No 01:-

### Change of Use of Land to Keeping/Grazing of Horses and Erection of Stables Complex at Church Farm Little Rissington Gloucestershire GL54 2ND

<b>Full Application 20/02390/FUL</b>	
Applicant:	Mr & Mrs Firth
Agent:	Prime Oak Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Andrew Maclean
Committee Date:	9th December 2020
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### **Main Issues:**

- (a) Landscape Impact within the Cotswolds AONB
- (b) Setting of Conservation Area
- (c) Impact on Residential Amenity
- (d) Other Matters

#### **Reasons for Referral:**

The application has been referred to the Planning and Licensing Committee by the Ward Member, Councillor MacLean for the following reason:

'The Parish Council is very opposed to this development and worried about creeping development along Church Rise. They quite rightly believe that 8 loose boxes is an excessive number for just personal use and are concerned that this will quickly turn into a commercial enterprise attracting yet more traffic along this narrow lane. I know you are prepared to put in a condition here but I foresee that being challenged over time.

I note that there have been two former stables at Church Farm, neither of great antiquity. One closer to the village that was sold off and has now had permission for a new home on the site; and the second one a modern barn that was declared redundant and thus obtained permission for conversion into 4 houses. If Church farm needs a stable, how did they get permission to convert all their existing ones into houses? I would like the committee to consider how many times an applicant can continue to run such a process before CDC calls a halt to it.'

#### **1. Site Description:**

The site consists of agricultural land to the south, east and north of a two-storey Cotswold stone detached dwellinghouse and its garden area, located to the north of Little Rissington in the Cotswolds Area of Outstanding Natural Beauty (AONB).

Church Farm was permitted as an agricultural workers house, and is associated with the two barns to the south east, recently permitted to be converted to residential properties. The site is separated from Little Rissington by a field, and is otherwise surrounded by open countryside.

The lane to the site continues into Public Right of Way (PRoW) Little Rissington Bridleway 3.

## **2. Relevant Planning History:**

### **The dwellinghouse:**

CD.8290: New 3 Bedroomed Farm Dwelling. Refused 02.07.1998

CD.8290/A: Erection of Cattle Building. Granted 08.03.1999

CD.8290/B: Erection of 3 Bedroom Agricultural Workers Dwelling. Granted 09.06.1999

CD.8290/C: New Farmhouse. Granted 12.01.2001

13/03164/CLEUD: Certificate of Lawful existing use or development under Section 191 of the Town and Country Planning Act 1990 for the construction and retention of an unauthorised dwelling and its residential curtilage currently known as Church Farm, Little Rissington, GL54 2ND. Granted 28.10.2013

19/04393/FUL: Two storey extensions to existing dwelling. Granted 03.02.2020

20/02088/FUL: Erection of detached outbuilding. Granted 14.08.2020

### **Around the site:**

20/01685/FUL: Change of use of land from agricultural to residential. Withdrawn 16.07.2020

20/02088/FUL: Erection of detached outbuilding. Granted 14.08.2020

20/02488/FUL: Change of use of land from agricultural to domestic. Refused 01.09.2020; appeal lodged

### **Barns next to the site:**

13/03310/FUL: Change of use of agricultural land and building to commercial equestrian establishment, together with the installation of a horsewalker. Granted 21.10.2013

18/01486/FUL: Erection of six camping pods and associated works. Refused 03.07.2018

19/00188/FUL: Conversion of barn to four dwellings and all associated works. Granted 01.05.2019

19/03319/FUL: Variation of Conditions 2 (drawing numbers), 6 (colour of window and doors), 11 (landscaping scheme), 14 (contamination), 15 (surface water drainage), 17 (biodiversity enhancement), 18 (passing bays/junction works), 19 (signage), 23 (external illumination) of planning permission 19/00188/FUL for the conversion of barn to four dwellings and all associated works. Granted 29.11.2019

19/03646/FUL: Conversion of barn to four dwellings and all associated works. Granted 11.06.2020

### **Land Parcel South Of Church Farm:**

18/03321/FUL: Conversion of existing stable block and to one-bed dwelling. Granted 05.10.2018

19/00294/FUL: Demolition of stable block and erection of dwelling (revised development to that approved under 18/03321/FUL). Granted 19.03.2019

20/01390/FUL: Erection of new dwelling in place of dwelling approved under application reference 19/00294/FUL. Granted 22.06.2020

### **3. Planning Policies:**

INF4 Highway Safety  
TNPPF The National Planning Policy Framework  
EN2 Design of Built & Natural Environment  
EN4 The Wider Natural & Historic Landscape  
EN5 Cotswolds AONB  
EN10 HE: Designated Heritage Assets  
EN11 HE: DHA - Conservation Areas  
EN15 Pollution & Contaminated Land

### **4. Observations of Consultees:**

Landscape Officer: Comments incorporated in Officer's Assessment

ERS Pollution: No objection

Newt Officer: No objection

### **5. View of Town/Parish Council:**

The Parish Council Objects to this application on grounds of highways access and parking. The lane to the proposed site is already oversubscribed with farm and domestic traffic.

With further developments already underway way on this very narrow track it is unsustainable. It is not possible to pass other vehicles without using private

resident's driveways as passing places. A passing place would be required outside the entrance to allow vehicles space to pass. The potential increase of traffic from cars, horse boxes and horse care delivery vehicles would make this a dangerous place for drivers and pedestrians alike. The added issue of these larger and longer vehicles trying to turn into the lane from the main road are a serious concern on a severe bend with a narrow access/exit. Parish Council would like to also object to the inadequate parking to serve these eight stables. The area for parking is directly in front of the stables, presumably making it a very difficult process to take a horse in and out.

## **6. Other Representations:**

None received

## **7. Applicant's Supporting Information:**

Proposed Plans

## **8. Officer's Assessment:**

### **Background**

There have been a number of planning applications to convert existing buildings at Church Farm, Little Rissington, into residential use since 2018, including the conversion of a stable building to the south of the site (18/03321/FUL) into a one-bedroom dwelling, with this then being granted permission to be demolished and replaced by a new dwelling (19/00294/FUL as amended by 20/01390/FUL).

To the north of the application site, planning permission has been granted to convert two separate farm buildings each into four dwellings (references 19/00188/FUL and 19/03646/FUL).

It has been stated that the applicants own 10 horses which are currently stabled at another site at Little Rissington. This is in the process of being sold and therefore new accommodation for the horses is sought at the application site.

### **(a) Landscape Impact within the AONB**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031. The policies and guidance within the National Planning Policy Framework 2018 (July NPPF), updated in February 2019, are also considered to be a material planning consideration.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 seeks to protect wider natural and historic landscapes, restricting development which would have a significant detrimental impact on the natural and historic landscape taking into account landscape, historic landscape, visual quality and local distinctiveness.

Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

The proposal is for two stable buildings, one being 'L-shaped' and containing 4 horse boxes either side of a tack / feed store, the other being rectangular in form and containing 4 horse boxes. The buildings would be sited within a field to the east of the lane, and to the south-west of the applicant's property, with external materials to include weatherboarding attached to an oak frame, oak doors, and a slate roof. The stable block would also be provided with a new yard accessed by way of a new gateway onto the lane. Amended plans have been received that reduce the roof pitch to 30-degrees, which in turn reduces the height of the proposed buildings.

The position of the buildings is such that it would be partially screened by the remaining hedgerow from the lane and Public Right Of Way, but is upon lower ground compared to the dwelling and the agricultural land also included within the application.

Given that the wider visual impact is limited and the buildings would have an agricultural appearance, on balance, it is considered that the impact upon the general landscape character of the surroundings would be acceptable. Therefore,



the proposed design, scale, form and use of materials would be appropriate given the intrinsic open rural landscape character of the Cotswolds AONB.

The change of use of the agricultural land to equestrian use would not materially impact upon the landscape character of the area. Given its sloping and uneven topography, it is unlikely that this could be used for purposes other than grazing. The proposal has been amended to remove an area from the application, which was to the north-eastern corner, due to concerns regarding to the loss of historic field boundaries.

The proposed stable building therefore is considered to accord with the objectives of Cotswold District Local Plan Policies EN2, EN4 and EN5, the design and landscape considerations contained in the NPPF.

### **(b) Setting of the Conservation Area**

The boundary to the Little Rissington Conservation Area runs along the western boundary of the application site, and therefore the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.

Policy EN10 covers the Historic Environment: Designated Heritage Assets. It states that in considering proposals that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and that the more important the asset, the greater the weight should be. It also states that development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Finally it states that proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm, and that any such assessment will take account of the importance of the asset, the scale of harm, and the nature and level of the public benefit.

Policy EN11 covers the Historic Environment: Designated Heritage Assets (Conservation Areas). It states that development proposals that would affect

conservation areas and their settings will be permitted provided they: preserve and where appropriate enhance the special character and appearance of the conservation area, in terms of siting, scale, form, proportions, design, materials and retention of positive features; include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the conservation area; will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and appearance, and/or allow important views into or out of the conservation area; and do not include any internally illuminated advertisement signage unless the signage does not have an adverse impact on the conservation area or its setting.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning decisions should ensure that developments: function well and add to the overall quality of an area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

Having regard to the design of the proposed stable buildings, their siting and the screening afforded by the hedgerow to be retained, it is considered that the impact upon the setting of the conservation area would be acceptable. As stated above, the buildings would be constructed from weatherboarding to an oak frame, with oak doors and a slate roof, and would not therefore be out of keeping with the surrounding rural environment. As such, the proposal accords with Policies EN2, EN10 and EN11 of the Local Plan, in addition to Section 16 of the NPPF.

### **(c) Residential Amenity**

Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 127 (f) of the NPPF.

Policy EN15 of the Local Plan states that development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through either pollution of the air, land, surface water,

or ground water sources; and / or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

The nearest residential property outside the applicant's control is approximately 40 metres to the south, whereas the barn approximately 50 metres to the north-west has an extant planning permission for conversion into 4 dwellings. With regard to odour, it is considered that the distance between the proposed stable buildings and these building is sufficiently far enough away for there to be no material impact upon the amenities of existing or future occupants.

#### **(d) Other Matters**

The comments made by the Parish Council are noted. The proposed stables are, however, stated to be for the applicant's private use and not for any commercial purposes. As has been stated previously, the applicants are understood to own 10 horses.

The traffic generated by the proposal would, therefore, be considered not to be such that there would be any impact upon highway safety arising from the proposal. A condition limiting the use is recommended.

#### **9. Conclusion:**

The proposed change of use and new buildings would be acceptable, and in accordance with the policies within the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

#### **10. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: 43257-01A and 02; AC/PD/271020/01; 02 and 03.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. The stable yard hereby approved shall only be used for private equestrian use and shall at no time be used for any other commercial or DIY livery, riding school, or other form of commercial equestrian business without the prior approval in writing of the Local Planning Authority.

**Reason:** The site is located in an attractive rural location where the introduction of a commercial operation could have an adverse impact on the character and appearance of the landscape resulting in increased vehicle movements to and from the site, contrary to national and local sustainable development objectives that would be contrary to Cotswold District Local Plan Policies EN2 and INF4.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no wall, fences, jumps or related equestrian development shall be erected, constructed or sited on the site.

**Reason:** To ensure the development is completed and maintained in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN4.

6. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

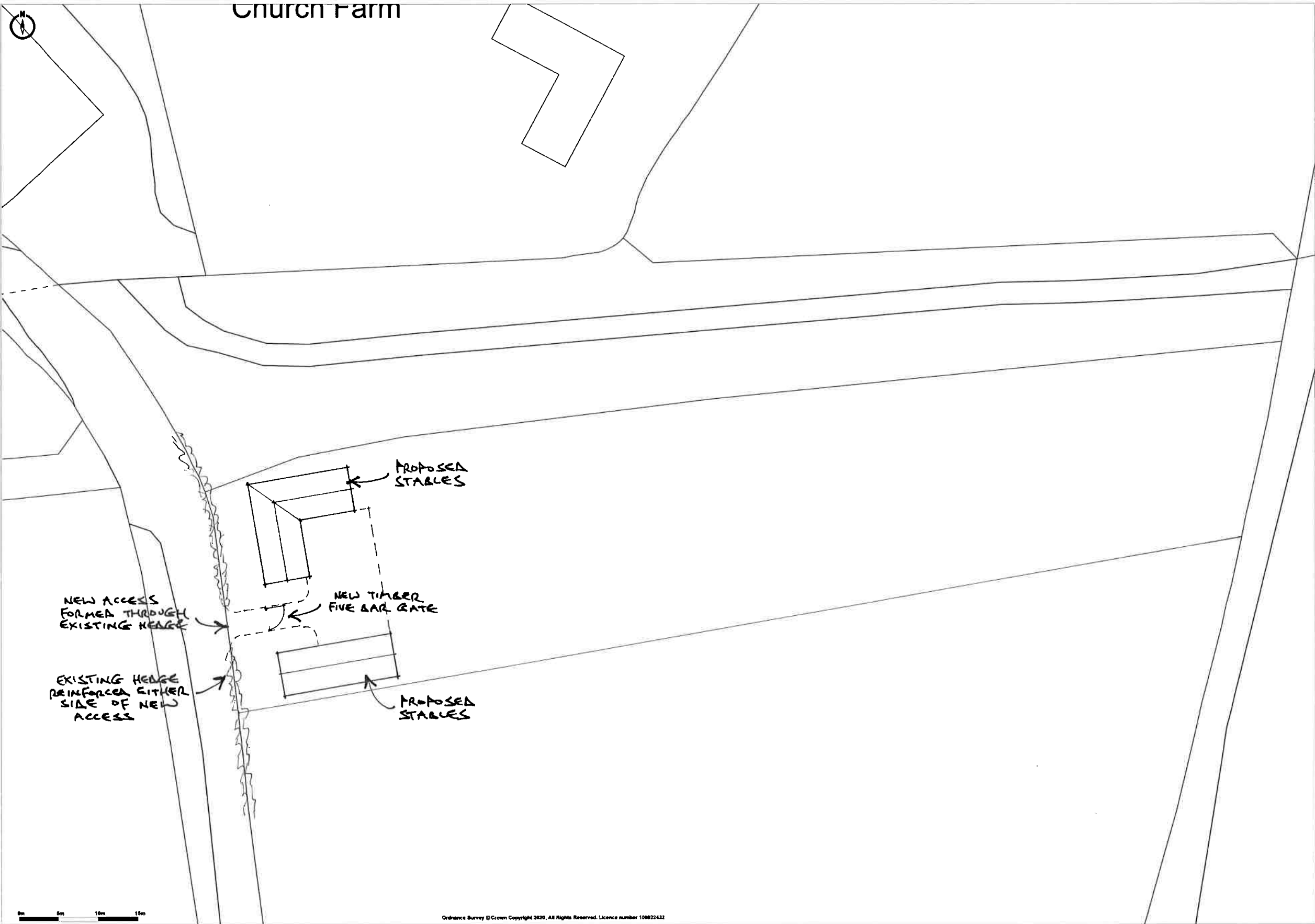
**Informative:**

There is a low risk that great crested newts (GCN) may be present at the application site. Cotswold District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence. Any trenches left overnight should be

covered or provided with ramps to prevent GCN from becoming trapped. Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.



Church Farm



PROPOSED STABLES

NEW ACCESS FORMED THROUGH EXISTING HEDGE

EXISTING HEDGE REINFORCED EITHER SIDE OF NEW ACCESS

NEW TIMBER FIVE BAR GATE

PROPOSED STABLES

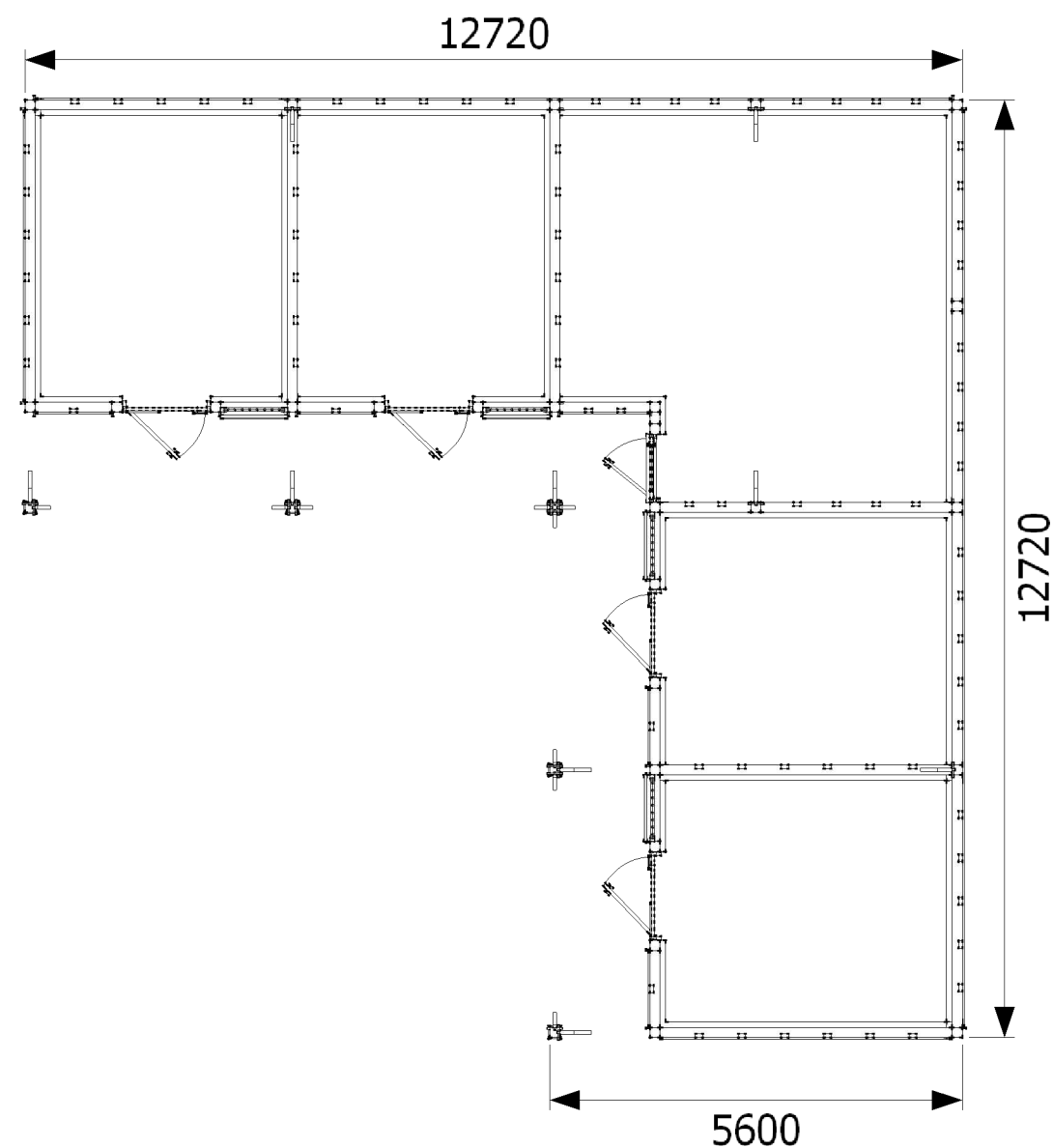
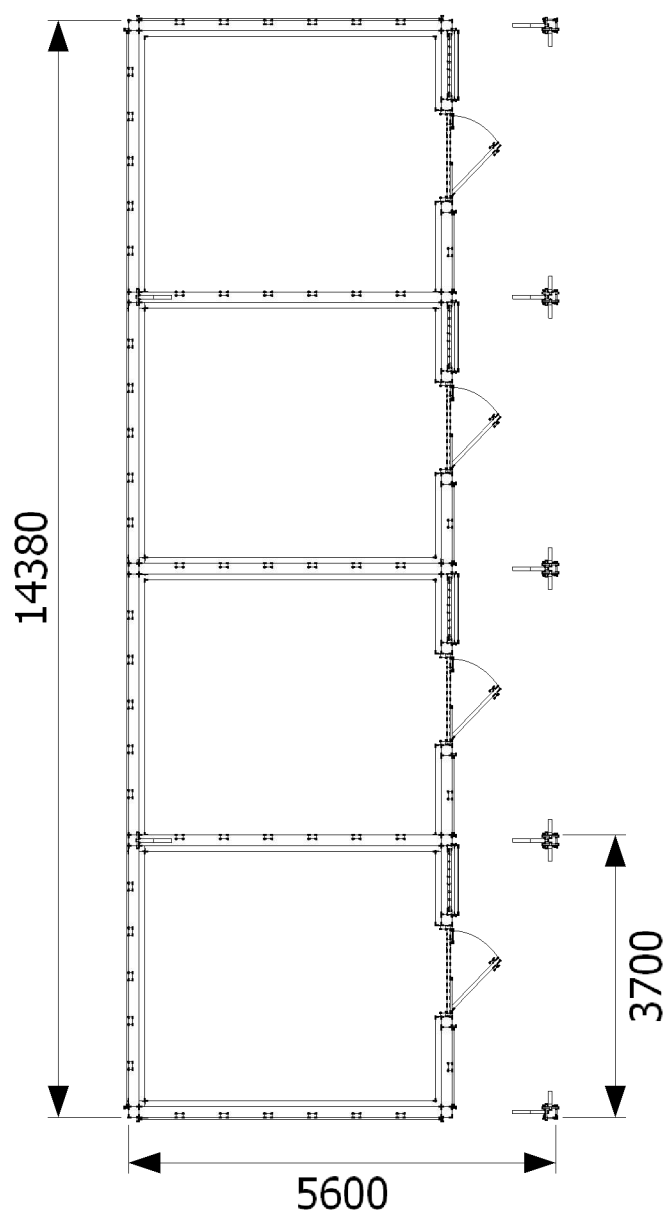


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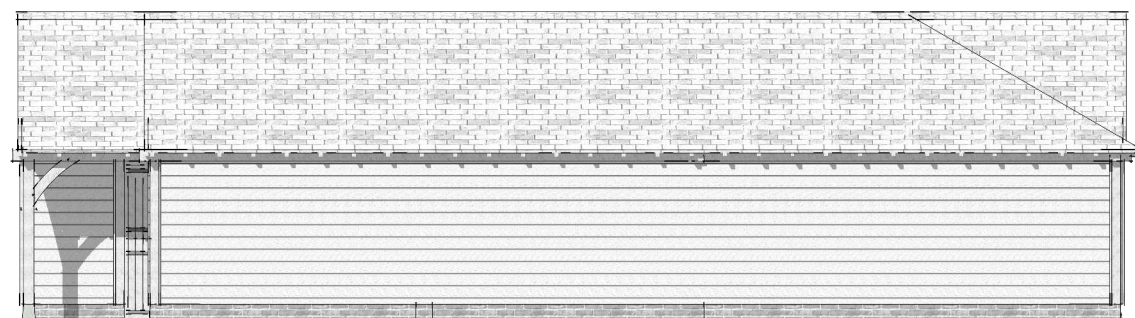
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**Proposed**

**Mr & Mrs Firth**  
**Oak Framed Stables - 1:100 Date:27/10/20 - AC/PD/271020/01 - PLN P**





**Proposed**

**Mr & Mrs Firth**  
**Oak Framed Stables - 1:100 Date:27/10/20 - AC/PD/271020/02 - PLN P**









24/07/2020

Planning and Licensing Committee - 9 December 2020 (2.00pm)

Application 19/01100/FUL - Construction of outbuilding to use to store construction materials and machinery utilising existing access at Land to the Rear of Millstone House, Dunstibourne Leer, Cirencester.

Following removal of the Ward Member's reason for referral to the Committee after the publication of the meeting Agenda and Schedule, the application has now been withdrawn and will now not be heard at the Committee with the agreement of the Committee Chair.

**Item No 03:-**

**20/02994/FUL**

**1 The Old Manor  
Paxford  
Chipping Campden  
Gloucestershire  
GL55 6XL**

### Item No 03:-

#### Erection of single and two storey rear extensions at 1 The Old Manor Paxford Chipping Campden Gloucestershire GL55 6XL

<b>Full Application 20/02994/FUL</b>	
Applicant:	Mr + Mrs B. Cowles
Agent:	Hayward Smart Architects
Case Officer:	David Ditchett
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	9th December 2020
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

#### Main Issues:

- a) Design and Impact on Heritage Assets
- b) Impact on Residential Amenity
- c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- d) Community Infrastructure Levy (CIL)

#### Reasons for Referral:

Councillor Jepson has requested that the application be considered by the Planning and Licensing Committee for the following reasons:

'I am requesting this application and listed building approval be taken to the planning committee. The Old Manor cottages have had several extensions to them all over the years. As this is a grade II\* building I feel that it would be beneficial for a SIB to assess the harm this application would have on the building, the Conservation area and AONB'.

#### 1. Site Description:

This application relates to 1 The Old Manor, which is Grade II\* listed as part of the former manor house (listed as Old Manor Cottages in 1960). The building dates from the mid-17th Century. It is L-shape in plan and of two storeys with an attic. It is constructed in high quality ashlar stone, and has tiled roof slopes. It features stone mullion windows with hood moulds. The attic storey windows are set within distinctive large raised stone gables containing blind rusticated bulls-eye panels (a local detail).

The building is divided into three separate dwellings. There is a half-hipped addition to the north-eastern end of the building (3 The Old Manor). A single storey extension attached to 2 The Old Manor. And a two storey gable end side extension, and single storey lean-to side and single storey rear extensions form part of, and are attached to No.1 The Old Manor.



The dwelling is Grade II\* listed, located within the Paxford Conservation Area and within the Cotswolds Area of Outstanding Natural Beauty.

## **2. Relevant Planning History:**

20/02995/LBC: Erection of single and two storey rear extensions. Currently being assessed by the Council

18/03353/LBC: Replacement of existing timber windows. Permitted 04.12.2018

17/00559/LBC: Lean-to extension (retrospective). Permitted 03.05.2017

17/00558/FUL: Lean-to extension (retrospective). Permitted 03.05.2017

11/01182/FUL: Erection of a detached single storey garage with side log store to the rear of the property. Refused 31.08.2011

10/03153/LBC: Repoint the side and rear elevations. Permitted 24.09.2010

06/00653/LBC: Installation of chimney lining. Permitted 28.06.2006

## **3. Planning Policies:**

TNPPF The National Planning Policy Framework

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

## **4. Observations of Consultees:**

Historic England: 'We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser'.

Conservation Officer: Comments incorporated within Officer's Assessment.

## **5. View of Town/Parish Council:**

Blockley Parish Council: No objection

## **6. Other Representations:**

Three support comments were received relating to:

- i). The applicant consulting with neighbours prior to submitting the application;
- ii). Sympathetic design;
- iii). Design, size and height of the extensions are well thought out; and
- iv). Provide the applicant and his family with a long term future in the village.

## **7. Applicant's Supporting Information:**

Design and Access Statement  
Flood Risk Assessment  
Heritage Impact Assessment

## **8. Officer's Assessment:**

### Proposed Development and Background

The applicant seeks full planning permission for the erection of single and two storey rear extensions.

The extension is made up of two main parts. The first of these is a flat roof single storey extension projecting approximately 6.6m out from the main dwelling, with a width of 4.2m and a height of 2.8m. A small lean to roof glazing element will project another 0.6m above the flat roof, adjoining the main dwelling. The single storey extension would adjoin a new rendered boundary wall shared with No. 2 The Old Manor. The single storey element is proposed to be heavily glazed, with lead coloured single ply membrane roof and aluminium doors and windows.

The second element is a two storey gabled extension adjoining the single storey extension and host dwelling. This element is proposed to project approximately 4m out from the main dwelling, with a width of 3.9m at ground floor (excluding the steel pergola which extends another 1.2m), 4.5m at first floor, and a height of 6.8m. In terms of materials, the two storey element is proposed to be heavily glazed with some stone walling and a steel pergola at ground floor, timber weatherboarding and two small aluminium box dormers at second floor, and a pitched roof tiled to match the host dwelling.

While refusal is recommended, Officers offered to work with the applicants to overcome the issues identified. Amendments to the scheme were not explored as the applicants wished for the application to be assessed as submitted.

### **(a) Design and Impact on Heritage Assets**

1 The Old Manor is a Grade II\* Listed Building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Also, the site is within the Paxford Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Cotswold District Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development

proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that development proposals that would affect Conservation

Areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features.

Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 194). Paragraph 196 states that 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, where appropriate, securing its optimal viable use.

Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular, proposals should be of a design quality that respects the character and distinctive appearance of the locality.

Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Old Manor Cottages comprises an 'L'-shaped, mid-17th century manor house, historically extended to full height at both ends of the 'L', lengthening it, but maintaining the form, and subdivided into three cottages. Map regressions illustrates both that this subdivision is comparatively historic (predating the early O.S. maps), but that the 'L'-shaped form of the building also survived intact into the latter 20th century.

Numbers 1 and 2 have had extensions projecting out from the south-west side of the building, breaking the simple form and massing (one of these being the kitchen that is proposed for replacement under the present application). However, these extensions are both single-storey and comparatively narrow, the ridge of the taller

(the extension to number 2) only rising to the level of the historic eaves; furthermore, this taller extension actually abuts a gable, whereas the existing lower extension to number 1, which does not abut a gable, rises no higher than the sills of the first-floor windows, creating a differentially reflective proportion to the south-west elevation as a whole which reinforces the primacy of the historic building. Another established, indeed predominant characteristic of both the original building, and all the subsequent phases of extension, historic and modern, is that they are faced in stone, which has given the whole a generally comparatively harmonious, homogenous feel.

Both the surviving primacy of the historic 'L'-shaped building, and the characteristically predominant use of stone contribute positively to the historical and aesthetic value and significance of the listed building, as well as contributing to the character, appearance and significance of the surrounding designated conservation area.

The proposal is to remove the existing single-storey extension, and to replace this with substantially glazed, flat-roofed extension, projecting 6.6m out from the parent building. Next to this, on an area of current exposed historic walling, it is proposed to add a two-storey extension, the roof of which would overlap with the historic roof; the ridge of the former rising approximately a third of the way up the latter. Whilst this would have small areas of stone facing at ground level, it would predominantly be clad in vertical timber boarding.

The proposed extension is, in and of itself, an interesting and not unattractive contemporary design that would form a visually striking structure; however, there is some concern that the scale and design would appear overly dominant in relation to the character and significance of the parent building.

The two-storey element of the extension would, by overlapping the historic roof, appear less like a subordinate addition to the south-west elevation, than as a lower wing of the building, moving it more towards a 'Z'-shaped massing, than its historic and characteristic 'L'-shape, and fairly radically altering and cluttering the character of the south-west elevation, as well as concealing a large area of the historic external walling. Furthermore, the very bold, contemporary design, whilst intrinsically attractive, would visually compete with the historic building as a focal point, rather than visually deferring to its primacy.

The predominant cladding of the extension, particularly the upper parts of it, with timber boarding, would appear somewhat incongruous on a building where every phase of previous extension is predominantly faced in stone. Furthermore, within the context of historic buildings in the District, timber boarding is more characteristically associated with lighter-weight, agricultural buildings than with (formerly) high-status dwellings. Consequently, whilst the proposed extension is intrinsically an interesting contemporary composition, it would fail to preserve the (more than) special interest, or sustain the significance of the listed building.

It is also noted that owing to the low boundary treatments and design, size and siting of the proposal, the bulk of the extension could be seen from public vantage points within the Paxford Conservation Area. The contrasting materials, use of glazing and

scale of the proposal as highlighted would also harm the character, appearance and significance of the surrounding conservation area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a Listed Building or Conservation Area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The dwelling is Grade II\* listed. Advice from Historic England states 'Grade II\* buildings are particularly important buildings of more than special interest. Only 5.8% of listed buildings are Grade II\*'. As such significant weight should be assigned to its conservation.

Harm to the listed building is identified through the concealing of a large area of the historic external walling, altering the historic and characteristic 'L'-shape plan form, the scale and contemporary design visually competing with the host dwelling, and the incongruous and contrary materials not typically found on formerly high-status dwellings.

This harm is less than substantial and Paragraph 196 of the NPPF states that 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. The dwelling benefits from 'more than special interest' by virtue of its Grade II\* status, as such any public benefits should clearly and demonstrably outweigh the harm found.

The submitted Heritage Impact Assessment only highlights of one public benefit (as no harm was identified by the applicants' consultant within the submitted Heritage Impact Assessment so the public benefit exercise was not included in it), that being the 'removal of a poor quality modern addition and its replacement by a structure of much better quality'. This relates to the existing single storey extension. Officers have not, however, identified this as being harmful to the significance of the listed building; therefore its removal is considered to offer little in the way of public benefits. No other public benefits were put forward by the applicant. Notwithstanding this, some minor economic benefits will arise during the construction phase; however, these are very modest and short term. The applicants will benefit from additional living accommodation (but not an increase in bedroom numbers), but this is a private, not public benefit. Also, some public benefit would be likely to result from the modern construction proposed in some proportionate positive impact on the environment by using fewer natural resources and energy performance. However, when considering the scale of the extension, and the limited works to the main dwelling itself, this environmental impact is likely to be negligible. Also, the property is in excellent condition and its ongoing use as a dwelling is not affected by this recommendation to refuse.

Officers are satisfied therefore that the very modest public benefits arising from the scheme are far outweighed by the harm caused to this Grade II\* listed building and the Paxford Conservation Area.

For the above reasons it is considered that the proposed extension would fail to preserve the listed building, its features and its setting and would harm the character and appearance of the Paxford Conservation Area in which it sits. The significance

of 1 The Old Manor and the Paxford Conservation Area as designated heritage assets would be diminished, and without public benefits that would outweigh the less than substantial harm caused. The proposals are therefore judged to be contrary to the duty to have special regard to preserve, as set out in the 1990 Act. They would also fail to meet the requirements of Section 16 of the NPPF, and Policies EN1, EN2, EN10 and EN11 of the Local Plan.

### **(b) Impact on Residential Amenity**

Local Plan Policy EN2 (Design Code) states that development should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. Similarly, paragraph 127 of the NPPF also states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

The two storey extension is set away from the nearest neighbour (No. 2 The Old Manor) and the proposed first floor windows look out onto a parking area. As such loss of privacy, loss of light, overbearing or overshadowing impacts are unlikely to occur.

Also, while the extension is substantial, and the rear garden area small, approximately 65sqm of private external amenity space would remain. This is a suitable provision considering that bedroom numbers are not proposed to increase.

As such Officers are satisfied that the works proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition, sufficient private external amenity space is retained at the property.

### **(c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' states that in determining development proposals within the AONB, or its setting, the conservation

and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The works proposed are located wholly within the residential curtilage of the host dwelling with no encroachment in to open countryside. As such the development is not considered to be harmful to the character or appearance of the Cotswolds AONB.

#### **(d) Community Infrastructure Levy (CIL)**

This development is not liable for CIL because it is:

Less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

#### **9. Conclusion:**

The recommendation to Refuse permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

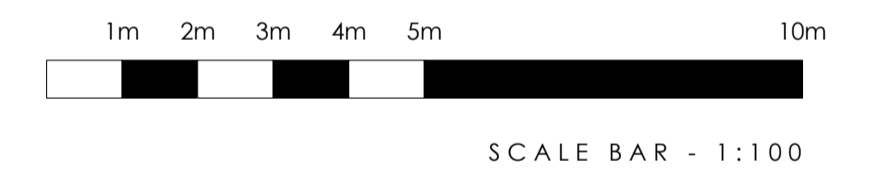
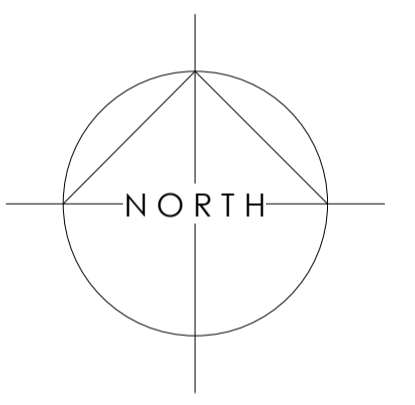
#### **10. Reasons for Refusal:**

1. 1 The Old Manor is a Grade II\* listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The proposal, by virtue of the concealing of a large area of the historic external walling, altering the historic and characteristic 'L'-shape plan form, the scale and contemporary design visually competing with the host dwelling, and the incongruous and contrary materials not typically found on formerly high-status dwellings, would harm aspects of the listed buildings character, appearance and setting that contributes positively to its significance, thereby neither preserving its special architectural or historic interest, nor sustaining its significance as designated heritage asset. The harm would be less than substantial, but not be outweighed by any resultant public benefits. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 66(1) of the 1990 Act. The proposal is also contrary to Policies EN1, EN2 and EN10 of the Cotswold District Local Plan.

2. 1 The Old Manor lies within the Paxford Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The proposal, by

virtue of the addition of a large extension of an inappropriate form and design and using unsuitable materials, to the rear of 1 The Old Manor, would be visible from public vantage points within the conservation area and would neither preserve nor enhance the character or appearance of the Paxford Conservation Area, nor sustain its significance as a designated heritage asset. The harm would be less-than-substantial, but not be outweighed by any resultant public benefits. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to Policies EN1, EN2, EN10 and EN11 of the Cotswold District Local Plan.





**hsa**

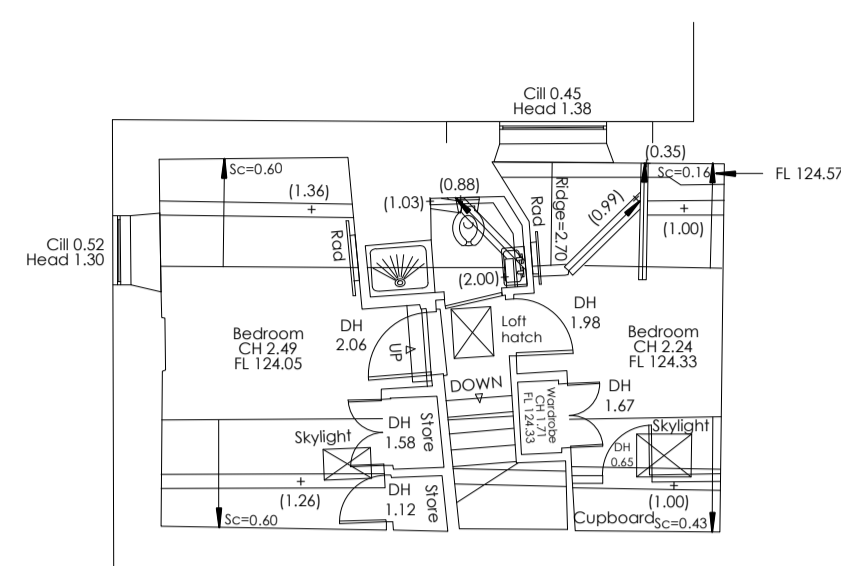
Hayward Smart architects

The Coach House  
3a New Street, Shipston-on-Strour  
Warwickshire, CV36 4EW  
01608 661000

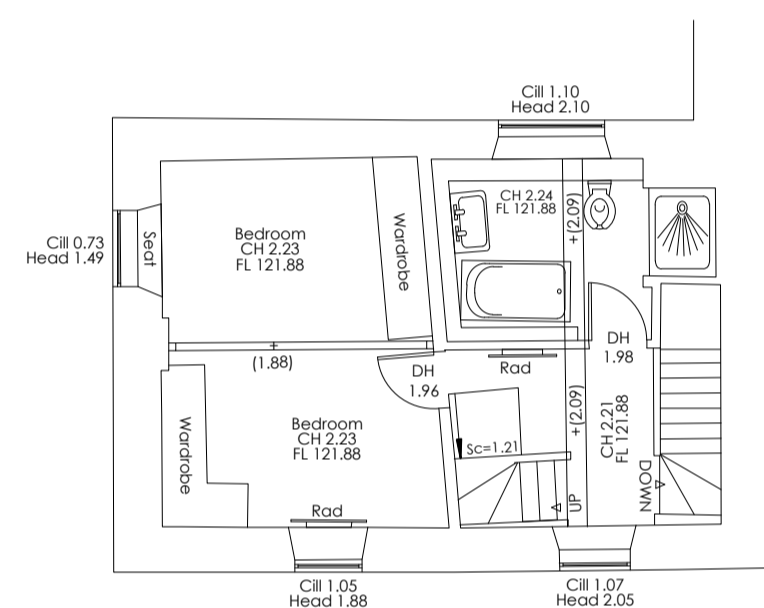
studio@hsarchitects.co.uk

Client	Mr + Mrs B. Cowles
Project	1, The Old Manor Paxford
Drawing	Survey Existing Site Plan
Date	March 19
Scale	1:100 at A1 Hook Surveys
Job No	19-021 02

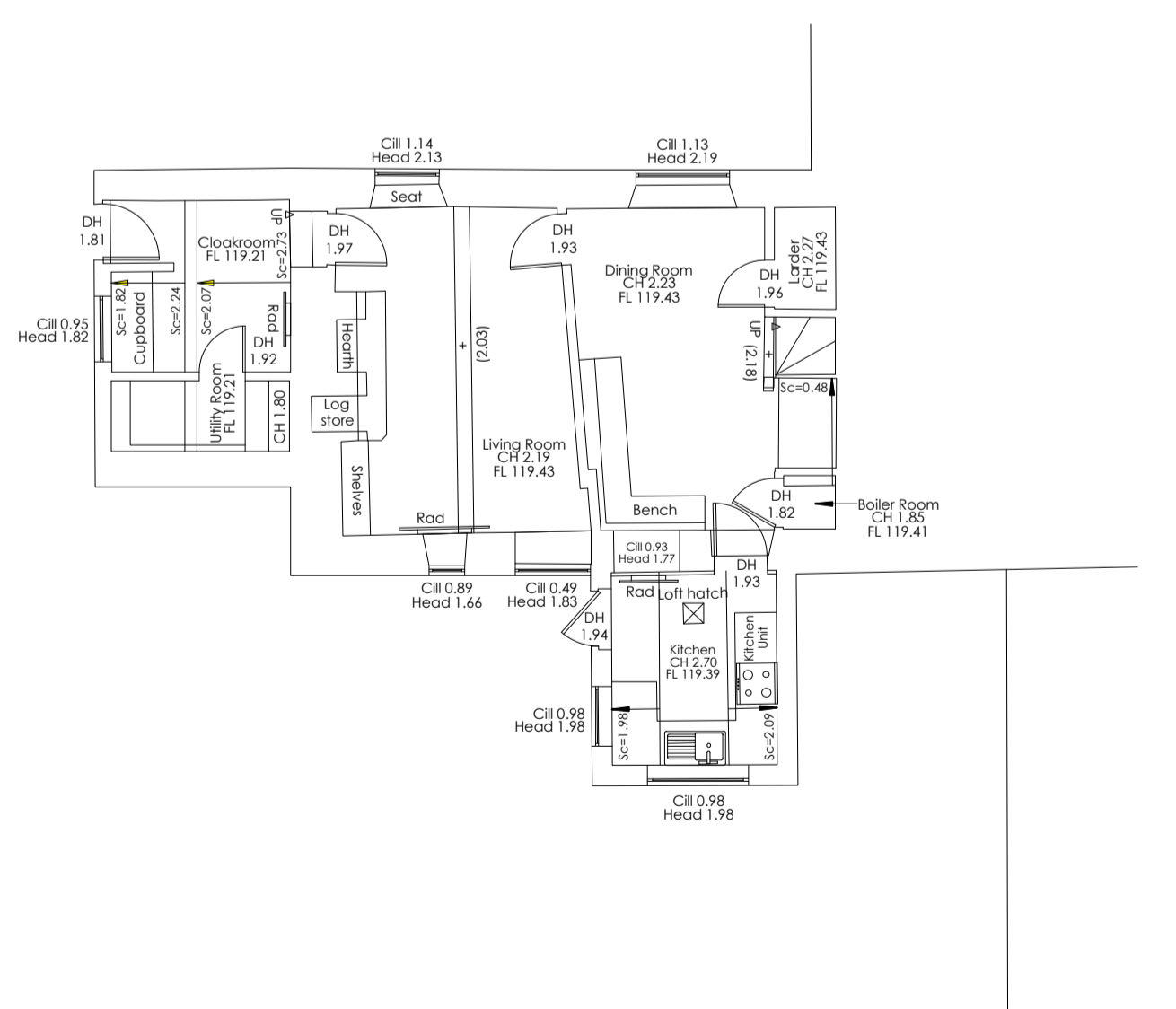
architecture + interiors



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN



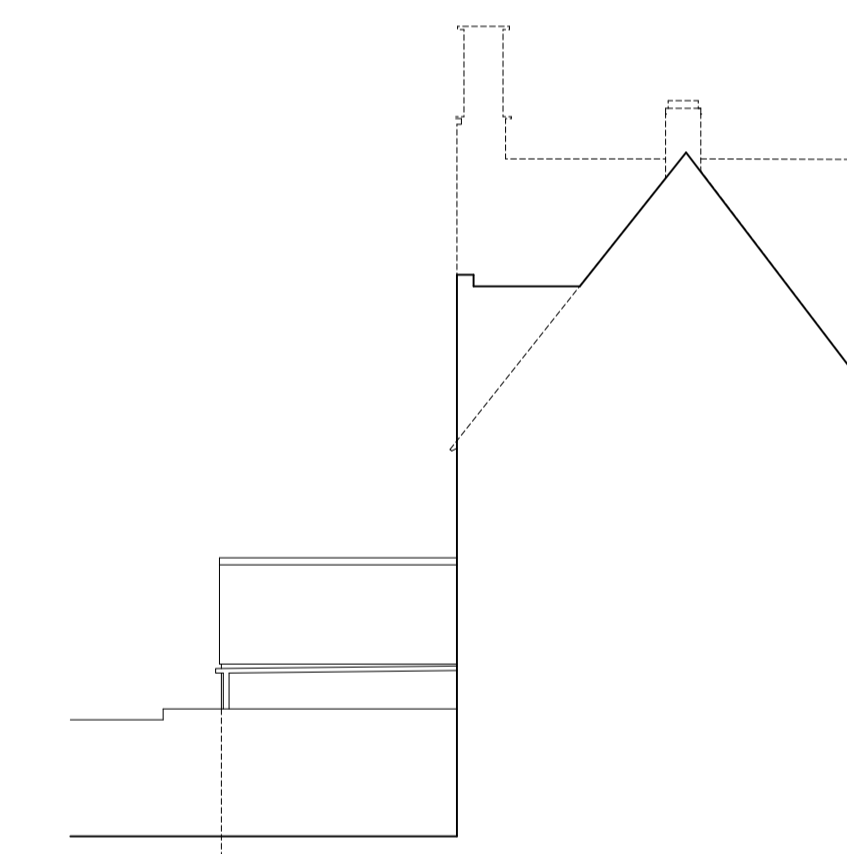
NORTHEAST ELEVATION



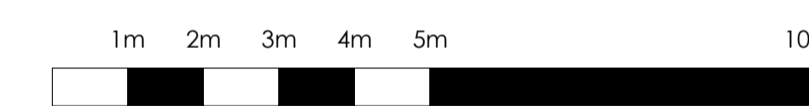
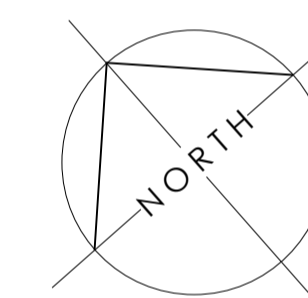
NORTHWEST ELEVATION



SOUTHWEST ELEVATION



SOUTHEAST ELEVATION



SCALE BAR - 1:100

**hsa**

Hayward Smart architects

The Coach House  
3a New Street, Shipston-on-Strour  
Warwickshire, CV36 4EW  
01608 661000

studio@hsarchitects.co.uk

Client: Mr + Mrs B. Cowles

Project: 1, The Old Manor  
Paxford

Drawing: Survey  
Plans + Elevations

Date: March 19

Scale: 1:100 at A1  
Drawn: Hook Surveys

Job No: 19-021  
Drawing No: 03A

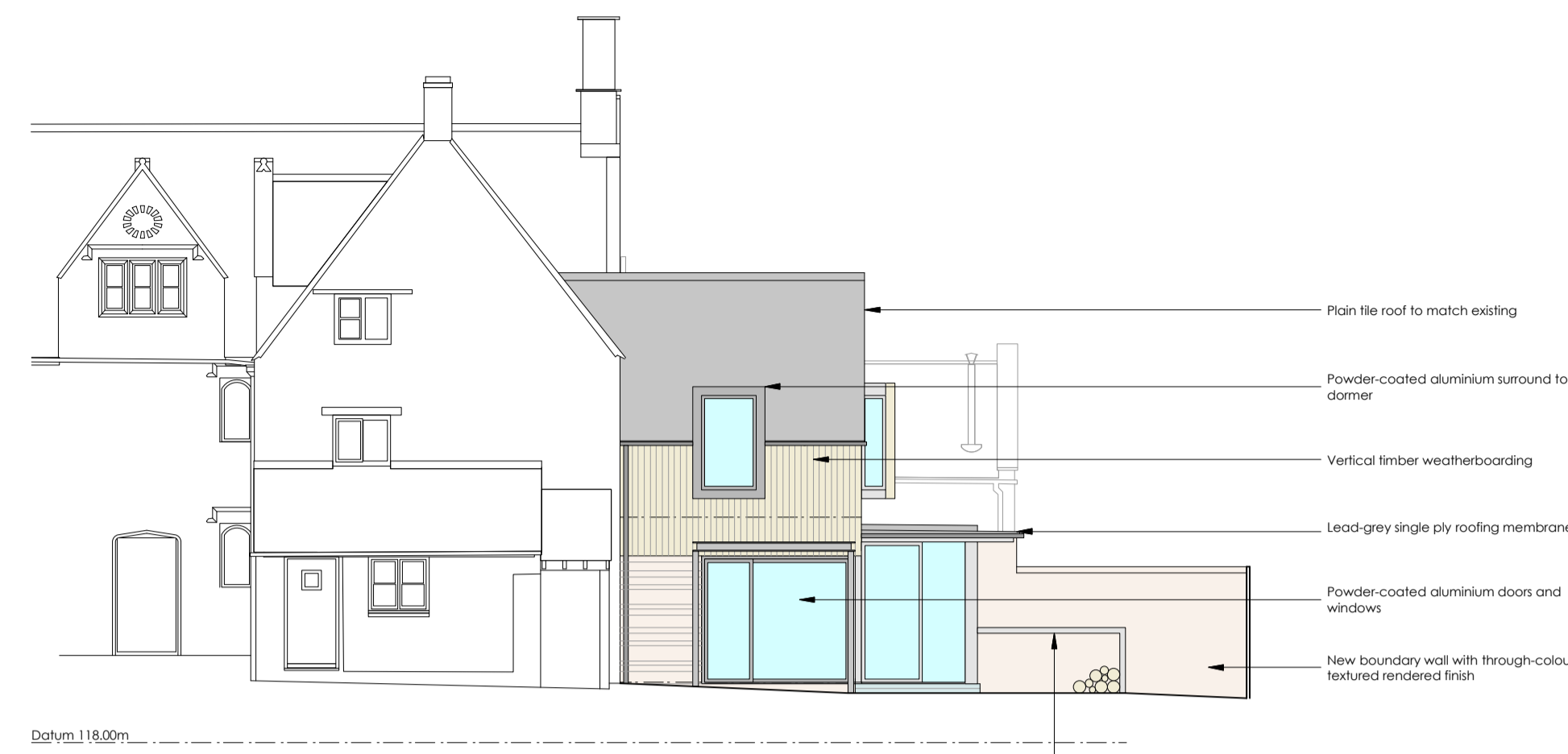
architecture + interiors

Revisions

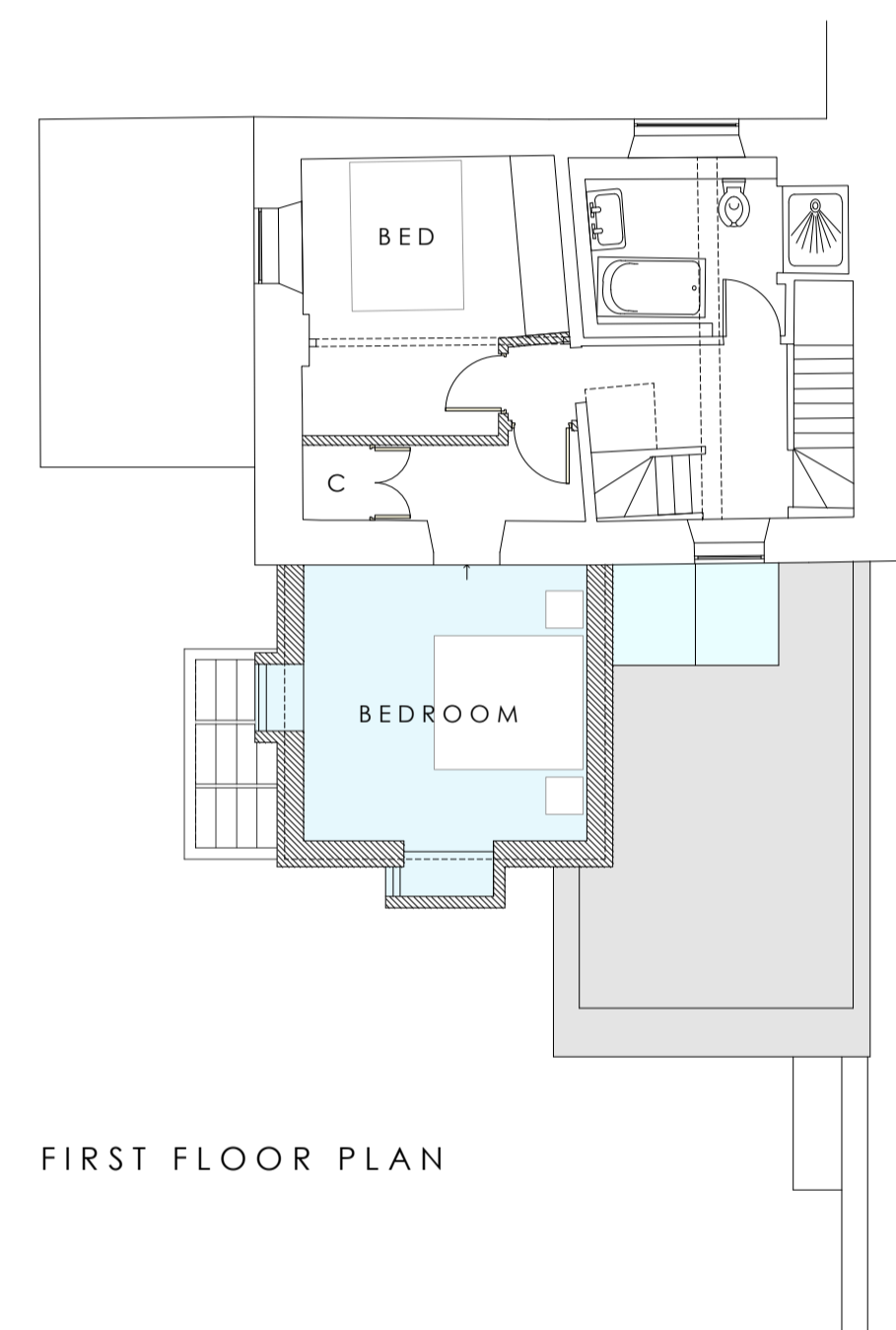
A	08.11.19	Datum amended
B	02.03.20	Updated following client comment
C	02.03.20	Updated following client comment
D	29.07.20	Updated following client comment
E	11.08.20	Updated following client comment
F	25.08.20	Pergola adjusted



SOUTHWEST ELEVATION



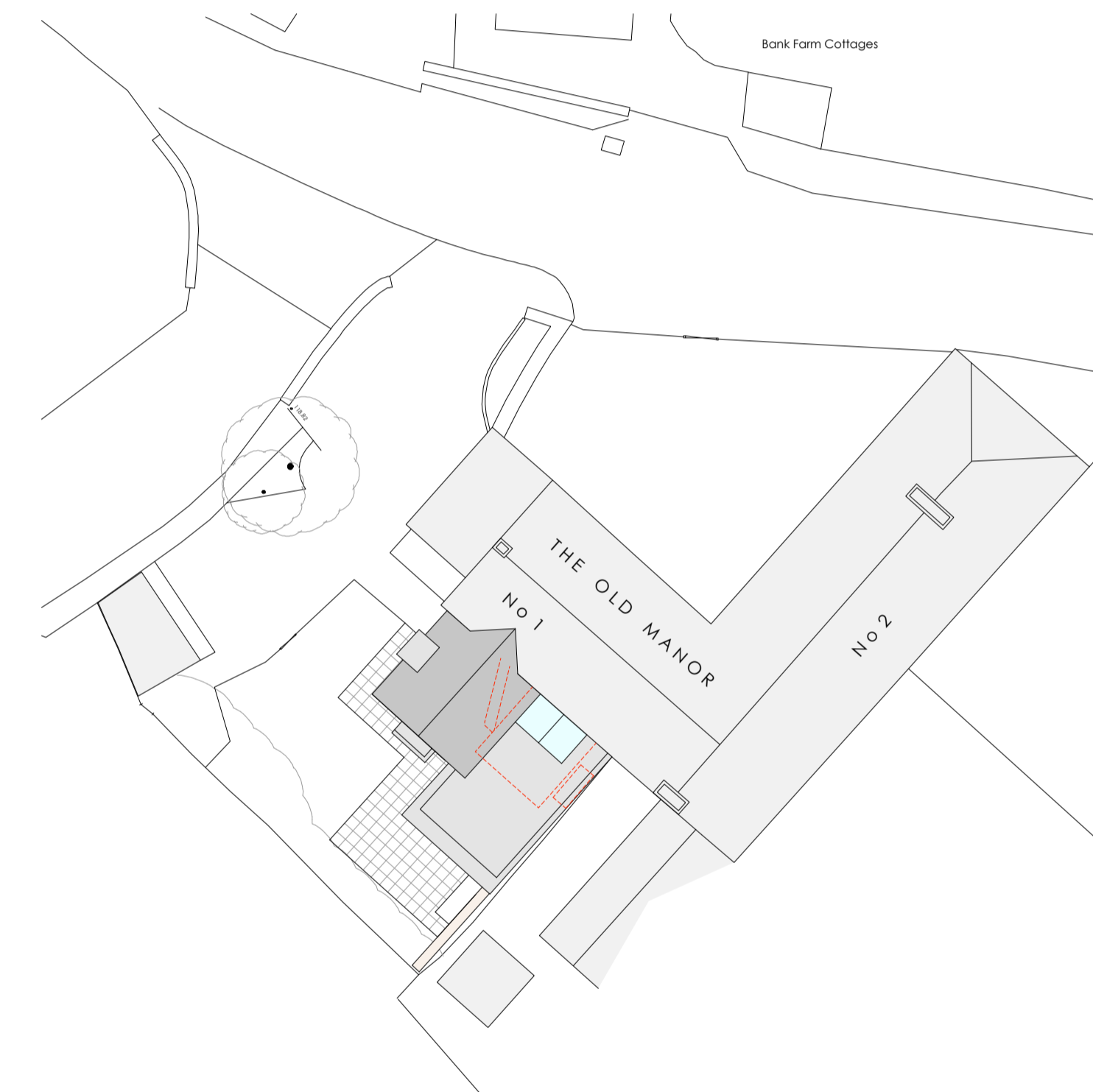
NORTHWEST ELEVATION



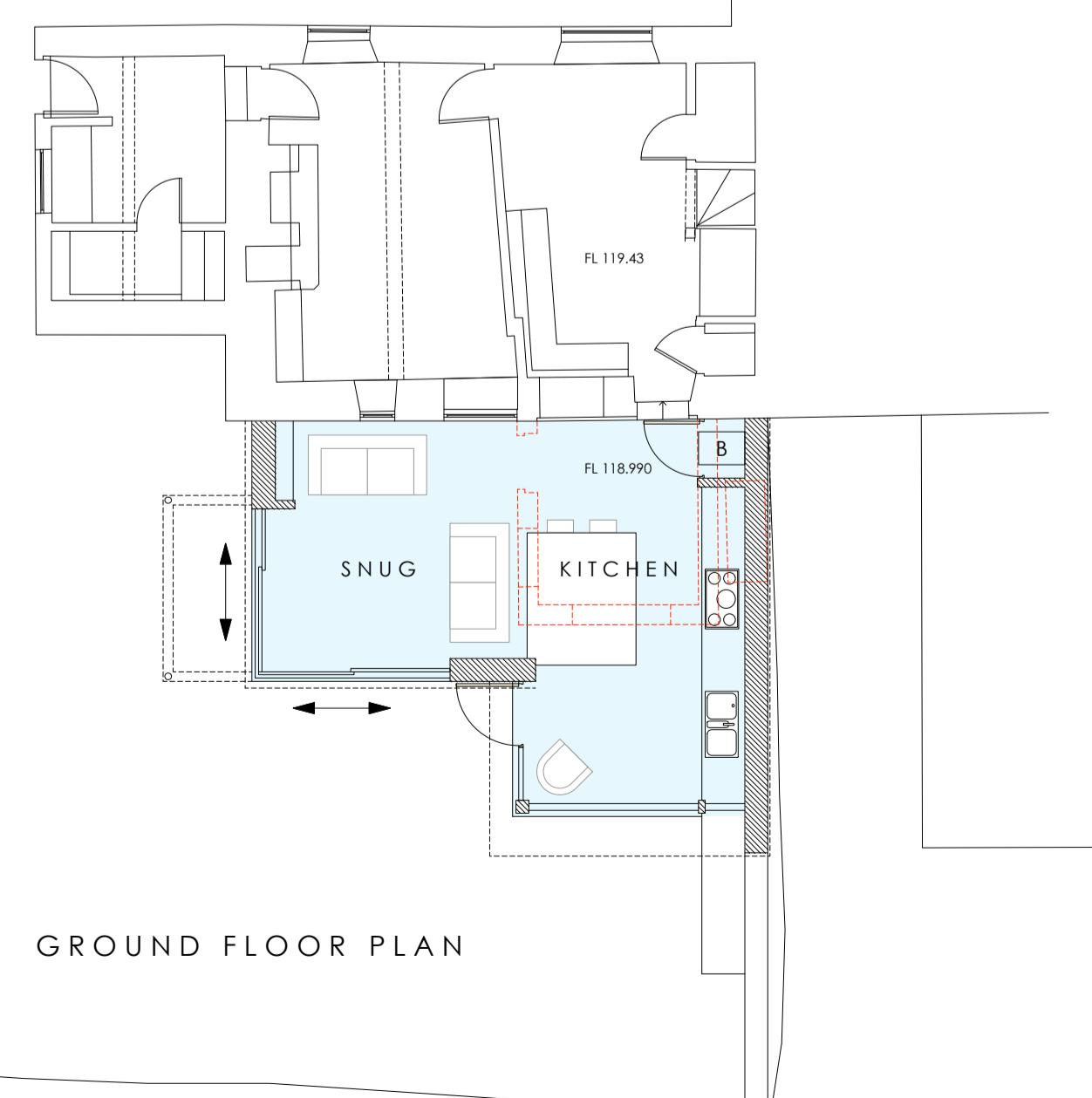
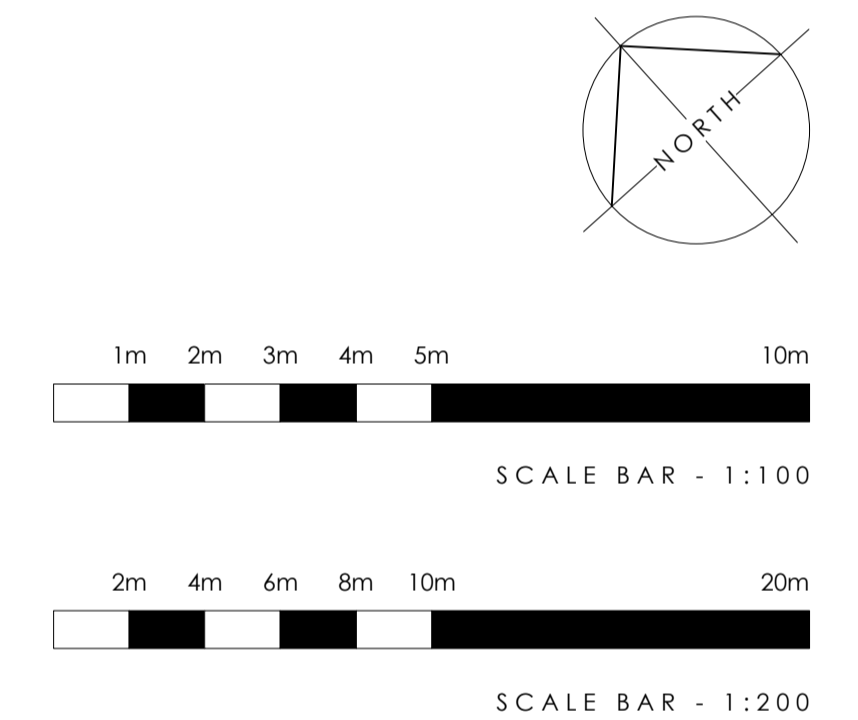
FIRST FLOOR PLAN



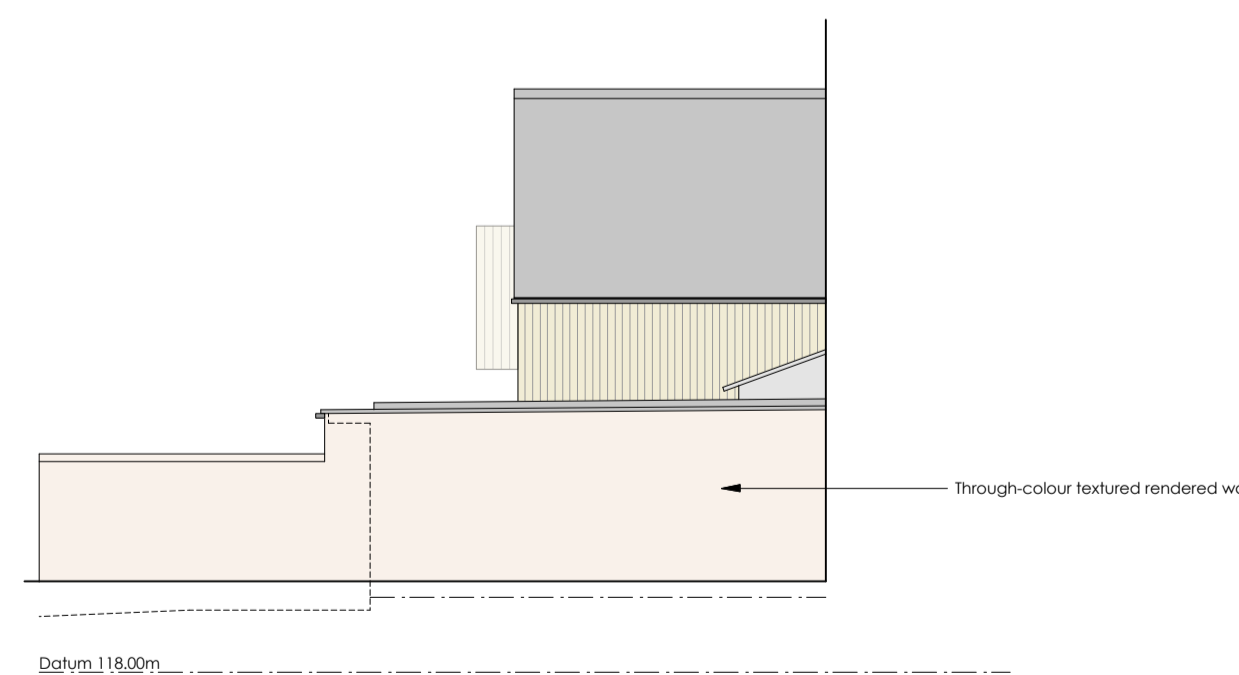
NORTHEAST ELEVATION (no change)



PROPOSED SITE PLAN 1:200



GROUND FLOOR PLAN



SOUTHEAST ELEVATION

**hsa**

Hayward Smart architects

The Coach House  
3a New Street, Shipston-on-Strour  
Warwickshire, CV36 4EW  
01608 661000

studio@hsarchitects.co.uk

Client	Midpark Capital Ltd	
Project	1 The Old Manor Paxford	
Drawing	Proposals Sketch Scheme 1	
Date	Oct 19	
Scale	1:100/1:200 at A1	Drawn SH
Job No	19-021	Drawing No 04F

architecture + interiors

**Item No 04:-**

**20/02995/LBC**

**1 The Old Manor  
Paxford  
Chipping Campden  
Gloucestershire  
GL55 6XL**

#### Item No 04:-

### Erection of single and two storey rear extensions at 1 The Old Manor Paxford Chipping Campden Gloucestershire GL55 6XL

<b>Listed Building Consent 20/02995/LBC</b>	
Applicant:	Mr & Mrs B Cowles
Agent:	Hayward Smart Architects
Case Officer:	David Ditchett
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	9th December 2020
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

#### **Main Issues:**

- (a) Design and Impact on Heritage Assets

#### **Reasons for Referral:**

Councillor Jepson has requested that the application be considered by the Planning and Licensing Committee for the following reasons:

'I am requesting this application and listed building approval be taken to the planning committee. The Old Manor cottages have had several extensions to them all over the years. As this is a grade II\* building I feel that it would be beneficial for a SIB to assess the harm this application would have on the building, the Conservation area and AONB'.

#### **1. Site Description:**

This application relates to 1 The Old Manor, which is Grade II\* listed as part of the former manor house (listed as Old Manor Cottages in 1960). The building dates from the mid-17th Century. It is L-shape in plan and of two storeys with an attic. It is constructed in high quality ashlar stone, and has tiled roof slopes. It features stone mullion windows with hood moulds. The attic storey windows are set within distinctive large raised stone gables containing blind rusticated bulls-eye panels (a local detail).

The building is divided into three separate dwellings. There is a half-hipped addition to the north-eastern end of the building (3 The Old Manor). A single storey extension attached to 2 The Old Manor. And a two storey gable end side extension, and single storey lean-to side and single storey rear extensions form part of, and are attached to No.1 The Old Manor.

The dwelling is Grade II\* listed, located within the Paxford Conservation Area and within the Cotswolds Area of Outstanding Natural Beauty.

## **2. Relevant Planning History:**

20/02994/FUL: Erection of single and two storey rear extensions. Currently being assessed by the Council

18/03353/LBC: Replacement of existing timber windows. Permitted 04.12.2018

17/00559/LBC: Lean-to extension (retrospective). Permitted 03.05.2017

17/00558/FUL: Lean-to extension (retrospective). Permitted 03.05.2017

11/01182/FUL: Erection of a detached single storey garage with side log store to the rear of the property. Refused 31.08.2011

10/03153/LBC: Repoint the side and rear elevations. Permitted 24.09.2010

06/00653/LBC: Installation of chimney lining. Permitted 28.06.2006

## **3. Planning Policies:**

TNPPF The National Planning Policy Framework

## **4. Observations of Consultees:**

Historic England: 'We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser'.

Conservation Officer: Comments incorporated within Officer's Assessment.

## **5. View of Town/Parish Council:**

None received

## **6. Other Representations:**

None received

## **7. Applicant's Supporting Information:**

Design and Access Statement  
Flood Risk Assessment  
Heritage Impact Assessment

## **8. Officer's Assessment:**

Proposed Development and Background

The applicant seeks listed building consent for the erection of single and two storey rear extensions.

The extension is made up of two main parts. The first of these is a flat roof single storey extension projecting approximately 6.6m out from the main dwelling, with a width of 4.2m and a height of 2.8m. A small lean to roof glazing element will project another 0.6m above the flat roof, adjoining the main dwelling. The single storey extension would adjoin a new rendered boundary wall shared with No. 2 The Old Manor. The single storey element is proposed to be heavily glazed, with lead coloured single ply membrane roof and aluminium doors and windows.

The second element is a two storey gabled extension adjoining the single storey extension and host dwelling. This element is proposed to project approximately 4m out from the main dwelling, with a width of 3.9m at ground floor (excluding the steel pergola which extends another 1.2m), 4.5m at first floor, and a height of 6.8m. In terms of materials, the two storey element is proposed to be heavily glazed with some stone walling and a steel pergola at ground floor, timber weatherboarding and two small aluminium box dormers at second floor, and a pitched roof tiled to match the host dwelling.

While refusal is recommended, Officers offered to work with the applicants to overcome the issues identified. Amendments to the scheme were not explored as the applicants wished for the application to be assessed as submitted.

#### **(a) Design and Impact on Heritage Assets**

1 The Old Manor is a Grade II\* Listed Building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 194). Paragraph 196 states that 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, where appropriate, securing its optimal viable use.

In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Old Manor Cottages comprises an 'L'-shaped, mid-17th century manor house, historically extended to full height at both ends of the 'L', lengthening it, but maintaining the form, and subdivided into three cottages. Map regressions illustrates both that this subdivision is comparatively historic (predating the early O.S. maps), but that the 'L'-shaped form of the building also survived intact into the latter 20th century.

Numbers 1 and 2 have had extensions projecting out from the south-west side of the building, breaking the simple form and massing (one of these being the kitchen that is proposed for replacement under the present application). However, these extensions are both single-storey and comparatively narrow, the ridge of the taller (the extension to number 2) only rising to the level of the historic eaves; furthermore, this taller extension actually abuts a gable, whereas the existing lower extension to number 1, which does not abut a gable, rises no higher than the sills of the first-floor windows, creating a differentially reflective proportion to the south-west elevation as a whole which reinforces the primacy of the historic building. Another established, indeed predominant characteristic of both the original building, and all the subsequent phases of extension, historic and modern, is that they are faced in stone, which has given the whole a generally comparatively harmonious, homogenous feel.

Both the surviving primacy of the historic 'L'-shaped building, and the characteristically predominant use of stone contribute positively to the historical and aesthetic value and significance of the listed building.

The proposal is to remove the existing single-storey extension, and to replace this with substantially glazed, flat-roofed extension, projecting 6.6m out from the parent building. Next to this, on an area of current exposed historic walling, it is proposed to add a two-storey extension, the roof of which would overlap with the historic roof; the ridge of the former rising approximately a third of the way up the latter. Whilst this would have small areas of stone facing at ground level, it would predominantly be clad in vertical timber boarding.

The proposed extension is, in and of itself, an interesting and not unattractive contemporary design that would form a visually striking structure; however, there is some concern that the scale and design would appear overly dominant in relation to the character and significance of the parent building.

The two-storey element of the extension would, by overlapping the historic roof, appear less like a subordinate addition to the south-west elevation, than as a lower wing of the building, moving it more towards a 'Z'-shaped massing, than its historic and characteristic 'L'-shape, and fairly radically altering and cluttering the character of the south-west elevation, as well as concealing a large area of the historic external walling. Furthermore, the very bold, contemporary design, whilst intrinsically attractive, would visually compete with the historic building as a focal point, rather than visually deferring to its primacy.

The predominant cladding of the extension, particularly the upper parts of it, with timber boarding, would appear somewhat incongruous on a building where every phase of previous extension is predominantly faced in stone. Furthermore, within the context of historic buildings in the District, timber boarding is more characteristically associated with lighter-weight, agricultural buildings than with (formerly) high-status dwellings. Consequently, whilst the proposed extension is intrinsically an interesting contemporary composition, it would fail to preserve the (more than) special interest, or sustain the significance of the listed building.



Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a Listed Building, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The dwelling is Grade II\* listed. Advice from Historic England states 'Grade II\* buildings are particularly important buildings of more than special interest. Only 5.8% of listed buildings are Grade II\*'. As such significant weight should be assigned to its conservation.

Harm to the listed building is identified through the concealing of a large area of the historic external walling, altering the historic and characteristic 'L'-shape plan form, the scale and contemporary design visually competing with the host dwelling, and the incongruous and contrary materials not typically found on formerly high-status dwellings.

This harm is less than substantial and Paragraph 196 of the NPPF states that 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. The dwelling benefits from 'more than special interest' by virtue of its Grade II\* status, as such any public benefits should clearly and demonstrably outweigh the harm found.

The submitted Heritage Impact Assessment only highlights of one public benefit (as no harm was identified by the applicants' consultant within the submitted Heritage Impact Assessment so the public benefit exercise was not included in it), that being the 'removal of a poor quality modern addition and its replacement by a structure of much better quality'. This relates to the existing single storey extension. Officers have not, however, identified this as being harmful to the significance of the listed building; therefore its removal is considered to offer little in the way of public benefits. No other public benefits were put forward by the applicant. Notwithstanding this, some minor economic benefits will arise during the construction phase; however, these are very modest and short term. The applicants will benefit from additional living accommodation (but not an increase in bedroom numbers), but this is a private, not public benefit. Also, some public benefit would be likely to result from the modern construction proposed in some proportionate positive impact on the environment by using fewer natural resources and energy performance. However, when considering the scale of the extension, and the limited works to the main dwelling itself, this environmental impact is likely to be negligible. Also, the property is in excellent condition and its ongoing use as a dwelling is not affected by this recommendation to refuse.

Officers are satisfied therefore that the very modest public benefits arising from the scheme are far outweighed by the harm caused to this Grade II\* listed building.

For the above reasons it is considered that the scheme would fail to preserve the listed building, its features or its setting. The significance of 1 The Old Manor as a designated heritage asset would be diminished, and without public benefit that would outweigh the less than substantial harm caused. The proposals are therefore judged to be contrary to the duty to have special regard to preserve, as set out in Section 16(2) of the Planning (LBCA) Act 1990. They would also fail to meet the requirements of Section 16 of the NPPF.

## **9. Conclusion:**

The Local Planning Authority has had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance of the area.

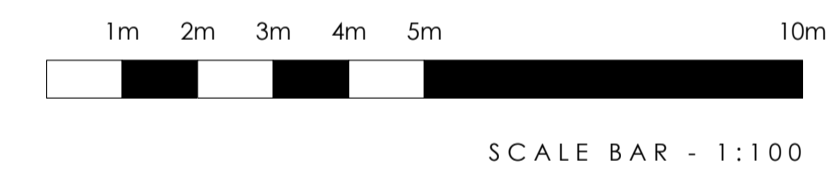
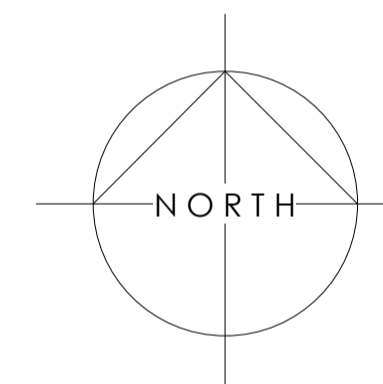
The works are not considered to preserve the special character, setting and significance of the listed building.

As such, listed building consent should be Refused.

## **10. Reason for Refusal:**

1. 1 The Old Manor is a Grade II\* listed building. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The proposal, by virtue of the concealing of a large area of the historic external walling, altering the historic and characteristic 'L'-shape plan form, the scale and contemporary design visually competing with the host dwelling, and the incongruous and contrary materials not typically found on formerly high-status dwellings, would harm aspects of the listed buildings character, appearance and setting that contributes positively to its significance, thereby neither preserving its special architectural or historic interest, nor sustaining its significance as designated heritage asset. The harm would be less than substantial, but not be outweighed by any resultant public benefits. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 16(2) of the 1990 Act.

Revisions



**hsa**

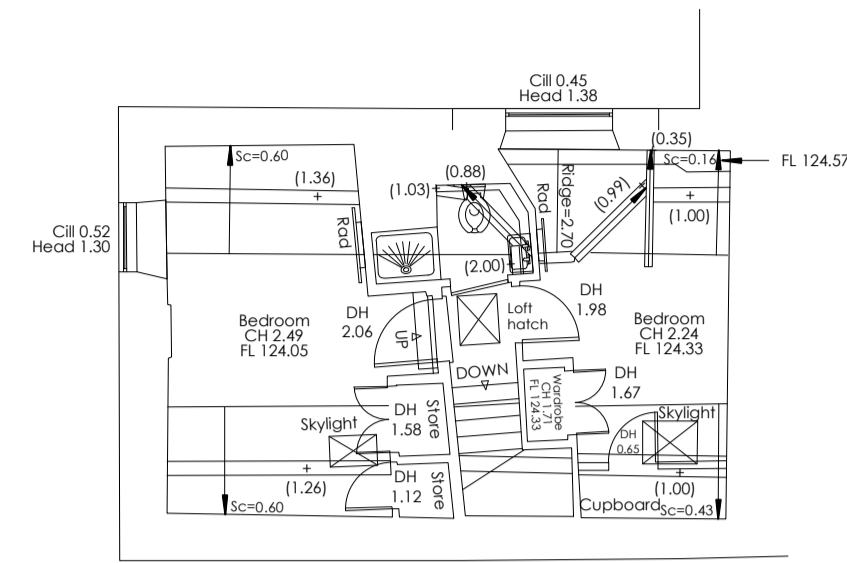
**Hayward Smart architects**

The Coach House  
3a New Street, Shipston-on-Strour  
Warwickshire, CV36 4EW  
01608 661000

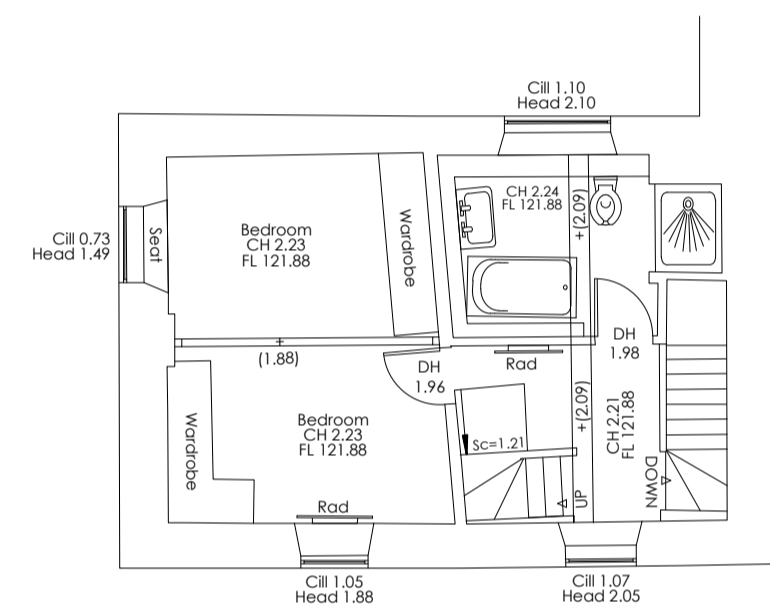
studio@hsarchitects.co.uk

Client	Mr + Mrs B. Cowles
Project	1, The Old Manor Paxford
Drawing	Survey Existing Site Plan
Date	March 19
Scale	1:100 at A1 Hook Surveys
Job No	19-021 02

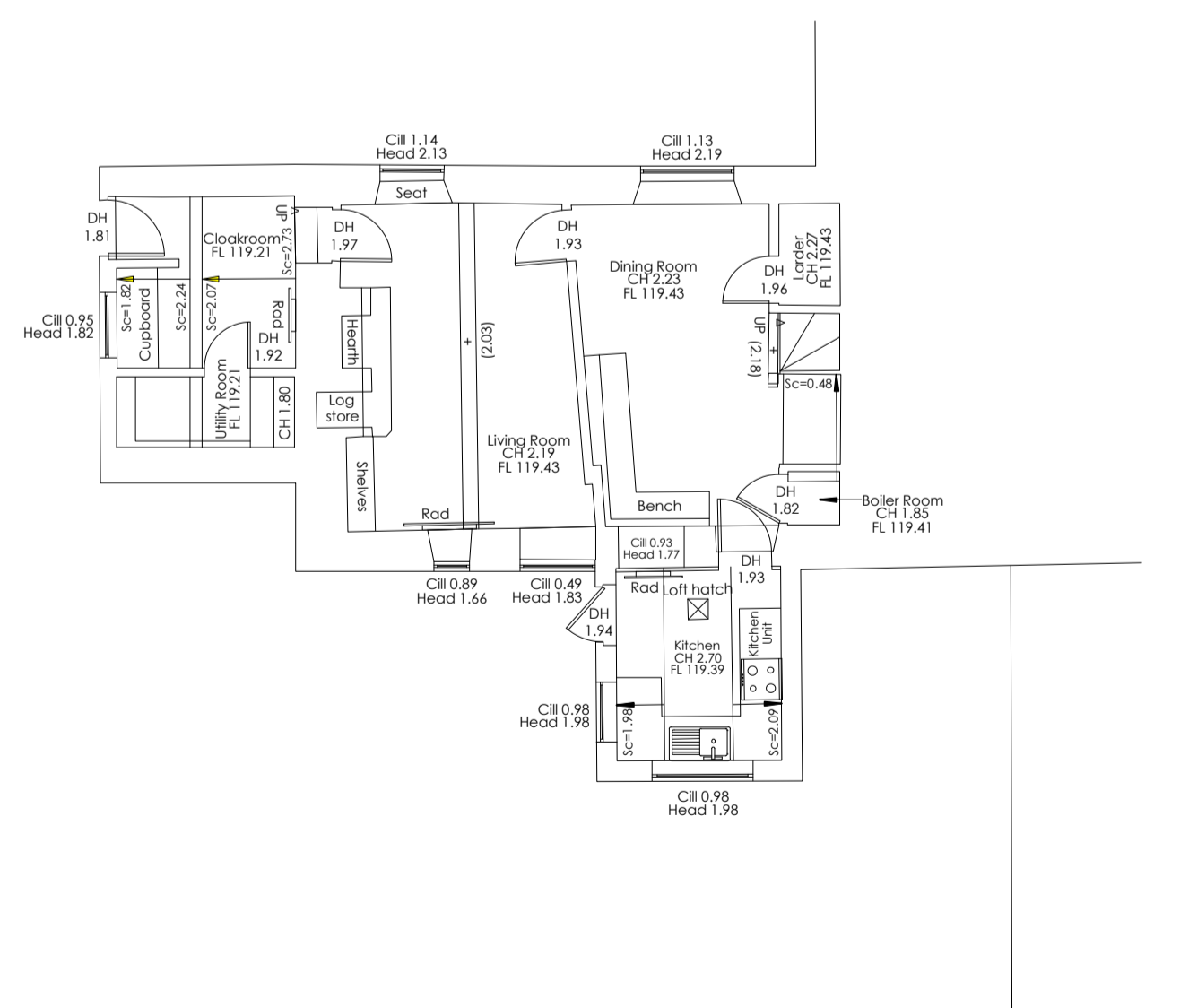
architecture + interiors



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN



Datum 117.00m

NORTHEAST ELEVATION

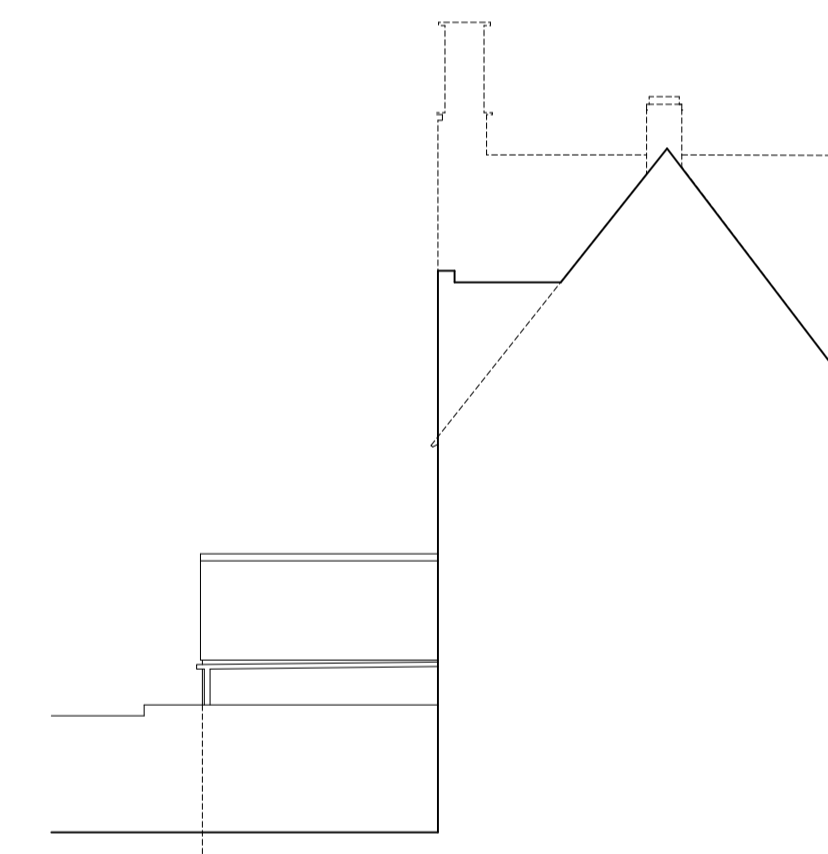


NORTHWEST ELEVATION

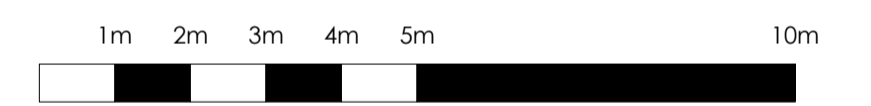
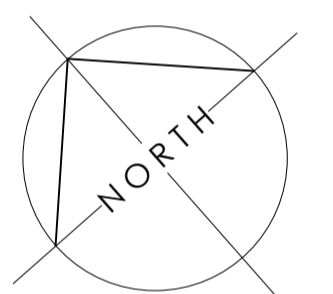


Datum 117.00m

SOUTHWEST ELEVATION



SOUTHEAST ELEVATION



SCALE BAR - 1:100

**hsa**

Hayward Smart architects

The Coach House  
3a New Street, Shipston-on-Stratford  
Warwickshire, CV36 4EW  
01608 661000

studio@hsarchitects.co.uk

Client

Mr + Mrs B. Cowles

Project

1, The Old Manor  
Paxford

Drawing

Survey  
Plans + Elevations

Date

March 19

Scale

1:100 at A1

Drawn

Hook Surveys

Job No

19-021

Drawing No

03A

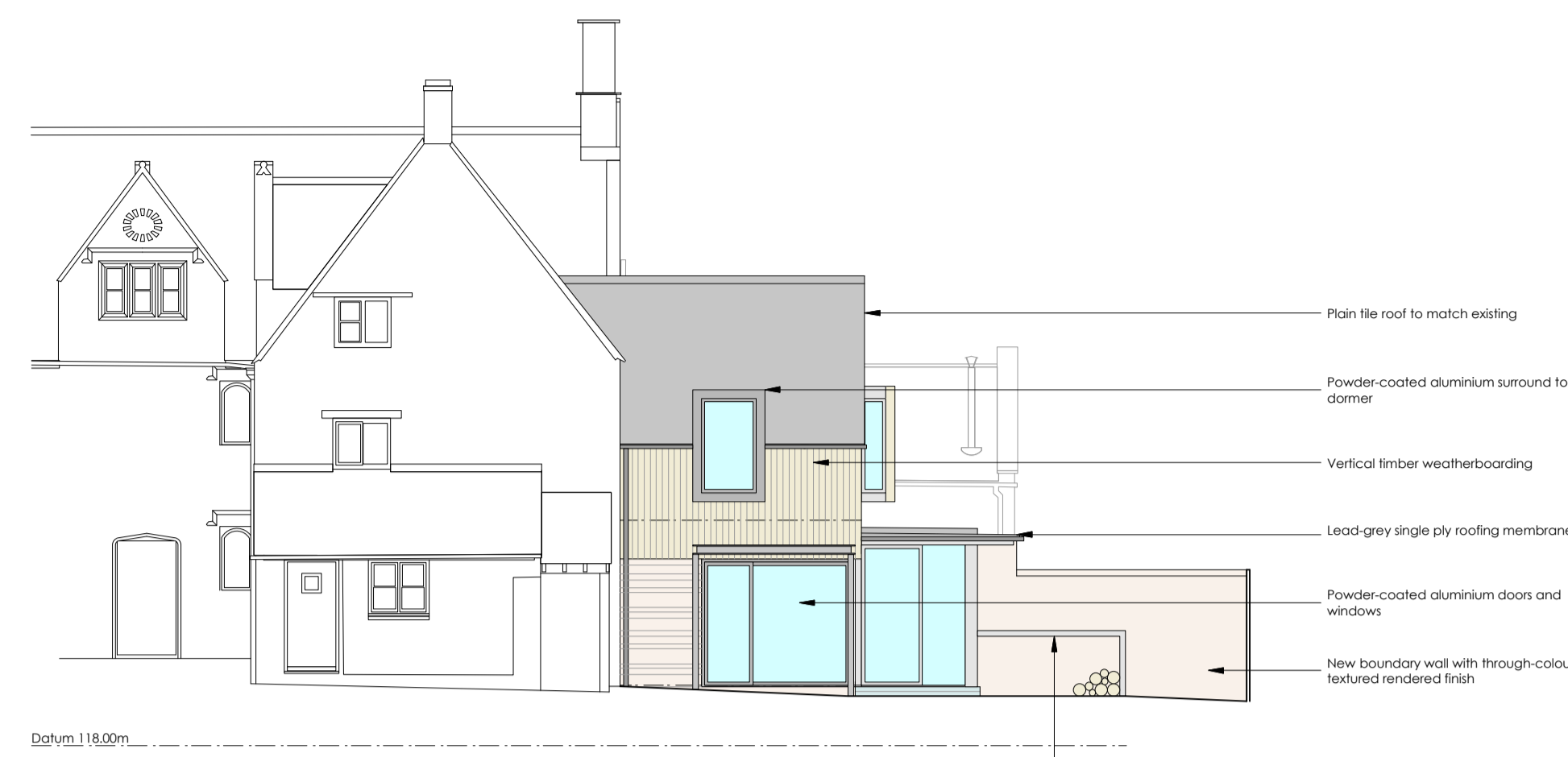
architecture + interiors

Revisions

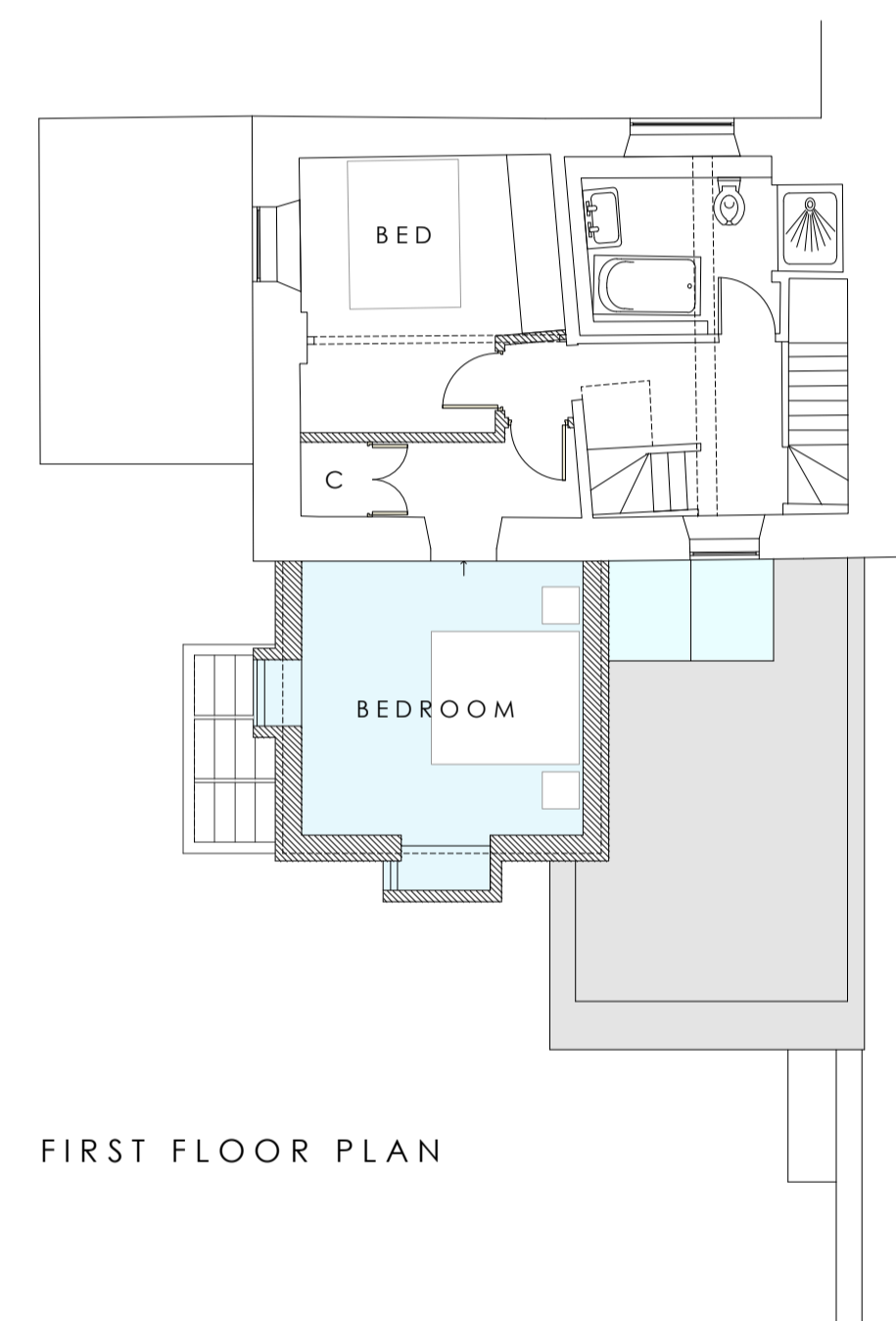
A	08.11.19	Datum amended
B	02.03.20	Updated following client comment
C	02.03.20	Updated following client comment
D	29.07.20	Updated following client comment
E	11.08.20	Updated following client comment
F	25.08.20	Pergola adjusted



SOUTHWEST ELEVATION



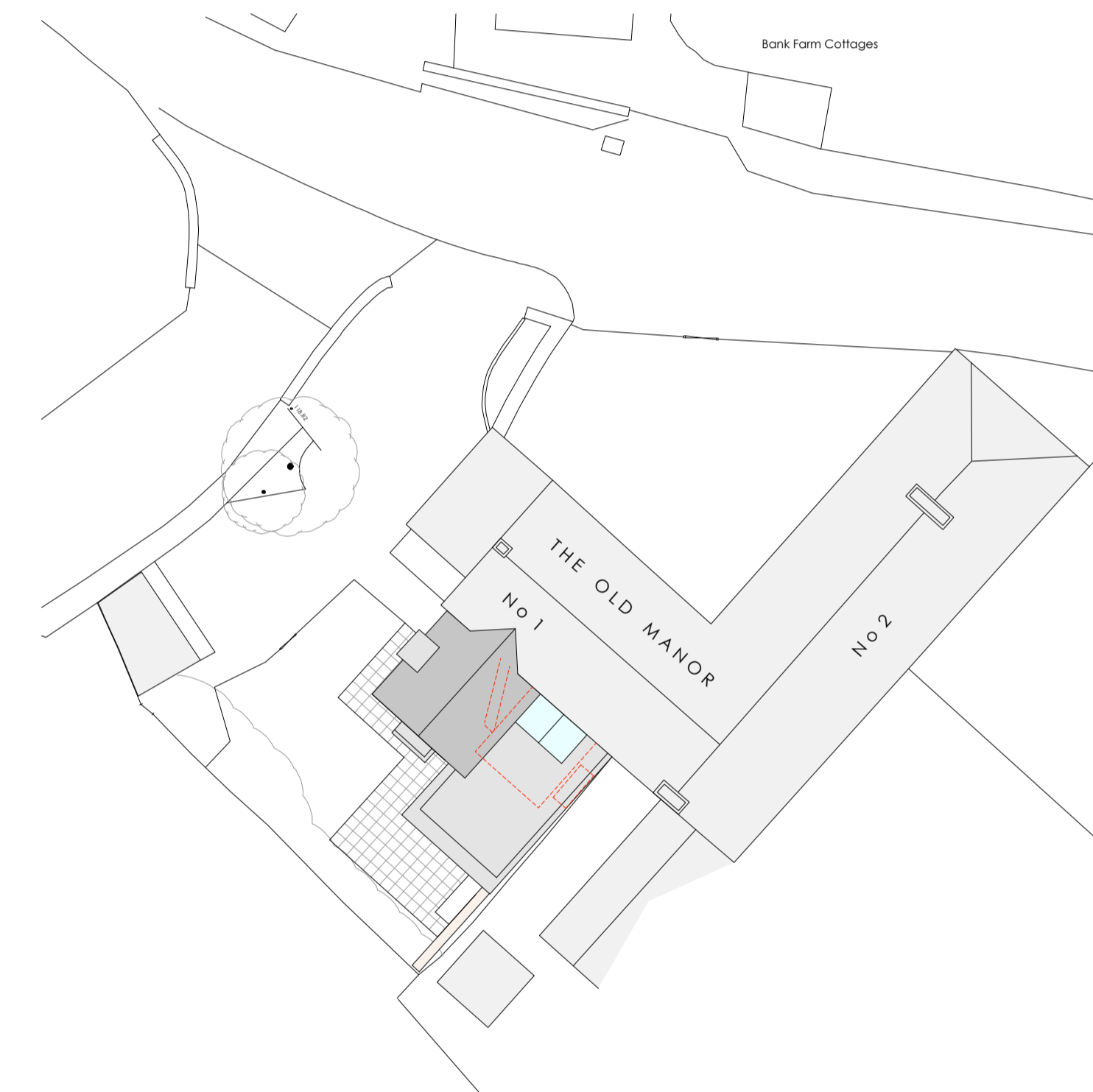
NORTHWEST ELEVATION



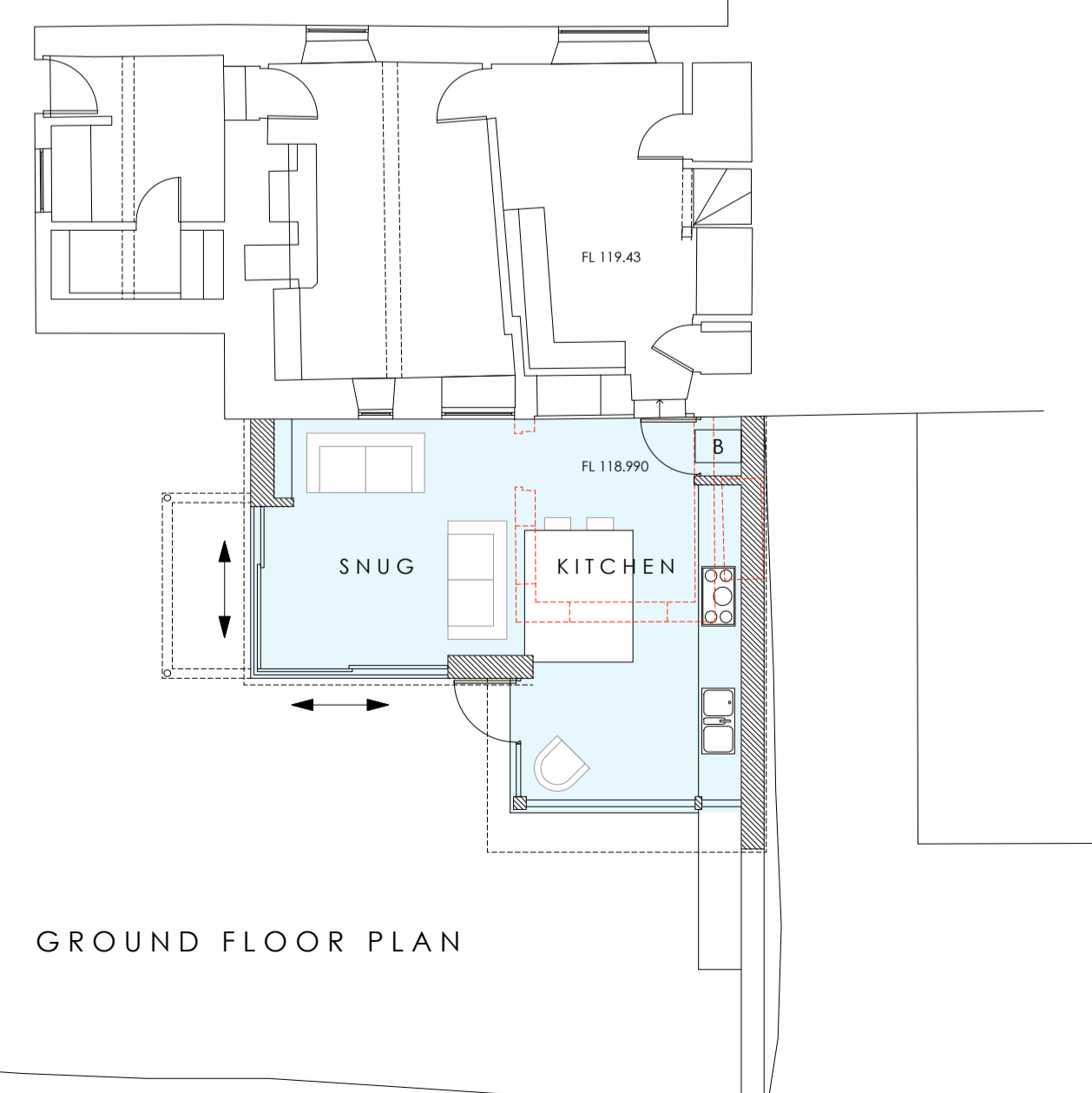
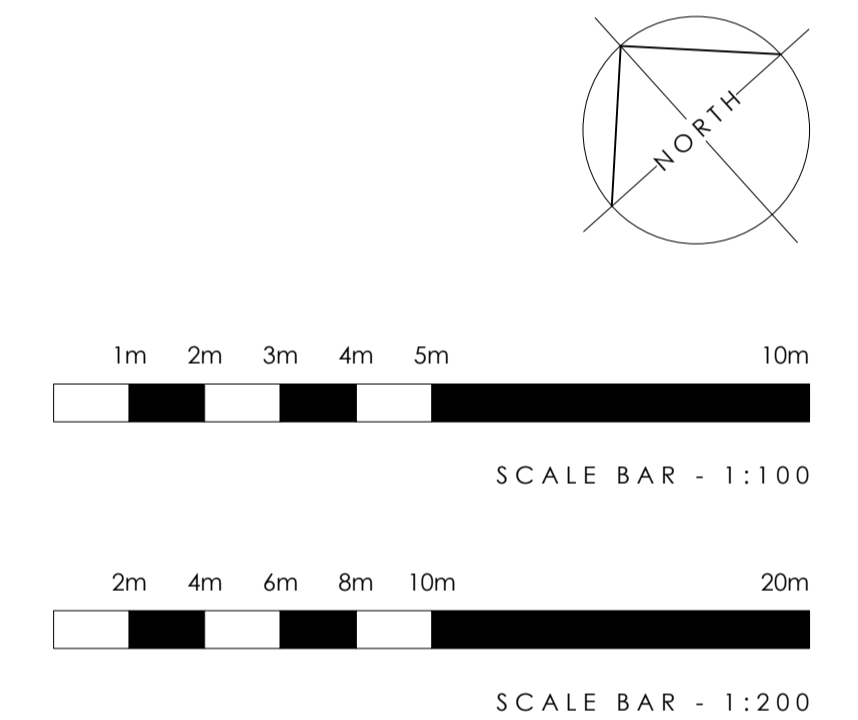
FIRST FLOOR PLAN



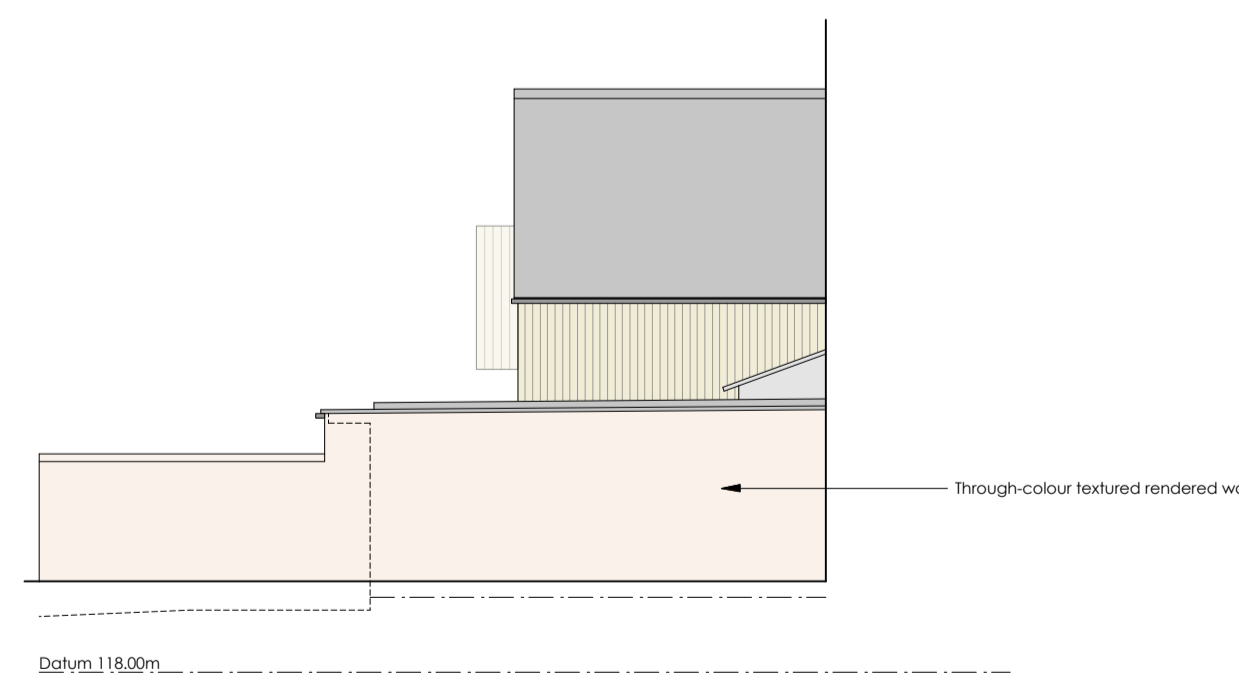
NORTHEAST ELEVATION (no change)



PROPOSED SITE PLAN 1:200



GROUND FLOOR PLAN



SOUTHEAST ELEVATION

**hsa**

Hayward Smart architects

The Coach House  
3a New Street, Shipston-on-Strour  
Warwickshire, CV36 4EW  
01608 661000

studio@hsarchitects.co.uk

Client	Midpark Capital Ltd	
Project	1 The Old Manor Paxford	
Drawing	Proposals Sketch Scheme 1	
Date	Oct 19	
Scale	1:100/1:200 at A1	Drawn SH
Job No	19-021	Drawing No 04F

architecture + interiors

**Item No 05:-**

**20/02957/FUL**

**1 Martin Close  
Cirencester  
Gloucestershire  
GL7 1XY**

**Item No 05:-**

**Erection of boundary fence (retrospective) at 1 Martin Close Cirencester Gloucestershire GL7 1XY**

<b>Full Application 20/02957/FUL</b>	
Applicant:	Mr Richard Lewis
Agent:	
Case Officer:	Alison Roberts
Ward Member(s):	Ray Brassington
Committee Date:	9th December 2020
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

(a) Design and Impact on Character and Appearance

**Reasons for Referral:**

Given the sensitive nature of the application, Officers consider it would be appropriate for it to be debated and determined by the Planning and Licensing Committee.

**1. Site Description:**

The application site comprises an end of terrace property located within a residential area situated within the Cirencester Town Development Boundary and the Principle Settlement of Cirencester. The site occupies a corner plot, with the rear residential garden backing onto Mount St, from where the development in question can primarily be seen. The site is not located within a Conservation Area or within the Cotswolds Area of Outstanding Natural Beauty.

**2. Relevant Planning History:**

N/A

**3. Planning Policies:**

TNPPF The National Planning Policy Framework  
EN2 Design of Built & Natural Environment

**4. Observations of Consultees:**

N/A

## **5. View of Town/Parish Council:**

No Objection

## **6. Other Representations:**

No comments received at time of writing.

## **7. Applicant's Supporting Information:**

Drawings

## **8. Officer's Assessment:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

### **Proposals**

This current application has been submitted as a result of an ongoing enforcement investigation. The application seeks the retention of unauthorised fencing erected around the property's northern and eastern boundaries. The fencing erected measures 2.55m at its highest point, along the eastern boundary, when viewed from the public highway. Due to land level changes between the highway and the rear garden, the northern fence panel, when measured from inside the garden rather than from the pavement side, measures 2m in height closest to the property with a gradual increase to 2.4m nearest the highway. The fencing is also faced with a green plastic artificial conifer hedging finish when viewed from the highway.

Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended), dictates that formal planning permission is required for a means of enclosure (gates, fences, walls, etc.) that front a highway and exceed 1 metre in height.

Whilst the fencing has been erected inside of the existing fencing which could be considered an 'intervening feature', the gate forming part of the enclosure is adjacent to the highway and, as the development is to be considered as a whole, the fencing requires planning permission, as explained above, by virtue of the fact that it exceeds the permitted 1m in height.



It should be noted that no justification has been offered for the application and no amendments have been received.

### **(a) Design and Impact on Character and Appearance**

Local Plan Policy EN2 states that developments will be permitted provided they accord with the Cotswold Design Code (Appendix D), and that "proposals should be of design quality that respects the character and distinctive appearance of the locality."

Paragraph D.9 of Appendix D states that "Careful study should be made of the context of any new development. Each site will have its own characteristics, and a specific landscape or townscape setting. Any proposed development should respond to this."

Paragraph D.55 states that "Modern, incongruous forms of boundary treatment should be avoided, especially in prominent locations. These include close-boarded and other forms of modern timber fencing".

Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 127 requiring that planning policies and decisions should ensure that developments: "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; create places ... with a high standard of amenity for existing and future users."

In addition, paragraph 130 states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

The fence, the subject of this application, has been constructed from horizontal slatted timber panels covered with plastic artificial conifer hedging measuring a total height of 2.55m. The fencing has been erected with the panels facing in towards the residential garden whilst the rails and posts are facing the public street scene. In addition, the fencing has been erected directly behind the existing vertical close-boarded timber panels. Timber fencing is a prominent feature within the immediate locality, with the majority of the rear gardens facing Mount Street incorporating 1.8m high vertical close-boarded timber fencing to denote their boundaries and to provide privacy. Whilst timber fencing is a contextual aspect of the immediate area, the locally uncharacteristic additional height of the proposed fence, in comparison with other boundary treatments within the existing street scene, is considered to be incongruous in its height and visual appearance.

Whilst the application site is not located within the Cotswolds Area of Outstanding Natural Beauty or within a Conservation Area that would afford it extra protection, the fencing is located in a prominent position enclosing a corner plot. The design of the

proposed scheme is such that, having regard to long range public views of the street scene, the top 0.75 metres of fencing resembles hedging which does not look out of place in the residential context. Notwithstanding the above, it is apparent upon closer viewing from the public highway that the fencing is covered with artificial material, which is not considered to be of a quality that respects the character of the area.

Taking the above into account, due to the height and design of the fencing, on balance it is considered that it fails to contribute positively to the character and distinctive appearance of the locality. Additionally, the proposals design, scale, form, proportions and use of materials does not respect the character and appearance of the existing street scene.

For the reasons above, the fence is considered not to accord with the objectives of the Cotswold District Local Plan Policy EN2 and The Design Code (Appendix D) and Section 12 of the NPPF.

## **9. Conclusion:**

It is recommended that the application is refused. The proposals are considered not to be in accordance with Local Plan Policy EN2, The Design Code detailed at Appendix D and Section 12 of the NPPF.

Because this application was made retrospectively and is recommended for refusal, the Council has identified a breach of planning control and considers it to be harmful; the planning harm is set out in full within the Officer's Assessment, together with the reason for refusal. On the basis of the harm described, Officers conclude that it would be expedient to commence formal planning enforcement action and therefore to seek to remedy the harm identified by the appropriate means available to the Council, including if necessary, by issuing of a formal notice.

Officers have not identified any legal and human rights implications, nor environmental and sustainability implications, that would outweigh the decision to pursue formal enforcement action. Such action would not be a key Council decision and the primary risk (including financial implications) is that an appeal may be made against any notice that the Council may serve. No human resource implications have been identified and no equalities impact assessment is required.

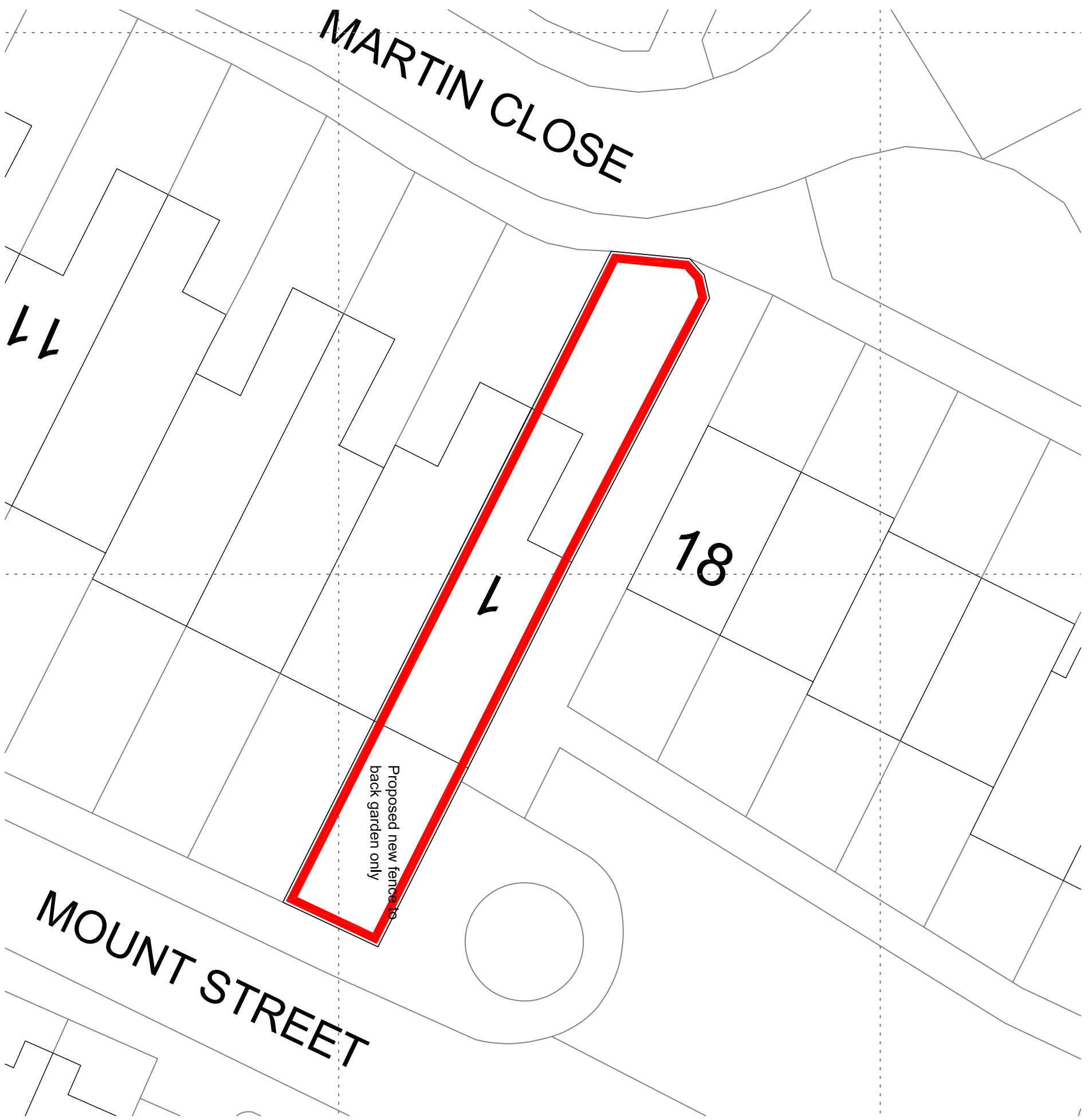
In light of the recommendation to refuse the application, authority is also hereby sought for Officers to commence formal enforcement action and to serve any relevant formal notices, as and when necessary, in accordance with the Council's adopted Scheme of Delegation.

## **10. Reason for Refusal:**

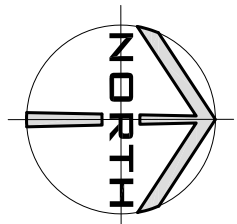
1. 1 Martin Close occupies a visually prominent corner plot, with the rear residential garden backing onto Mount St, from where the development in question can primarily be seen from public viewpoints. By virtue of the fencings poor quality, materials and design, as well as its height in comparison to other boundary treatments within the existing street scene, the fencing appears as an incongruous form of boundary treatment. It therefore fails to accord with the Local Plan Policy

EN2, The Design Code detailed at Appendix D and Section 12 of the NPPF.

- NOTES:
- A. DO NOT SCALE FROM THIS DRAWING.
  - B. USE GIVEN DIMENSIONS ONLY. ALL DIMENSIONS TO BE SITE CHECKED AND AGREED WITH CLIENT.
  - C. MATERIALS TO BE AGREED AND APPROVED BY CLIENT.



Location Plan 1:1250

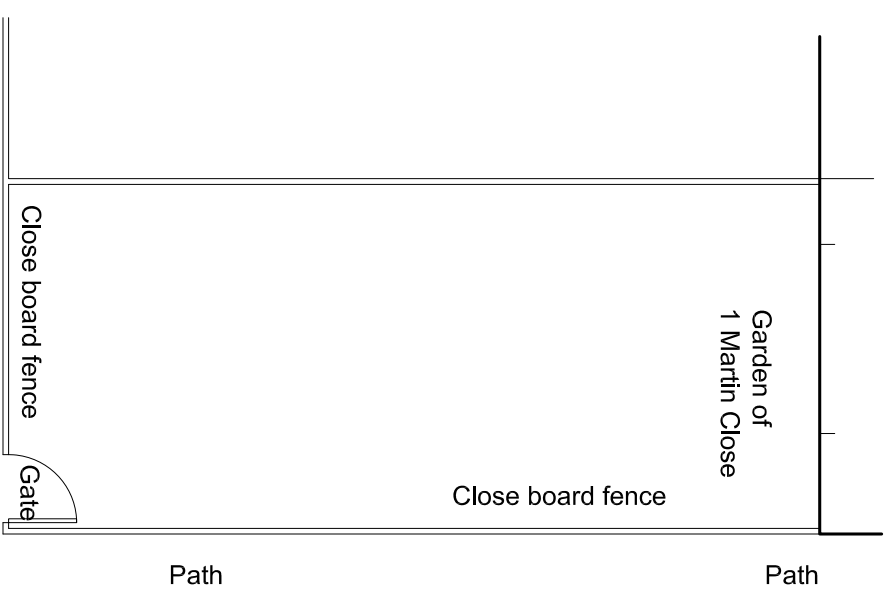
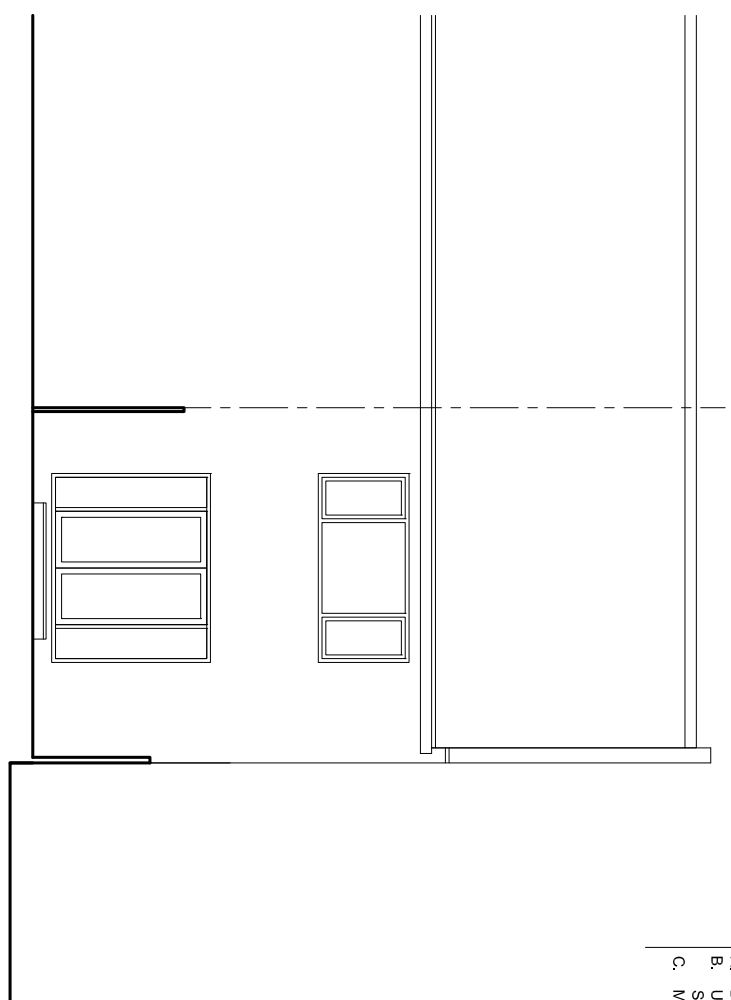
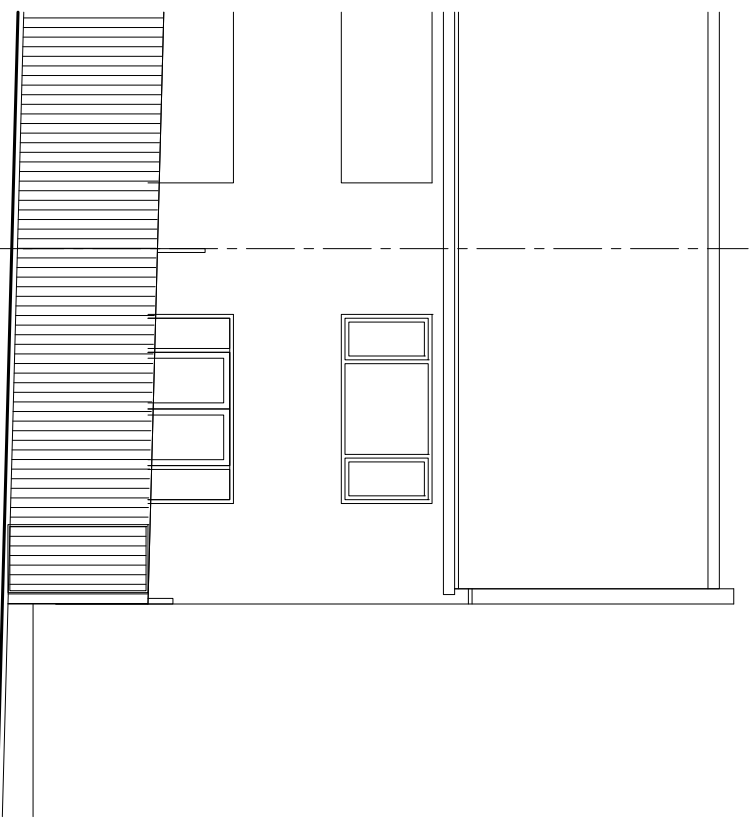


FOR PLANNING APPROVAL

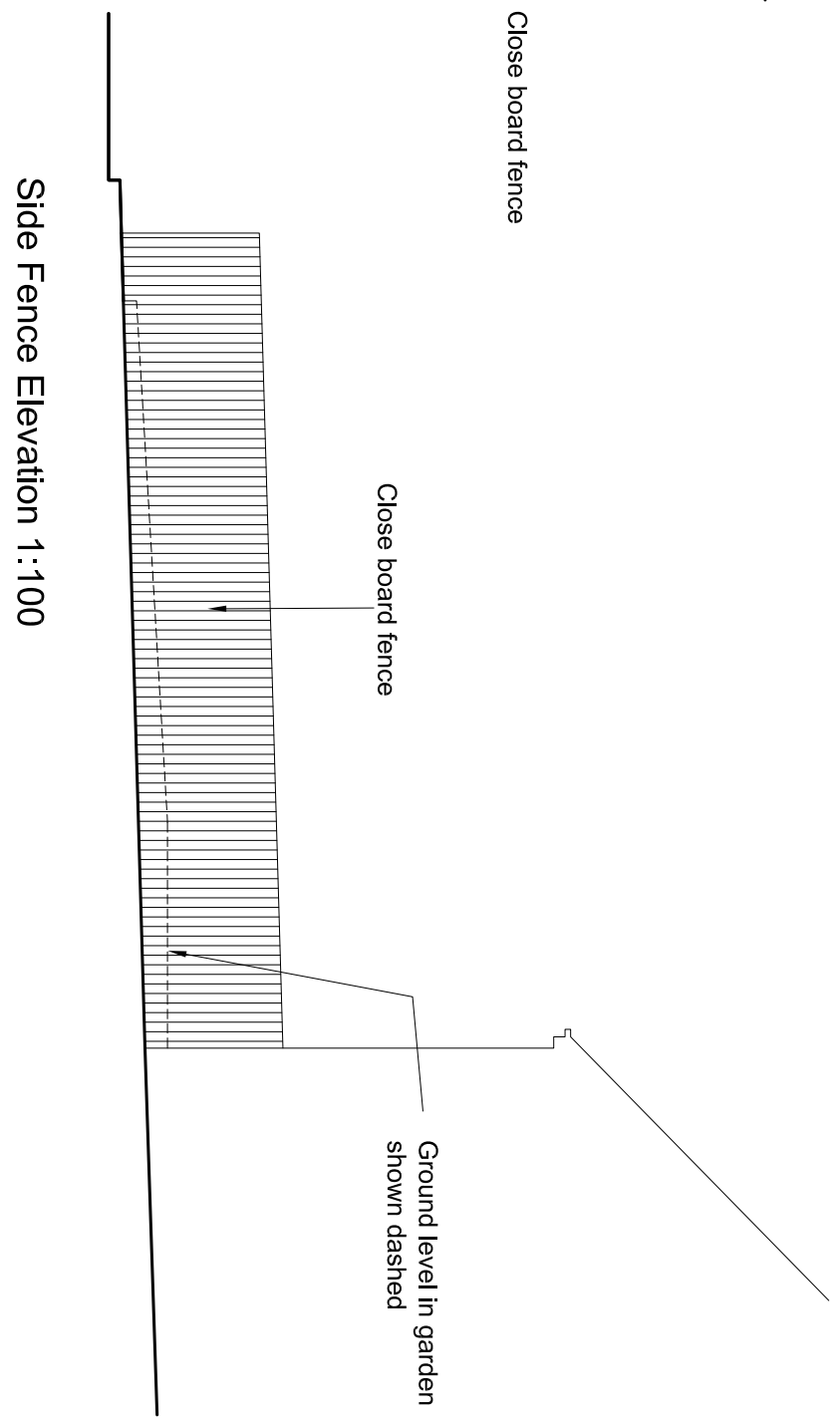
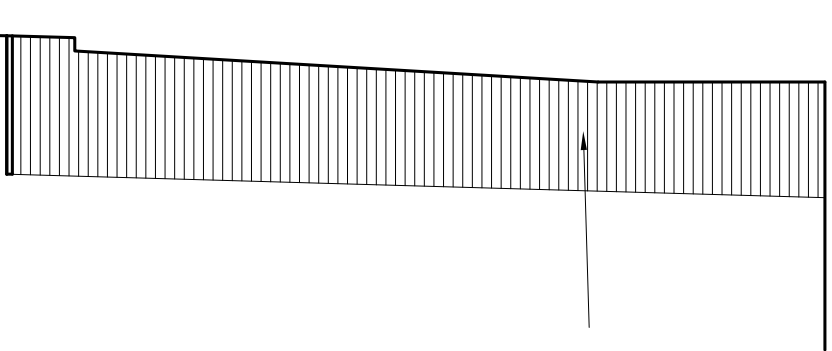
<p><b>TITLE:</b> Rear Garden Fence, 1 Martin Close, Cirencester GL7 1XY for Mr R Lewis</p>		<p><b>HALZAC DESIGN LTD</b> ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: collin@halzacdesign.com w: halzacdesign.com t: 01793 951631 m: 07801 070166</p>	
<p><b>DRAWING:</b> Site and Location Plan</p>		<p><b>JOB NUMBER:</b> 20-167 /EX05</p>	
<p><b>SCALE:</b> @ A1 As Shown</p>	<p><b>DRAWN:</b> CR</p>	<p><b>CHECKED:</b></p>	<p><b>DATE:</b> Sep'20</p>
<p><b>REVISIONS</b> (up to the last 5 revisions shown only)</p>		<p><b>REV:</b></p>	

Site Plan 1:1200

- NOTES:
- A. DO NOT SCALE FROM THIS DRAWING.
  - B. USE GIVEN DIMENSIONS ONLY. ALL DIMENSIONS TO BE SITE CHECKED AND AGREED WITH CLIENT.
  - C. MATERIALS TO BE AGREED AND APPROVED BY CLIENT.



Section Through Rear Garden 1:100



FOR PLANNING APPROVAL



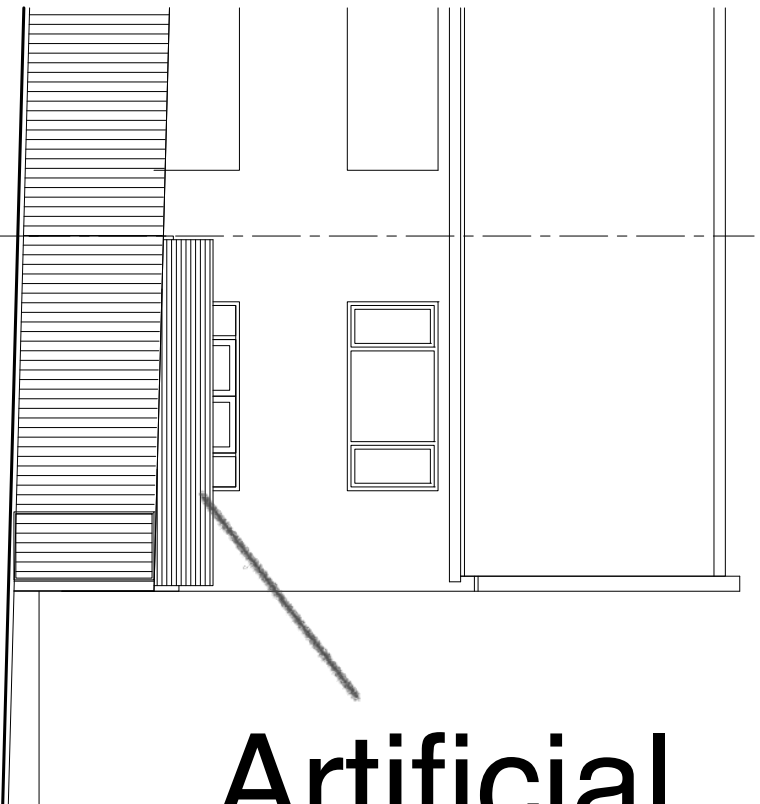
Mount Street

Garden Plan 1:100

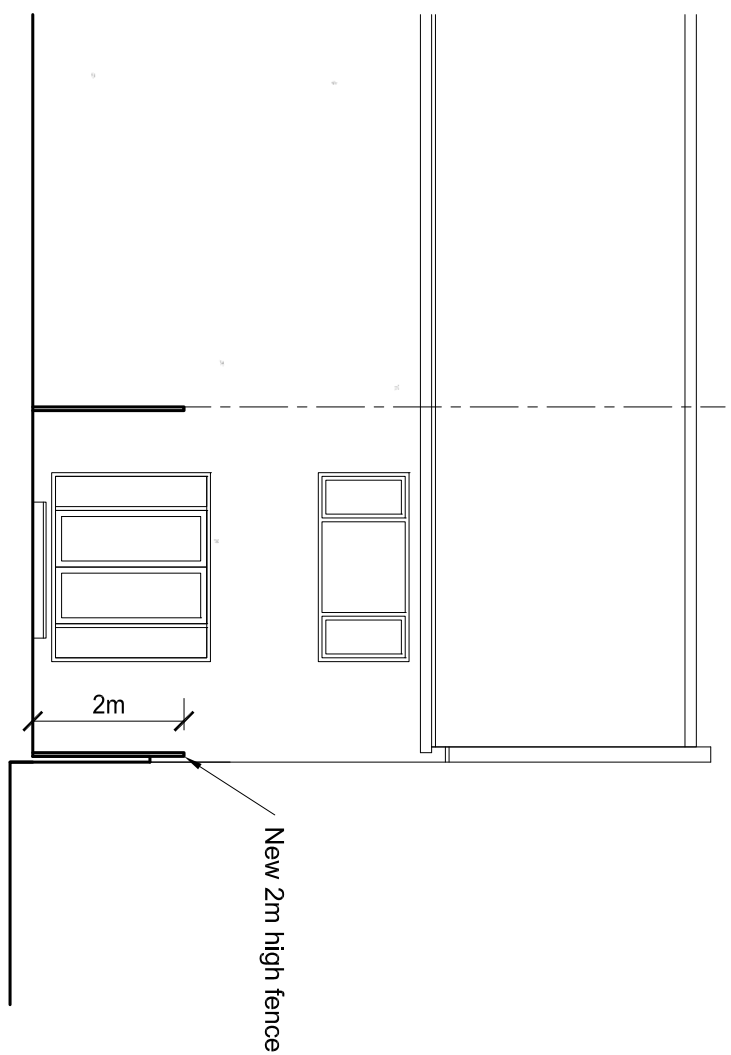
REVISIONS (up to the last 5 revisions shown only)

<b>TITLE:</b> Rear Garden Fence, 1 Martin Close, Cirencester GL7 1XY for Mr R Lewis DRAWING: Existing Drawing		<b>SCALE:</b> @ A1 1:100		<b>DRAWN:</b> CR		<b>CHECKED:</b>		<b>DATE:</b> Sep'20						
<b>HALZAC DESIGN LTD</b> ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdsgn.com w: halzacdsgn.com t: 01793 951631 m: 07801 070166					<b>JOB NUMBER:</b> 20-167					<b>DWG NUMBER:</b> /EX10				
<b>REV:</b>														

NOTES:  
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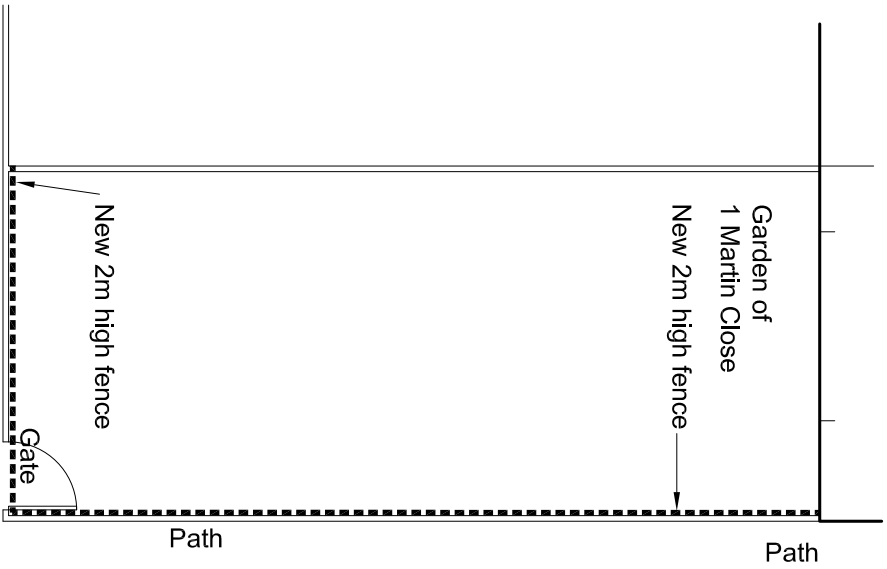


# Artificial Conifer Hedge



Rear Fence Elevation 1:100

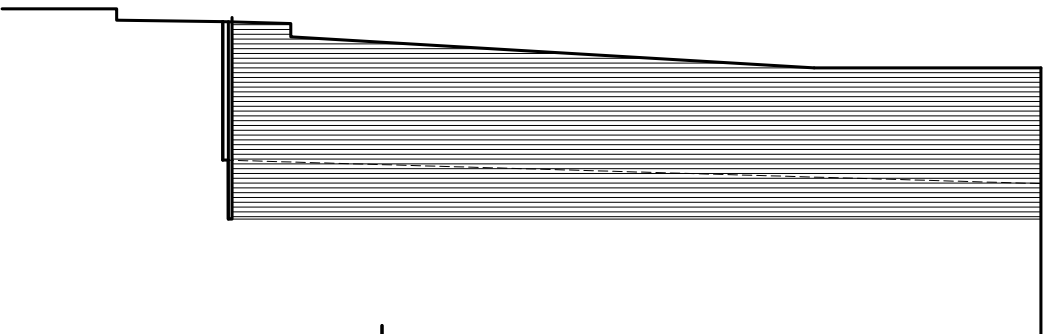
House Elevation 1:100



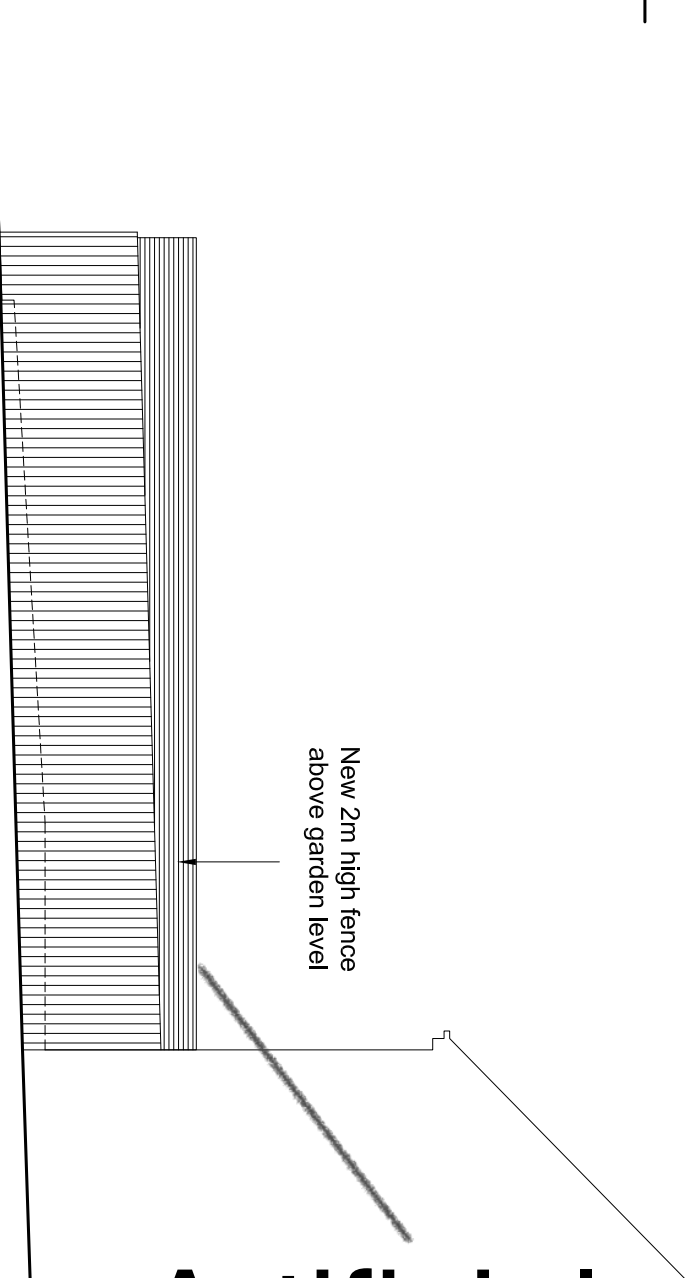
Section Through Rear Garden 1:100

Mount Street

Garden Plan 1:100



Side Fence Elevation 1:100



# Artificial Conifer Hedge

FOR PLANNING APPROVAL

<b>TITLE:</b> Rear Garden Fence, 1 Martin Close, Cirencester GL7 1XY for Mr R Lewis DRAWING: <b>Proposed Drawing</b>		<b>HALZAC DESIGN LTD</b> ARCHITECTURAL DESIGN AND TECHNICAL SERVICES e: colin@halzacdsgn.com w: halzacdsgn.com t: 01793 951631 m: 07801 070166	
<b>SCALE:</b> @ A1 1:100	<b>DRAWN:</b> CR	<b>CHECKED:</b>	<b>DATE:</b> Sep'20
<b>JOB NUMBER:</b> 20-167	<b>DWG NUMBER:</b> /PL15	<b>REV:</b>	

REVISIONS (up to the last 5 revisions shown only)



