

Item No 03:-

18/02190/LBC

**Amphlett House
Pancake Hill
Chedworth
Cheltenham
Gloucestershire
GL54 4AW**

Item No 03:-

Conversion and linking of former stables building (currently used for domestic storage) to dwelling and various internal and external alterations at Amphlett House Pancake Hill Chedworth Gloucestershire GL54 4AW

Listed Building Consent 18/02190/LBC	
Applicant:	Mr & Mrs J Cowell
Agent:	Oakwood Planning Limited
Case Officer:	Hannah Rose
Ward Member(s):	Councillor Jenny Forde
Committee Date:	10th October 2018
RECOMMENDATION:	REFUSE

Main Issues:

The main issue to consider is the historic fabric, setting and significance of designated heritage assets.

Reasons for Referral:

Cllr Forde has referred the determination of the application to Committee in order *"to discuss the extent of the public benefits, including whether or not there are significant heritage benefits, such as:*

1. *Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;*
2. *Reducing or removing risks to a heritage asset;*
3. *Securing the optimum viable use of a heritage asset in support of its long term conservation."*

1. Site Description:

The application site comprises a large mid/late 18th Century dwelling and associated stable outbuilding located on Pancake Hill, Chedworth. Although part of the same curtilage, both the dwelling and outbuilding are individually Grade II listed. The site is located in Chedworth Conservation Area and the Cotswold Area of Outstanding Natural Beauty (AONB). The property is also located in the setting of Shrove Cottage, also a Grade II listed building.

The site is located on a hill steeply rising from south to north.

2. Relevant Planning History:

None relevant

3. Planning Policies:

NPPF National Planning Policy Framework

4. Observations of Consultees:

Conservation Officer: Recommends refusal; full comments can be read in the main body of the report.

Biodiversity Officer: No objection subject to conditions.

5. View of Town/Parish Council:

Chedworth Parish Council: No objection.

6. Other Representations:

Twenty six letters of Support have been received in response to the planning application and two (duplications) have been received in response to the corresponding listed building consent application, including Chedworth Society.

In summary, these letters of support praise the design as a sensitive way to update the property and convert the stables. Many comments received make reference to the applicants as a young family that have beneficially contributed to the local community.

No Third Party objections have been received.

7. Applicant's Supporting Information:

Heritage Statement
Design and Access Statement

8. Officer's Assessment:Legislation

Both Amphlett House and the former stable building are individually listed Grade II. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

The site also lies within the Chedworth 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(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF)

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states that, 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

In part, paragraph 127 of the NPPF ensures 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Section 16 of the NPPF 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. It also states that significance can be harmed through alteration or development within the setting. Paragraph 195 states that, where a proposed development will lead to substantial harm, applications should be

refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits. Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

The National Planning Practice Guidance that supports the NPPF seeks to provide a clearer understanding of what constitutes 'public benefit' (paragraph 020):

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."

Guidance

Historic England's 'Making Changes to Heritage Assets' advises that: "The main issues to consider in proposals for additions to heritage assets ... are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting" (paragraph 41).

'Making Changes to Heritage Assets' also advises throughout the importance of historic fabric, and the need to minimise impact upon it, stating explicitly that "The historic fabric will always be an important part of the asset's significance" (paragraph 42).

Historic England's published guidance, 'Traditional Windows: Their Care, Repair and Upgrading', advises that when a traditional window is being replaced: "The replacement window should match the form, detailing and operation of the window to be copied". With regard to glazing bars, it continues: "Where the objective is to sustain or enhance the significance of a building by introducing an accurate copy of a historic window which is multi-paned, then single glazing could be required as incorporating double glazing may not be possible due to the size of the glazing bars. Glazing each pane would also reproduce the broken reflections that may be needed. In such cases, draught-proofing or secondary glazing or other compensatory measures to enhance the energy efficiency in other parts of the building may need to be considered." (paragraphs 5.1 and 5.2)

Case Law

In *Barnwell Manor Wind Energy Ltd v. E. Northants DC, English Heritage, National Trust* [2014] EWCA Civ 137, the High Court held that in Section 66(1) of the 1990 Act, Parliament intended that the desirability of preserving the settings of listed buildings "considerable importance and weight" in the balancing exercise, and that less than substantial harm does not equate to a less than substantial objection.

In the Secretary of States letter of the 18th February 2016 concerning the 100 Avenue Road appeal decision (APP/X5210/W/14/3001616), the Secretary of State confirmed the Inspector's conclusion that whilst harm to Conservation Areas is the effect on the character and/or appearance of the conservation area as a whole while, "this does not mean that any harm identified has to be over the whole area, and harm in one part of the conservation area (or outside) could have an effect on the conservation area as a whole" (paragraph 11).

Significance

Amphlett House is listed as a large, mid/late-18th century house. There are indications from historic maps that the house may, at some point, have been two properties. There are also indications in the front elevation of earlier features (one jamb of what appears to be a stop-

chamfered stone door surround) that appear to be in situ, suggesting an earlier origin than the list description suggests, perhaps 17th century. The entirely intact privy (presumably an earth closet) on the western end of the house is a rare and unusual survival, and contributes to the architectural value of the building.

The building is of architectural value and significance, as an example of a rural, if aspirational building of its date, reflecting both local building techniques, and the response to wider architectural trends. It is also of aesthetic value as a visually attractive & appealing building. The building is also of a level of historical value and significance, as its form and subsequent evolution represent the changing lifestyles and aspirations of the previous generations who lived and worked here.

The stable is listed as a small, mid-18th/early-19th century stable, in a prominent position and associated with Amphlett House. The building is of architectural value and significance as a good and comparatively intact and unaltered example of this building type. Its prominent position and appealing, picturesque quality also make it of aesthetic value. It is similarly of historical value as a building type that represents and illustrates the lives of previous generations.

Chedworth Conservation Area Statement (page 8) specifically mentions the stable building and includes a photograph captioned, *"An old range of outbuildings at Amphlett House, pleasing in form and texture. The forward siting "contains" the lane, complementing the buildings and boundary walls on the opposite side. It states, "...The old range of outbuildings belonging to Amphlett House is worthy of note. Stone walls hug the roadside boundary and unite buildings."*

The two buildings make a positive and attractive contribution to the character, appearance and significance of the surrounding conservation area. The juxtaposition of the two and the open space between them with the ground rising up is an attractive and picturesque composition, which is characteristic of and contributes positively towards this part of the conservation area, and the significance of the conservation area as a whole.

Proposals and Impact

There are various elements to the proposal, which for clarity will be considered separately, as follows:

Ceiling over the kitchen

The kitchen is currently open up to the underside of the roof. It is proposed to install a ceiling in order to create a dressing room at first-floor. There appears to be evidence of a previous floor in this location, and the space itself is not formally composed. Consequently the installation of a ceiling here would be uncontentious.

First Floor

At first floor it is proposed to create a new doorway through to access the proposed new dressing room above the kitchen.

The new doorway would puncture an historic, formerly external wall, and would entail loss of historic fabric. That said, the proposal at this level is for a traditionally proportioned and detailed doorway, so that the plan-form and internal spatial character would remain intact, and the proportion of the original wall being removed is comparatively small. Consequently this doorway is comparatively uncontentious.

It is also proposed to rearrange the doors into the proposed new shower room, adjacent to the main stair. However, the historic, early-18th century door would be retained in situ, and a new door would be created through an area of plain partition. Consequently this element would also be uncontentious.

Fenestration

The submitted plans refer to wholesale removal of all the existing external doors and windows, and their replacement with copies; the windows all to be double-glazed.

The existing window in the sitting room is an eight-over-eight sash of apparently late-18th/early-19th century date. The loss of this historic window is unnecessary and would be harmful.

The remainder of the windows appear to be 20th-century replacements; however they are all reasonably correctly detailed traditional casements, which are very possibly like-for-like copies of the previous windows. As such, they are appropriate to the authenticity and integrity of the listed building and their traditional design contributes positively to the significance of the building. Historic England guidance on windows expressly states that when there are traditional windows in situ that need replacement, they should be replaced with accurate copies. The replacement with double-glazed copies would therefore fail to preserve the special interest or to sustain the significance of the heritage asset.

Enlargement of kitchen

It is proposed to enlarge the kitchen by removing a substantial portion of an historic wall.

The kitchen sits within a lean-to addition on the eastern end of the building. However this addition appears from its masonry & detailing to be early and therefore is an integral part of the historic building. A further, modest addition was added onto the kitchen, enclosing the original, external eastern wall of the historic lean-to. Map regression suggests that this further extension may have been added between 1883 and 1903.

The proposal is to remove a considerable portion of the eastern wall of the kitchen addition which appears to have formed the external eastern wall of the house. This would erode the legible distinction between different phases of the building, confusing its legibility, would erode its distinct plan-form, and would result in considerable loss of historic fabric. Consequently this would fail to preserve the special interest, or to sustain the significance of the heritage asset. Pre-application advice was sought with regard to this wall and similar concern was also expressed then by Officers.

Wash house

At the western end of the house is the lower wash house. It and its old plank door are specifically mentioned in the list description. The proposal is to unblock what appears to have formerly been a door opening, to link this space to the main house. The blocking does not appear to be particularly historic.

Within the wash house is an historic floor; there is no indication of the proposed intention of this. There is an annotation to replace the old plank door, which is specifically mentioned, and the window frame, which is also historic. The proposal to replace, rather than repair these would result in an unnecessary loss of historic fabric and harmful erosion of authenticity.

Link

Between the wash house and the stable, it is proposed to build a link, concealed behind a high wall.

This would entail the total loss of the unusually well-preserved historic privy, which would harmfully erode the special interest and significance of the building. This would entail the loss of primary historic fabric and of the visually appealing picturesque composition of these elements. The proposed link would blur the clear distinction between the historic dwelling and the historic stable, thereby eroding the clearly legible, historic functional relationship. It would also exacerbate the length of what is already a very linear building.

The gap between the rather tall and linear Amphlett House reflects the distinction between a principle dwelling and a subordinate outbuilding; furthermore, the gap, with the old steps and the little lavatory outbuilding creates a visually interesting and picturesque composition that is of aesthetic value and contributes both to the setting of the listed buildings and the surrounding conservation area.

As such, this proposed link would fail to preserve the special interest or to sustain the significance of both listed buildings, and would fail to preserve or enhance the character, appearance and significance of the surrounding conservation area. Previous advice was sought with regard to this link and similar concern was also expressed then.

Stable

The proposed conversion of the stable into detached ancillary accommodation would be acceptable in principle, if this were shown to be the best way to ensure the long-term preservation of the building, that is to say its 'optimum viable use'. However, such a use should attempt to work with the fabric, character and grain of the building, and preserve historic floor finishes, re-use existing openings, and retain and repair historic joinery wherever possible.

The current proposal would however entail the replacement of the floors with a concrete slab, the opening up of a historic wall and the loss of the historic window frames; as well as connection by way of the aforementioned link. This would entail considerable loss of historic fabric and it would very considerably erode the character and authenticity of the stable, thereby failing to preserve its special interest, or to sustain its significance as a designated heritage asset.

9. Conclusion:

Overall the proposal would have a very considerable and harmful impact upon the special interest and significance of both listed buildings and to a lesser but still material extent, upon the character, appearance and significance of the conservation area. The cumulative harm would be less-than-substantial albeit considerable.

Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

The Planning Practice Guidance seeks to provide a clearer understanding of what constitutes 'public benefit' (paragraph 020):

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."

The agent has not put forward any public benefits that would flow from the proposal. The agent has stated in the Design and Access Statement that the converted stable building would be used to accommodate an elderly relative which would provide a social, private benefit for the family but would not benefit the public at large. No public benefit has been proposed that would outweigh the less-than-substantial harm caused to the significance of the listed buildings. As such, the proposal is contrary to national policy and guidance and should be refused.

10. Reasons for Refusal:

Amphlett House and the associated stable are both individually listed Grade II. The house is a substantial, rural but comparatively high-status dwelling, whereas the stable is a very modest and very unaltered little ancillary structure. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, 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. The current proposal, by virtue of the proposed linkage of these two very different buildings, the loss of historic fabric and the proposal to replace appropriate and traditionally-designed casements with double-glazed ones, would neither preserve the special architectural or historic interest of the listed buildings, nor sustain their significance as designated heritage assets. The cumulative harm would be less-than-substantial albeit considerable, 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 consent would be contrary to the requirements of Section 16 of the Framework, and the statutory requirements of Section 16(2) of the 1990 Act.

Amphlett House lies within the Chedworth 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 current proposal, by virtue of the infilling of the attractive and characteristic gap, would neither preserve nor enhance the character and appearance of the Chedworth 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.