

**Item No 05:-**

**16/04481/FUL (CT.0507/1/L)**

**Mill House  
Cotswold Mill  
Lewis Lane  
Cirencester  
Gloucestershire  
GL7 1EL**

**Loft conversion to include staircase, landing, bathroom and bedroom. Installation of 4 No. conservation roof windows in North West elevation and reinstatement of original second floor window to the North East elevation at Mill House Cotswold Mill Lewis Lane Cirencester Gloucestershire**

<b>Full Application 16/04481/FUL (CT.0507/1/L)</b>	
<b>Applicant:</b>	Mr Tilbury
<b>Agent:</b>	Cotswold Extension & Conversion Design
<b>Case Officer:</b>	Lydia Lewis
<b>Ward Member(s):</b>	Councillor Joe Harris
<b>Committee Date:</b>	8th February 2017
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Impact on the significance of the listed building
- (b) Impact on neighbouring amenities

**Reasons for Referral:**

Councillor Joe Harris has requested that the application be considered at Committee because he does not agree with the Conservation Officer's conclusion that the proposed plans would harm the special character of the building.

**1. Site Description:**

The application site is a grade II listed building, forming one half of the listed Cotswold Cottage, a 19th Century house in coursed limestone rubble with a double pile welsh slate roof. The site is located within the Conservation Area CA4: Cirencester South. There are also a number of other listed buildings nearby, most notably the adjoined Mill Cottage which forms the other part of the listed building, and the adjacent Bowlys Almshouses.

**2. Relevant Planning History:**

This application is related to planning application reference 16/04482/LBC which is currently under consideration.

CT.0507/T - Porch to entrance door, bedroom and bathroom to roof void, extension to existing.

This application was refused by the Council in November 2001. The application was allowed at appeal in 2002 (appeal reference: APP/F1610/E/02/1090783) in so far as it relates to the porch and the roof conversion and dismissed in so far as it relates to an extension to the existing house.

The Council had no objection to the proposed porch, to the work involved in converting the roof space to domestic accommodation or to the summerhouse, which had already been built. The Council's concerns centred on the size and nature of the proposed extension.

Although the application included a bedroom and bathroom in the roof void, it is important to note that the application drawings as approved at appeal (drawing number: 1023/01/01 Rev A) clearly state that all existing roof timbers are to remain.

### **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 : Recommends refusal. Comments are included within the main body of the report.

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

Cirencester Town Council : No objection as no harm will be caused to the fabric of this historic building.

### **6. Other Representations:**

No representations have been received

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

Design and Heritage Statement.

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

#### **(a) Impact on the significance of the listed building**

The application site is a grade II listed building and there are also a number of listed buildings adjacent to and nearby the property. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving listed buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Section 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The site is situated within the Cirencester South 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 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation.

Section 12 of the NPPF 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 state 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 is weighted against the public benefits of those works.

The applicant seeks consent for a loft conversion to include staircase, landing, bathroom and bedroom. The installation of 4 conservation roof windows in the north west elevation and the

reinstatement of an original second floor window to the north east elevation. The proposals also involve new floors, ceilings, internal partitions and doors to form the new attic rooms.

The building appears to have been reroofed at some point with modern rafters and roofing felt, however on inspection and in the absence of any historic analysis being provided with the application, the primary roof structure appears to be of some significant age and constitutes important historic fabric. The special interest of the building includes this historic primary roof structure.

The original proposals included the removal of three timber roof trusses. The Council consider that the timber trusses are an integral part of the historic primary roof structure and their removal would result in the loss of valuable historic fabric and the historic structural form of the roof and compromise the historic integrity of the listed building. Amended plans have been received that propose the careful removal and retention of one diagonal strut from each king post. The Conservation Officer has considered the revised proposals and has advised that the proposal still involves removing a key element of the primary roof structure of the listed building and for the reasons outlined above they still would not be able to support the proposals. Although only listed building consent and not planning permission is required for the removal of the roof timbers, the loft conversion is facilitated by these works.

The applicants' agent states within the submitted Design and Heritage Statement that they consider no harm would be caused to the fabric of the building as the king pin trusses are an entirely hidden component, not visible, and designed purely for structural purposes.

The fact that the roof structure to be removed could not be seen does not prevent it from compromising the historic integrity of the building. This has been supported by Planning Inspectors at appeal. For example, an application at Whalley Farm, Whittington to alter an existing collar of a roof truss was dismissed in April 2009 (Appeal reference: APP/F1610/E/09/2107145). The Inspector considered that 'the special interest of this building includes the various roof trusses and collars...all of these features contribute to the historic pattern of the roof structure and are an important part of the history and evolution of the building.' '...the works would entail the loss of important historic fabric within this listed building and would erode the historic pattern of the roof structure...the scheme would unacceptably harm the historic integrity of the roof truss and the internal character and special interest of this grade II listed building.' 'It is not uncommon in attic storeys of historic buildings for timbers to impede access and for such areas to be only suitable for storage.'

A further dismissed appeal at Old Forge, High Street, Longborough (reference: APP/F1610/Y/15/3002730) included removing a section of a tie beam to facilitate the insertion of a door in the attic. The Inspector when dismissing the appeal stated that the NPPF 'makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification.'

It is considered that the proposals are likely to fall into the category of 'less than substantial harm' in terms of the relevant section of the NPPF and therefore paragraph 134 is relevant. Although considered 'less than substantial' under the terms of the NPPF, the harm identified is still regarded as considerable and in line with Paragraph 132 and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 should be given great weight.

Any harm caused must be weighed against the public benefit of any proposal, however Planning Practice Guidance makes it clear that public benefit 'should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.' Public benefits may include heritage benefits such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; or securing the optimum viable use of a heritage asset in support of its long term conservation. The application relates to a former mill cottage that was converted into a three bedroom dwelling in 1997. The proposed

development would add a fourth bedroom and a further bathroom. It is not considered that there would be any public benefit in this case and as such it would not outweigh the harm caused.

The original proposal included 3 roof lights in the south east roof slope. In response to concerns raised from the Conservation Officer, these were removed and 4 rooflights are now proposed in the North West roof slope. Although 4 rooflights seems a little excessive, given their location on an internal roof slope, on balance no objection is raised.

The application proposes the reinstatement of an original second floor window to the north east elevation. No objection is raised to this element of the proposal, subject to detailed design.

#### **(b) Impact on neighbouring amenities**

Policy 46 of the Local Plan states that development should provide adequate areas of open space around dwellings, so as to ensure reasonable privacy, daylight, and adequate private outdoor

The proposed rooflights would partly face the blank roofslope of Mill Cottage and partly face the stairwell of Cotswold Mill at a distance of approximately 12 metres. The proposed window in the north east elevation would not result in any direct overlooking of neighbouring properties. It would be situated approximately 12 metres from Cotswold Mill and approximately 27 metres from No.21 Minerva Court but both are at an oblique angle. Furthermore, this window would serve a bathroom.

The proposed development would not have a detrimental impact on the occupiers of neighbouring properties in terms of overlooking. The proposed development therefore accords with policy 46 of the Local Plan.

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

Any benefits generated by the proposal are not considered to outweigh the harm to the significance of the designated heritage asset and the proposals are therefore judged to be contrary to Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework.

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

Mill House is listed as being of special architectural or historic interest and the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Further, Mill House lies within the Cirencester South 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. The proposed removal of part of the timber roof trusses would adversely affect the character and special architectural and historic interest of the listed building by virtue of loss of historic fabric and design. The timber trusses are an integral part of the historic primary roof structure and their removal would result in the loss of valuable historic fabric and the historic structural form of the roof and compromise the historic integrity of the listed building. In this case any benefits generated by the proposal are not considered to outweigh the harm to the significance of the designated heritage asset and the proposals are therefore judged to be contrary to Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework.