

Item No 05:-

17/02783/FUL

**Hooks Cottage
High Street
Chipping Campden
Gloucestershire
GL55 6AT**

Erection of cotswold stone wall to north-west boundary at Hooks Cottage High Street Chipping Campden Gloucestershire GL55 6AT

Full Application 17/02783/FUL	
Applicant:	Skipper Roland
Agent:	
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lynden Stowe Councillor Mark Annett
Committee Date:	13th September 2017
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Impact on Setting, Historic and Architectural Interest of a Listed Building
- (b) Impact on Chipping Campden Conservation Area
- (c) Impact on Residential Amenity

Reasons for Referral:

This application has been referred to Planning and Licensing Committee at the request of Cllr Hughes for the following reason;

'I think that for reasons of transparency because of Ward Councillor involvement, this application should be brought before the Planning and Licensing Committee for a decision to be made in the public forum.'

Cllr Annett has objected to the application. Cllr Stowe has declared a personal interest as he socialises with Cllr Annett.

1. Site Description:

This application relates to a curtilage listed semi-detached dwelling located to the rear of a Grade II listed building (Hooks House). The property sits at right angle to the rear of the aforementioned listed building. The front of the property faces onto a courtyard. The courtyard is enclosed by walls and buildings and is accessed from the High Street by a covered walkway. It is not readily visible from public view.

The site is located within Chipping Campden Conservation Area (CA). It is also located within the town's Development Boundary as designated in the Cotswold District Local Plan 2001-2011.

The application site lies to the rear of an estate agents operated by Cllr Annett.

2. Relevant Planning History:

Hooks Cottage

CD.5935/E Alterations and extensions to existing derelict cottages to provide one dwelling and garage, within curtilage of listed building Ref 34/38a. Refused 1981

CD.5935/G Conversion of outbuilding at rear of listed building 9/138 into art gallery. Granted 1983

CD.LBC 340 Conversion of outbuilding at rear of listed building 9/138 into art gallery. Granted 1983

CD.5935/K Change of use of part of listed building ref 9/143 into two storey living accommodation for holiday lets. Granted 1985

CD.5935/L Change of use of part of listed building ref no 9/138 from holiday cottage to residential. Allowed at appeal 1988

Adjacent dwelling - Campden Mews

CD.5935.W LBC for Re-building of existing derelict cottage within curtilage of Hind House. Granted 2001

CD.5935/X Re-building of existing derelict cottage within curtilage of Hind House. Granted 2001

3. Planning Policies:

NPPF National Planning Policy Framework
LPR15 Conservation Areas
LPR18 Develop within Development Boundaries
LPR38 Accessibility to & within New Develop
LPR42 Cotswold Design Code
LPR45 Landscaping in New Development
LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

5. View of Town/Parish Council:

'Chipping Campden Town Council objects to the application on the following grounds:

Design of the wall, in particular the cock and hen topping which is out of keeping with the building;

The wall is inappropriate and spoils the setting and view of the back of the buildings.'

6. Other Representations:

Two letters of objection received.

- i) The application shows a proposal to construct a stone wall on property belonging to Hooks House and which is property in the ownership of our client. Our client therefore objects to the erection of a stone wall on his property.
- ii) There is an ongoing dispute in relation to an error that has been transposed on the Land Registry title plan, however, even given the scale of the apparent error, it is somewhat surprising that the applicant would seek to build a wall on property that clearly forms part of Hooks House, even given any possible error made in historic conveyances.
- iii) We are presently in pre-action correspondence with the applicant's solicitor and therefore request that the application is rejected on the basis that the applicant is seeking to construct a wall on property belonging to our client.
- iv) As landlord of Hook House I object to the way the proposed plans are presented. There is no indication of the present position of the low boundary wall with fencing above. It is not made clear that this is an attempt to move the boundary. I understand that it is contentious as to where the ownership of the land stops. I believe that further enclosing the open space behind Hook House which is a listed building will diminish its setting.

7. Applicant's Supporting Information:

None

8. Officer's Assessment:

Proposed Development

The applicant is seeking to erect a stone wall in the courtyard to the front of their property. The proposed wall will be constructed in natural stone and will extend approximately 5m from the front of the dwelling. It will measure 1.5m in height for a distance of 1m from the existing property before dropping to a height of 1m thereafter. The wall will extend diagonally from the front wall of the dwelling for a distance of approximately 3m before running perpendicular to the dwelling. The proposed line of the wall will allow access to be retained to the rear of Hooks House.

The proposed wall is intended to provide the applicant with a greater degree of screening between their ground floor bedroom and an office window serving the adjacent estate agents.

The proposed wall will not be physically attached to any building and as such the applicant does not need Listed Building Consent for the proposed development.

(a) Impact on Setting, Historic and Architectural Interest of a Listed Building

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall 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. Considerable weight and importance must be given to the aforementioned legislation.

Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Paragraph 134 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, including securing its optimum viable use.'

The proposed wall will be located at the north western (High Street) end of the existing dwelling. It will be constructed in natural Cotswold stone and will be of a design similar to an existing 1.6-1.8m wall that extends from the front of the south western end of the dwelling. The aforementioned wall separates the applicant's property from the adjacent dwelling (Campden Mews). The existing wall has a cock and hen capping. In response to the Town Council's comments the design of the proposed wall would reflect the appearance of development already present within the courtyard.

The proposed wall is also intended to replace an existing wooden trellis feature which lies to the front of the property. The existing trellis is considered not to represent a particularly sympathetic form of development either in terms of its design or its construction. The replacement of the trellis with a stone wall is considered to represent a betterment in visual terms.

The proposed wall is modest in height and, by virtue of its location towards one end of the courtyard, will not result in a discernible enclosure of the existing space, especially if the existing trellis is removed. The wall is also relatively low in height and is considered not to detract from the

setting of the rear of Hooks House. The principal features of the aforementioned building will still be visible.

Overall, it is considered that the proposal will ensure that the existing courtyard character will be retained thereby preserving the setting and special interest of the listed buildings. The proposal is therefore considered to accord with Section 66(1) of the 1990 Act and Section 12 of the NPPF.

(b) Impact on Chipping Campden Conservation Area

With respect to any buildings or other land in a conservation area Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

Cotswold District Local Plan Policy 15 states that construction 'within or affecting a Conservation Area must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area.'

Paragraph 2 of Policy 15 states that development will be permitted unless;

- (a) They result in the demolition or partial demolition of a wall, structure or building, or the replacement of doors, windows or roofing materials, which make a positive contribution to the character or appearance of the Area;
- (b) the siting, scale, form, proportions, design, colour and materials of any new or altered buildings, are out of keeping with the special character or appearance of the Conservation Area in general, or the particular location; or
- (c) they would result in the loss of open spaces, including garden areas and village greens, which by their openness make a valuable contribution to the character or appearance, or allow important views into or out of the Conservation Area.

Criterion c) of Policy 18 states that development will be permitted provided that the siting, appearance and scale of the development respects the traditional form, character, appearance and setting of the settlement, and would cause no significant adverse environmental or visual harm to the site or its surroundings. This criterion is still considered to carry significant weight when assessed against the guidance in the NPPF.

Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'.

The application site is accessed via a covered walkway from the town's High Street. A solid wooden gate lies at the High Street end of the walkway. The site is not readily visible from public view. The courtyard is enclosed by existing buildings and boundary walls. The proposed wall will be located at one end of the courtyard and as a consequence will not result in a harmful subdivision of the aforementioned space. The proposal will also allow for the removal of the rather unsympathetic trellis fencing which currently cuts across a more central part of the courtyard. The proposal is considered to represent a betterment in visual and heritage terms. The proposed wall will respect local character and distinctiveness and is considered to preserve the character and appearance of the CA. The proposal is considered to accord with S72(1) of the 1990 Act, Local Plan Policies 15, 18 and 42 and guidance in Section 12 of the NPPF.

(c) Impact on Residential Amenity

The proposed wall is of a limited height and will be located approximately 2m from the nearest neighbour's window (rear of the estate agents). The proposed wall will also be approximately 1m

in height where it passes the window. It is considered that the proposed wall will not have an overbearing impact on the neighbour's window or lead to an unacceptable loss of light. The proposal is therefore considered acceptable in this respect.

With regard to the issue of land ownership the applicant has provided a Land Registry plan which shows the site within their ownership. The applicant states that they own the land in question. It is not the purpose of the planning system to become involved with land ownership matters. In this instance, the applicant has provided reasonable evidence to demonstrate that the land in question is in their ownership and the Council must therefore take the information at face value. There are therefore no grounds to reject the application as invalid. It would also not be possible to refuse the application on the grounds of the land ownership matter. The matter is essentially a private, civil matter between the respective parties.

9. Conclusion:

It is recommended that the application is granted permission.

10. Proposed conditions:

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.

The development hereby approved shall be carried out in accordance with the following drawing number(s): Plan 1, Plan 2, Land Registry Plan GR144124.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

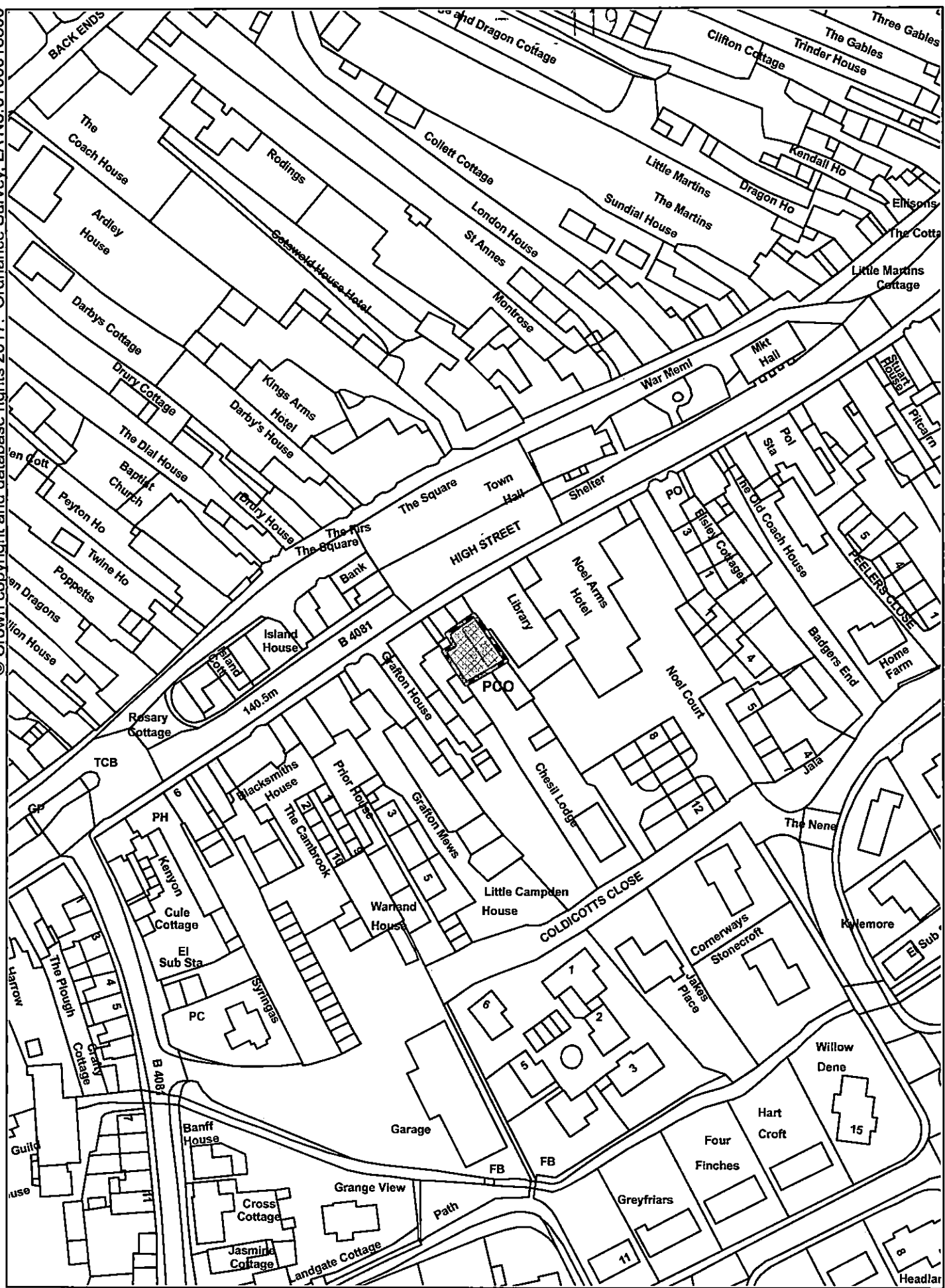
The wall hereby approved shall be of drystone construction and shall be constructed in natural Cotswold stone

Reason: To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Within one month of the erection of any part of the wall hereby approved the existing wooden trellis fencing within the courtyard of the property shall be permanently removed from the site.

Reason: In order to prevent the proliferation of walls/enclosures within the curtilage of the listed building thereby preserving its setting and the character and appearance of Chipping Campden Conservation Area in accordance with Local Plan Policies 15 and 42 and Section 12 of the NPPF.

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HOOKS COTTAGE HIGH STREET CHIPPING CAMPDEN

Scale: 1:1250

Organisation: Cotswold District Council

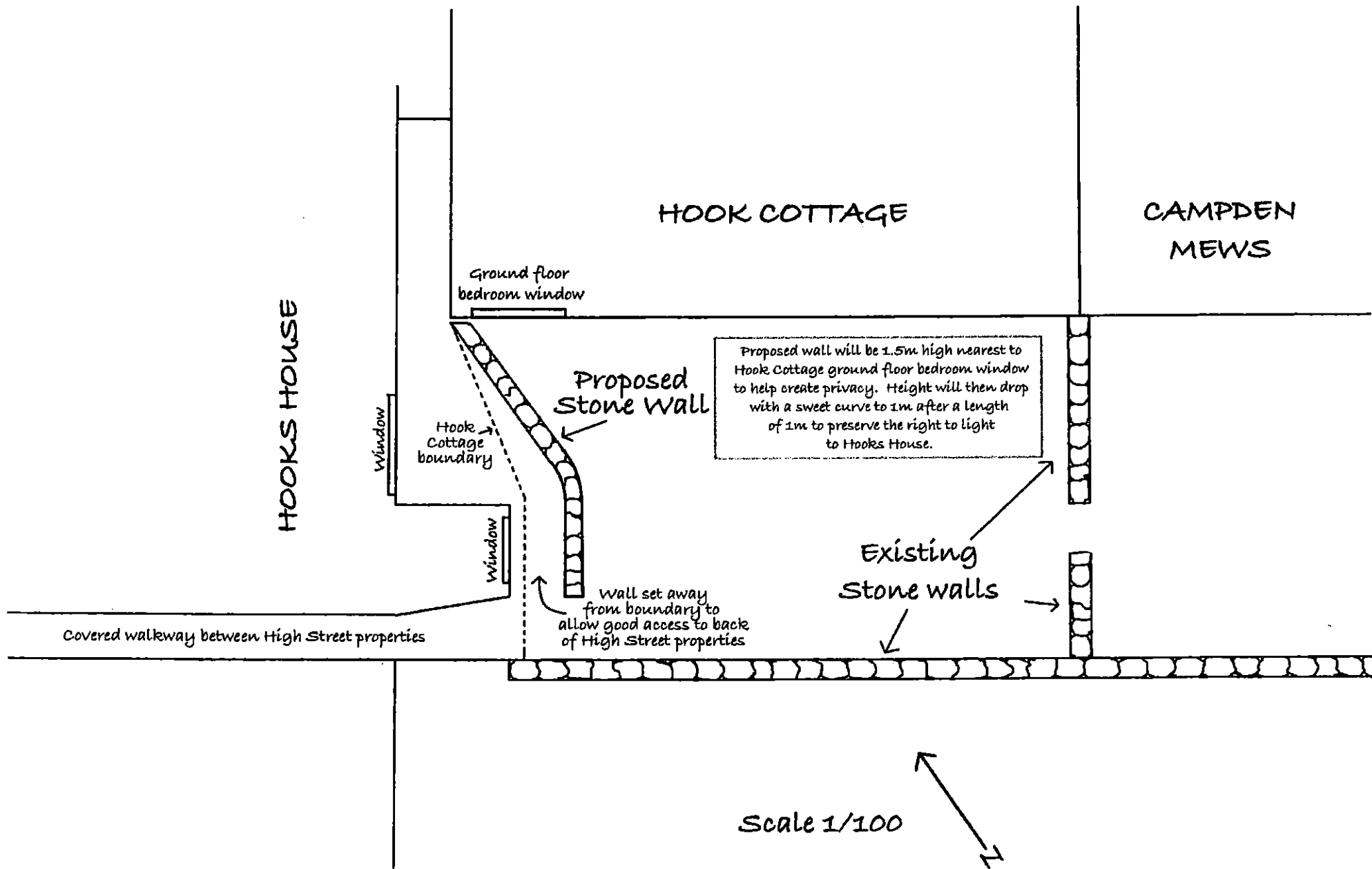
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Date: 31/08/2017



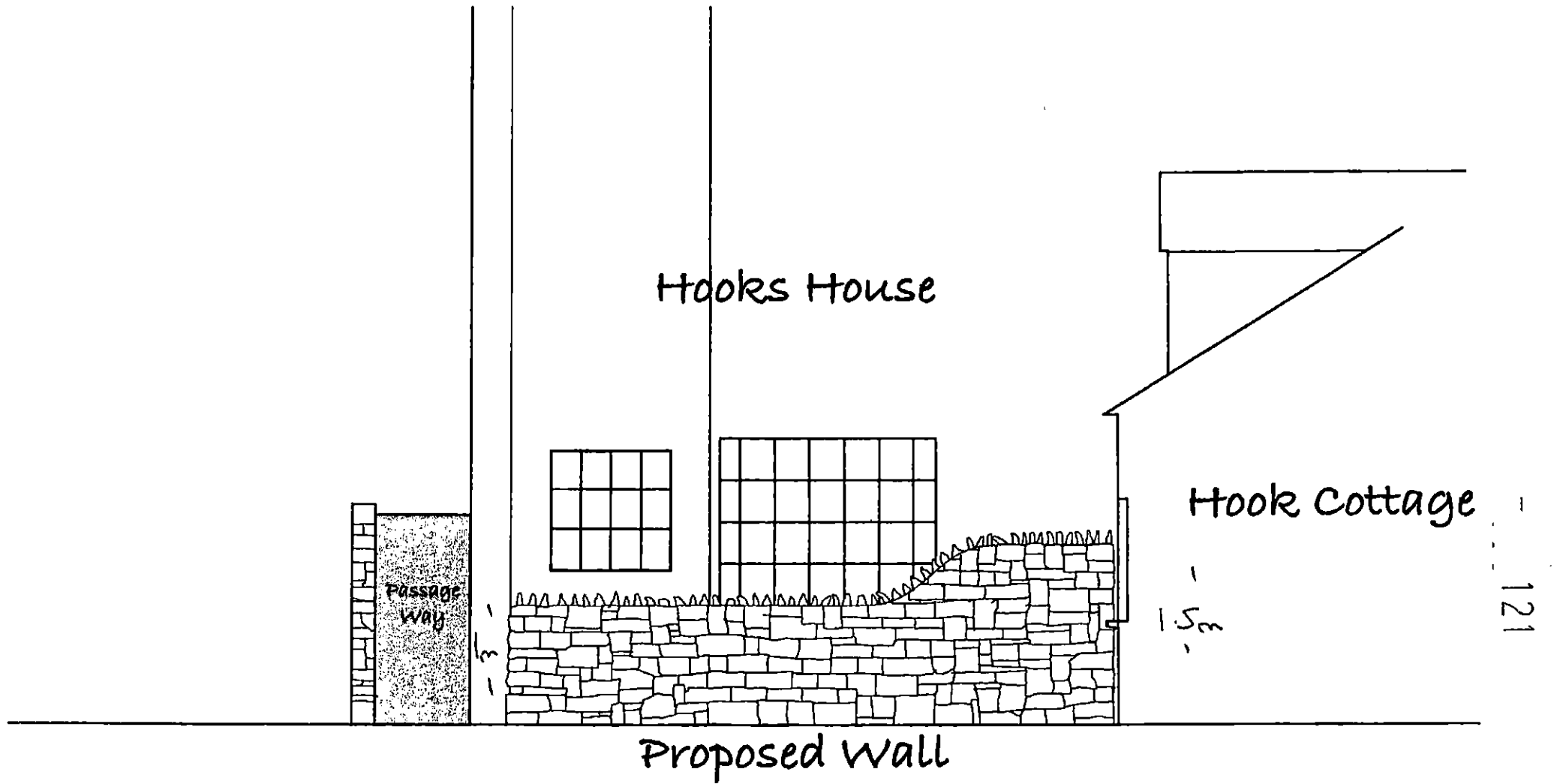
COTSWOLD
DISTRICT COUNCIL





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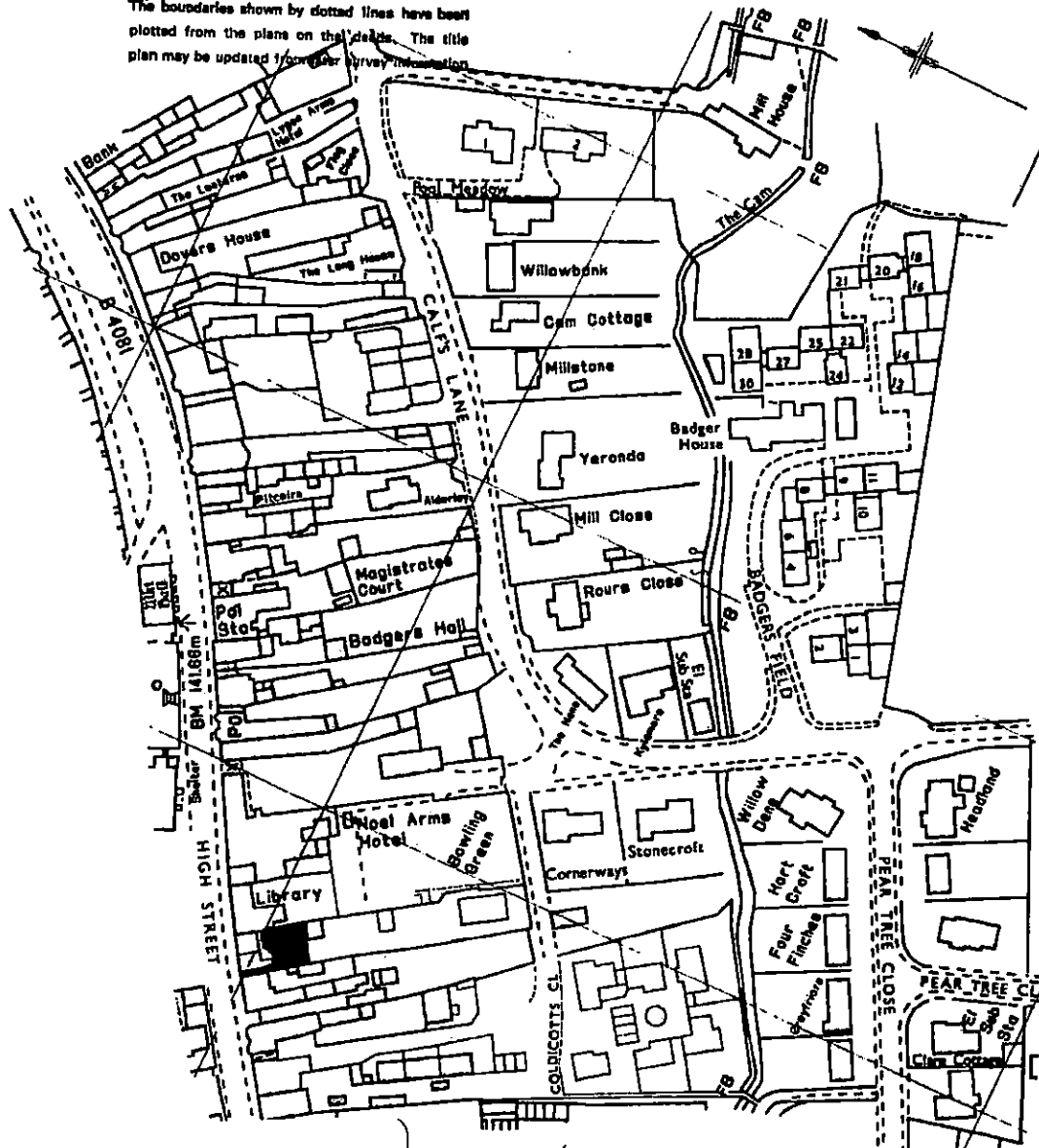
17/02/83 (Am)



Side elevation, Scale 1/50

H.M. LAND REGISTRY		TITLE NUMBER	
		GR144124	
ORDNANCE SURVEY PLAN REFERENCE	SP 1539	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY GLOUCESTERSHIRE	DISTRICT COTSWOLD	© Crown copyright 1990	

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from the survey information.

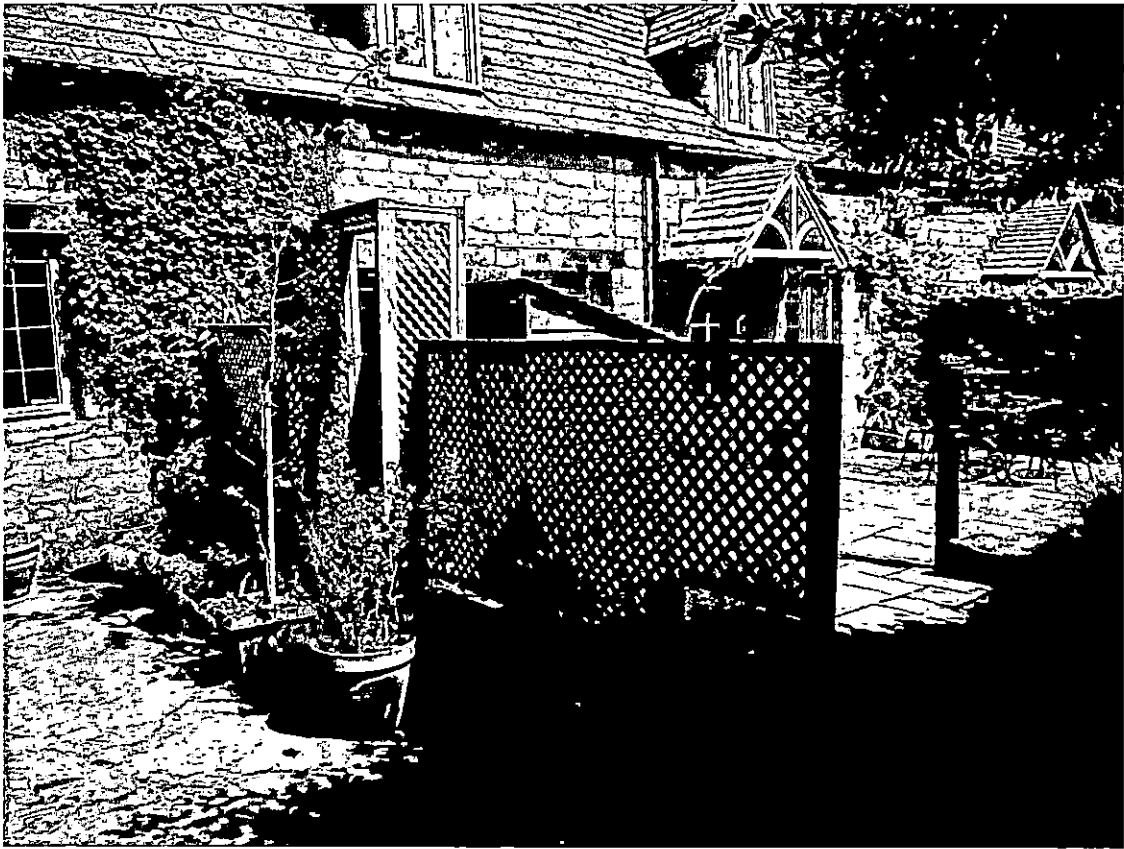


I confirm this is the security valued:

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SP 1539
1539





Above: View South East

Below: View North West

