

**Item No 14:-**

**15/00353/FUL (CD.9412/F)**

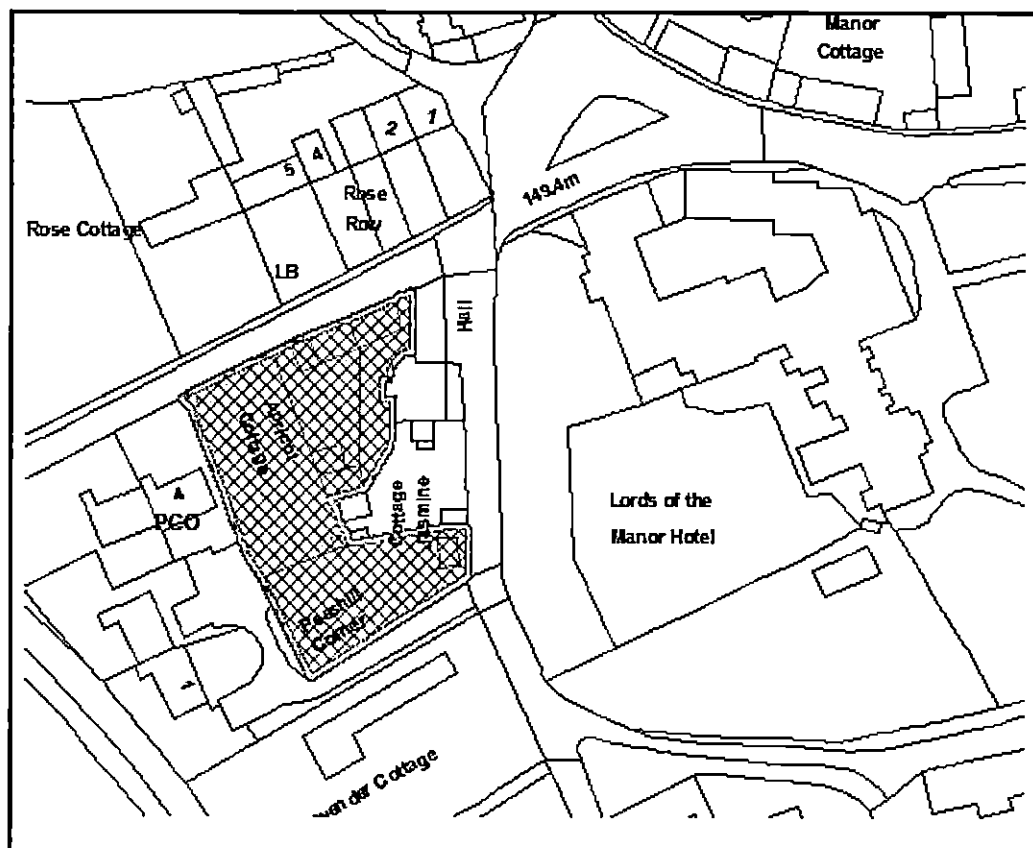
**Apricot Cottage  
Upper Slaughter  
Cheltenham  
Gloucestershire  
GL54 2JQ**

## Item No 14:-

**Proposed detached garage, construction of greenhouse and shed, installation of external boiler and oil tank, installation of a roof light, replacement roof to privy and guttering to rear and associated landscaping at Apricot Cottage Upper Slaughter Cheltenham**

<b>Full Application 15/00353/FUL (CD.9412/F)</b>	
Applicant:	Mr Dominic Jude
Agent:	Jackson Architects Ltd
Case Officer:	Christopher Fleming
Ward Member(s):	Councillor Richard Keeling
Committee Date:	9th March 2016

## Site Plan



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**RECOMMENDATION: PERMIT**

**Main Issues:**

- (a) Design and Impact on the Setting of the Listed Building and the Upper Slaughter Conservation Area
- (b) Impact on Residential Living Conditions
- (c) Loss of trees

**Reasons for Referral:**

The application has been referred to the Planning Committee by Councillor Keelings for members to consider the impact of the size and design of the greenhouse and shed on the Upper Slaughter Conservation Area.

**1. Site Description:**

Apricot Cottage is a grade II listed building. The site lies in the village of Upper Slaughter within its Conservation Area. The property also sits within the Cotswold Area of Outstanding Natural Beauty (AONB)

**2. Relevant Planning History:**

13/05340/FUL and 13/05341/LBC: Formation of one dwelling from two cottages (Apricot Cottage and Suttons Cottage), erection of a single storey rear extension, installation of new windows and internal alterations Permitted, 20th February 2014.

14/00868/FUL and 14/00869/LBC Planning permission and listed building consent for a replacement outbuilding permitted 22nd April 2014.

14/03231/FUL and 14/03232/LBC Planning permission and listed building consent for amendments to 13/05340/FUL and 14/00868/FUL to add two rooflights to the extension and add an external staircase and pitching door to the garage permitted 9th September 2014.

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR15 Conservation Areas  
 LPR42 Cotswold Design Code  
 LPR46 Privacy & Gardens in Residential Deve

**4. Observations of Consultees:**

Conservation Officer - included within the officer assessment  
 Tree Officer - included within the officer assessment

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

Upper Slaughter Parish Council objects to the proposed greenhouse and shed Objection on design and impact on the setting of the listed building and surrounding conservation area.

**6. Other Representations:**

10 letters of objection on both the previous scheme and on revised scheme with concern over lighting, design and siting of outbuilding, loss of trees impact of development on surrounding area and conservation area and setting of listed building.

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

Supporting statement

## 8. Officer's Assessment:

### The Proposals

#### **(a) Design and Impact on the Setting of the Listed Building and the Upper Slaughter Conservation Area**

Apricot Cottage 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.

The property also lies within the Upper Slaughter 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.

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 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. It also states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm should be weighed against the public benefits of those works.

Policy 15 of the Cotswold District Local Plan states that development within or affecting a conservation area must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It states that development will be permitted unless: it involves the demolition of a building, wall or other structure that makes a positive contribution; new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials); or there would be the loss of open spaces that make a valuable contribution. Finally, it states that although minor householder development is likely to be acceptable proposals that cumulatively adversely affect an area may not be permitted, that reinstatement or enhancement of historic features (such as boundary walls) will be sought, and that new dwellings or other substantial structures (especially those covering more than one plot) are unlikely to be acceptable.

The application is for proposed alterations to the main dwelling, the part retention and reconstruction of a greenhouse and store a new oil tank and other re-landscaping works including walling within the curtilage of the listed building. There were also a number of trees on the site which were removed as part of the landscaping of the garden the tree officer has therefore been consulted to assess the works carried out.

The most contentious aspect of the proposals is the new combined greenhouse and shed structure in the rear southern garden area. This element of the application is now retrospective as the new building is completed.

#### Proposed alterations to house

A few internal alterations are proposed to the approved plans for the main listed building however following consultation with the conservation officer there are no objections to the proposed works. There are also no objections to the new partition within the lean-to extension as this will not impact on the character of the historic building. In fact alone this alteration would not be judged to need consent.

Overall given the detailing of the internal and external alterations to the house this part of the proposal is considered to preserve the character and appearance of the listed building in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and section 12 of the NPPF.

#### New greenhouse and shed

The new combined greenhouse and shed structure is set within the rear southern garden area. The garden is unusual in its openness. Works have been carried out to clear vegetation and trees within the garden area. The enclosing walls are necessarily retained as lower dry stone, essential for the historic and semi-rural character of the village, as well as preserving views that contribute to the character and appearance of the conservation area and to the setting of listed buildings. Pleached hornbeam trees have now been planted and other landscaping will presumably mature but there are clear views of the new structure from the lanes and verges, and the access road to Peashill Corner. Views from within the site are also of course relevant within the setting of a listed building.

There are a number of existing outbuildings on the site including the nearby old potato store, the privy, and the garage building. The potential cumulative impact of further buildings needs to be considered. But given the large plot, it is felt that the principle of a further modest outbuilding could be acceptable.

The more sensitive matter is the prominence of the structure within the site. It is large as compared to many garden outbuildings. This is due to its combined nature, with the roof covering a walkway between the shed and the greenhouse.

The design of the building is simple and linear in form, with a pitched roof, but that pitched roof appears slacker than that shown within the proposals drawings, giving the building a less traditional appearance.

The shed element, previously with blank walls, has been built incorporating two windows. These two windows are non-traditional in appearance, being large single panes with projecting framing.

There are double doors rather than a single door to the shed, and the greenhouse double doors contain no vertical division. The glazing divisions generally are also fewer. Traditional glasshouses typically have fairly narrow divisions. The wider panes in the structure as built give it a more modern appearance, out-of-keeping within this very sensitive and open historic setting.

The boarding was shown in the proposal drawings as vertical. This is not particularly traditional as boarded outbuildings historically are typically traditional overlapping weatherboarding. As built, the boarding is horizontal, but it is shiplap in style, and divided into panels. This is typical of more modern shed construction, which may be acceptable within less sensitive entirely enclosed garden settings, but due to the openness of the site and the relationship to listed buildings, the construction is considered to detract from the character and appearance of the locality.

Another important factor in assessing new timber buildings is the finish. Cedar has been used. Shingles weather well generally, and grey with time. But it always needs to be ensured that all elements, not just boarding, but also glazing divisions, rafters and doors, are all untreated and all silver in the same way. At present the timber colour results in a building of quite a stark appearance amongst the setting of mellow stone buildings and walls.

Following concern over the original design and materials amended proposals have been submitted for the new shed and greenhouse structure, to revise its design retrospectively.

Previously this structure, as built, was recommended for refusal. This was due to a number of factors combined that detracted from the setting of the listed building and from the character and appearance of the conservation area, including aspects of its materials, design and construction.

There are no objections in principle to an outbuilding in this location. The outbuilding as built, and as amended, is still fairly large but maintains a traditional form, being a simple linear structure. It's being a combined shed and greenhouse is unusual but such outbuildings are what might be expected within a rear garden plot such as this.

The proposals now show a number of amendments to the materials, design and construction of the building. The open walkway to the centre is closed off. This was an unusual design feature and the result is a simpler structure. The shiplap boarding is changed to traditional overlapping weatherboarding, which could be confirmed as oak or similar, left untreated for the wood to naturally silver. The roof is maintained in cedar shingles, to which there are no objections, and greenhouse framing is also maintained.

This could be given a paint finish to appear more as traditional joinery. Below the glazing the existing shiplap boarding is changed to a low stone masonry wall. This gives the end of the building a more robust appearance, is a traditional local material for outbuildings, and provides variety, giving a suitable contrast to the two parts of the structure.

For the above reasons it is now considered that the structure as amended, with appropriate conditions, would then preserve the setting of the listed building, and preserve the character and appearance of the conservation area. This would sustain the significance of those designated heritage assets. It is therefore considered that the application in this form would meet the requirements of Sections 66(1) and 72(1) of the Planning (LBCA) Act 1990, Section 12 of the NPPF, and Policy 15 of the Local Plan.

In conclusion, with this amendment, and subject to appropriate conditions, the proposed structure would preserve the setting of the listed buildings and the character and appearance of the Conservation Area in accordance with Section 12 of the NPPF and Local Plan Policies 15 and 42.

#### Other works in garden

As part of the application a new boiler, a new oil tank is proposed. There are no objections as it is located behind a roadside wall. Hedging is proposed to screen views from within the garden area. No details are given of this and it should form a firmer part of the proposals, with specified species etc.

There are no objections to the new natural slate roof to the privy. This is already installed and considered acceptable.

#### **(b) Impact on Residential Living Conditions**

Policy 46 of the local plan states that development will only be permitted if the proposal provides adequate space around residential dwellings so to ensure reasonable privacy, daylight and adequate private outdoor living space.

As part of the application a number of concerns have been raised in relation to a number of lights that have been installed on the buildings and within the garden area of Apricot Cottage. The complaint relates to the impact of this lighting in an otherwise unlit village. Having assessed the details of the lighting installed the lighting would not warrant development and therefore not require the benefit of planning permission. Having discussed this with the Council's Environmental Health Officer, whilst the lighting maybe visually unwanted, it would not necessarily fall within the Statutory Nuisance regime, as this can only be applied when dealing with nuisances crossing a boundary. Typically with light nuisance we can only look at cases were light is beaming into someone's property. Having assessed the type of lighting proposed, it appears this would not be the case and the lighting itself would fall outside the statutory nuisance regime.

Notwithstanding the above the application is for a garden building, internal works to the listed buildings and other development within the curtilage of the property, having assessed the details of the application it is considered given the size, siting and design of the proposed outbuilding and

works to the property it is not considered the proposal would give rise to any adverse impact on the living conditions of the neighbouring properties. The scheme therefore accords with Policy 46 of the Local Plan, and Section 7 of the NPPF regarding amenity issues.

### **(c) Loss of Trees**

Concerns have also been raised over loss of trees and landscaping on the site, although a lot of the removal of the landscaping would not require consent, given the siting within conservation area the removal of the trees would have required permission.

Having had discussions with the tree officer he has confirmed that although the trees have been removed without the appropriate consents, there is no objection with regard to the loss of the trees given the species of the trees that were removed.

### **9. Conclusion:**

Taking the above into account the above and the revised submission of the outbuilding the size and design of the development is considered to preserve the character and appearance of the surrounding Conservation Area, setting of the listed building and given the siting within a residential development would not detract from the rural landscape character of the Cotswold AONB. The proposed development would accord with the objectives of Local Plan Policies 15, 42 and 46 and the design and landscape considerations contained in Section 7, 11 and 12 of the NPPF. The application is therefore recommended for permit.

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

Within 6 months from the date of decision, the existing unauthorised greenhouse and shed shall be constructed in accordance with the details submitted on drawings 004J and 011 Rev B.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42, the development hereby permitted is completed in a manner appropriate to the site and the surrounding Conservation Area.

Within 3 months a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar has been erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development. These walling shall thereafter be constructed within 3 months of the date of any subsequent approval of this condition.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

The proposed boarding and cedar shingles shall not be treated in any way and shall be left to weather and silver naturally.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42.

Within 3 months the design and details of the outbuilding (boarding and doors) have been submitted to and approved in writing by the Local Planning Authority. These details shall thereafter be implemented within 3 months of the date of any subsequent approval of this condition.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42.

Within 3 months the design and details of the oil tank screening, have been submitted to and approved in writing by the Local Planning Authority. These details shall thereafter be implemented within 3 months of the date of any subsequent approval of this condition.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42.

The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42



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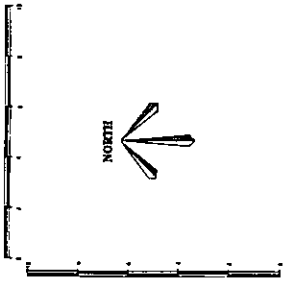
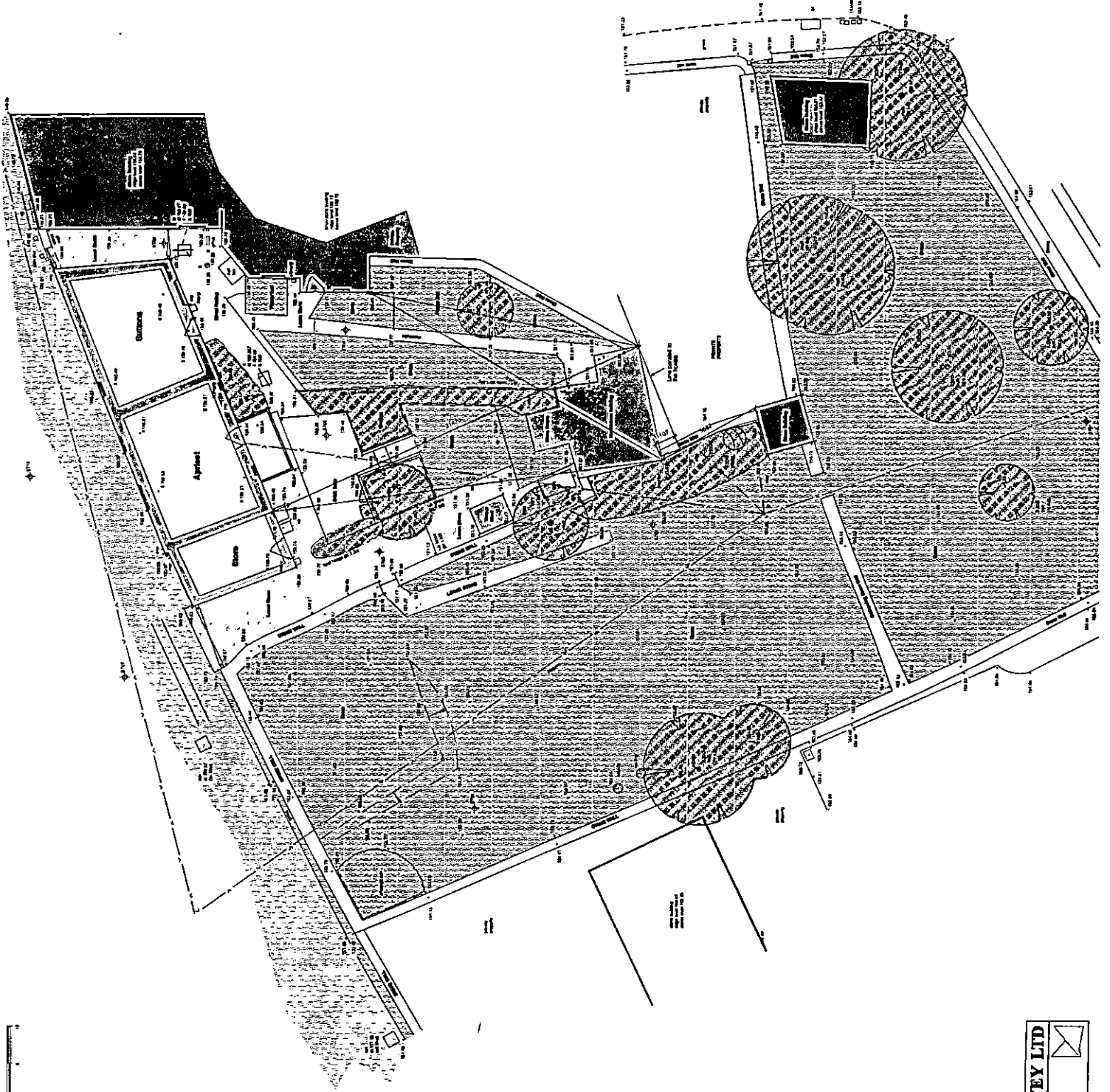
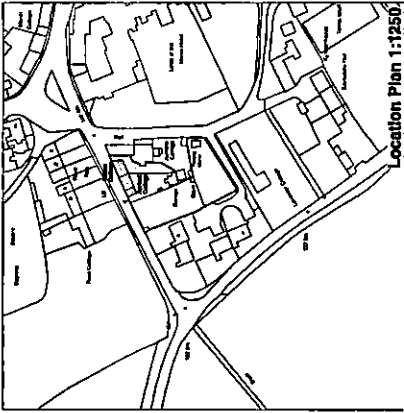
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Mr D. Jude

Survey  
Site Plan

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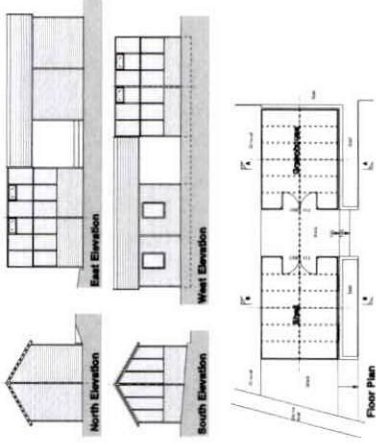
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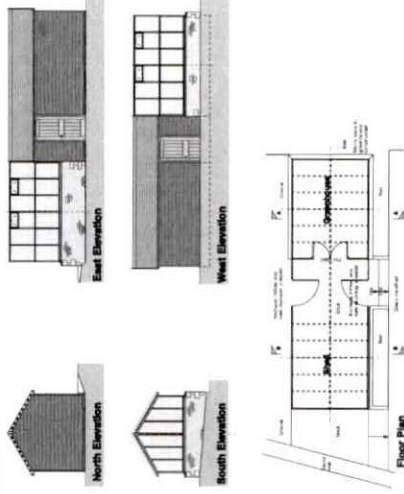
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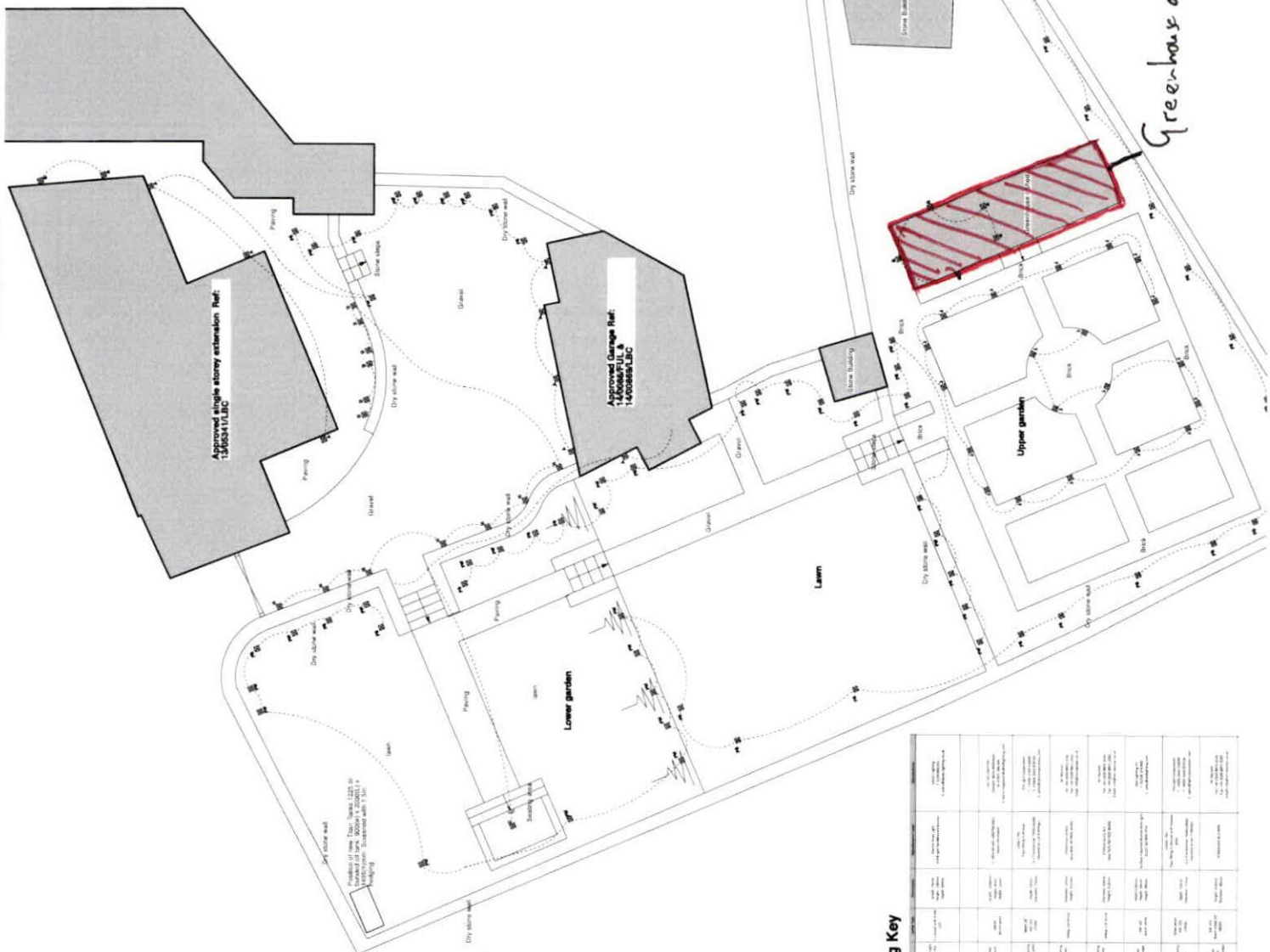
**PROPOSED**



Rev (B) - Proposed changes to as built shed and greenhouse added 25th Oct 2015  
 Rev (A) - As built shed / greenhouse drawing issued 16/08/15

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*Greenhouse and shed*



Titan Tanks 1225

**External Light Fitting Key**

Code	Description	Notes
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