

**Item No 08:-**

**18/02976/LBC**

**The Old Rectory  
15 Church Street  
Meysey Hampton  
Gloucestershire  
GL7 5JX**

**Item No 08:-**

**Removal of part of the boundary wall for the erection of new dwelling with new driveway at The Old Rectory 15 Church Street Meysey Hampton Gloucestershire GL7 5JX**

<b>Listed Building Consent 18/02976/LBC</b>	
<b>Applicant:</b>	Mr & Mrs Roger Carne
<b>Agent:</b>	Falconer & Gilbert Scott Architects
<b>Case Officer:</b>	Adrian Walker
<b>Ward Member(s):</b>	Councillor David Fowles
<b>Committee Date:</b>	14th November 2018
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**Main Issues:**

(a) Design and Impact on the listed building and the conservation area

**Reasons for Referral:**

The car park which forms part of the application site is owned by Cotswold District Council and in accordance with the Scheme of Delegation, the application should be heard at committee.

**1. Site Description:**

The proposal site forms part of the garden of the Old Rectory. The Old Rectory is a Grade II listed building. It is understood that this land would have historically been the kitchen garden for the Old Rectory with very limited remains of old walls surviving but nonetheless the boundary wall is considered to be curtilage listed.

The application site does not lie within a designated landscape. It is however located very close to, but outside of, the boundary of the Meysey Hampton Conservation Area to the east.

**2. Relevant Planning History:**

17/04833/FUL & 17/04834/LBC: Erection of two new dwellings with new driveway. Withdrawn 01.03.2018

**3. Planning Policies:**

NPPF National Planning Policy Framework  
\_EN10 HE: Designated Heritage Assets

**4. Observations of Consultees:**

Conservation Officer:

The Conservation Officer has agreed that the benefits of the scheme outweigh the harm, subject to the conditions recommended.

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

No comments received.

## 6. Other Representations:

Eight letters of objection and two general comments have been received from local residents in regards to the planning application.

Five letters of objection have been received from local residents in regards to the listed building consent.

The objections to both applications are as follows;

- Proposal extends beyond the main built-up area of the village
- Trees
- Design
- Highways Access and Parking
- Privacy light and noise
- Loss of general amenity
- Impact on Conservation Area
- Impact on the Listed Building

## 7. Applicant's Supporting Information:

Design Access / Heritage Impact Statement

## 8. Officer's Assessment:

### (a) Design and impact on the listed building and setting of the conservation area.

The Old Rectory 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 site also lies within the setting of the Meysey Hampton 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 16 of the National Planning Policy Framework 2018 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 a proposal on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'

The NPPF also states in Paragraph 194 'that the significance of a designated heritage asset can be harmed from its alteration, destruction, or from development within the setting'. Paragraph's 195 and 196 state that where proposals will cause harm to the significance of a designated heritage asset, local planning authorities should refuse consent unless that harm is outweighed by the public benefits of those works.

### *Listed Building*

The Historic England Planning Note 3 -The Setting of Heritage Assets 2nd edition, Dec 2017 provides guidance upon the setting of both Listed Buildings and Conservation Areas.

The Old Rectory dates to late-16th early-17th century, with three gables on each elevation, plus a distinctive 19th century wing added towards the road in 1876. To the rear is a single storey rear

extension probably of early 20th century. The Old Rectory has large grounds which lie to the rear of the house, most of which are included in the Conservation Area.

The proposal site appears to have been historically some form of garden within the land of the Old Rectory. There is little physical survival of historic walls or other garden structures within the site. Historic maps from the mid-19th do show a glass house, but no clear evidence of walling enclosing the site. The plot is an irregular shape, which would have been an unusual form for a formal kitchen garden. The existing walls to the site are largely modern block work with the exception of the boundary to the rear of Brake House and its neighbouring property, which themselves appear to occupy former orchard land and face towards Church Street.

The historic significance of the site as a garden appears to be limited with no clear surviving historic or architectural structures. However, there is some historic connection with the Old Rectory as the site has historically formed part of its land and appears to have once formed part of its garden. The proposal site is not set directly to the rear of the Old Rectory, but further to the side and at some distance, it does not seem to have had intentional inter-visibility with the listed house. There is however a limited visual connectivity to and from the listed building and site, although this is further limited by their physical separation by a historic track-way and to some extent the past construction of Brake House and its neighbouring house.

The proposal site as a kitchen garden to the Old Rectory (at least in the 19th century) affords historic significance to the setting of the listed building but this is considered limited due to the lack of historic features remaining to the garden. This in conjunction with the distance between the site and the listed building, their physical separation by the track way and the restricted visual connectivity, does limit how the listed building is experienced.

#### *Conservation Area*

The proposal site is also outside the boundary of the conservation area and this suggests that it did not hold the historic or architectural significance to warrant inclusion. However, it borders the boundary and is a consideration in terms of the setting of the conservation area as a designated heritage asset. Buildings and their plots aligned along Church Street, without back land development is the prevailing settlement pattern within this part of the conservation area. That said the settlement pattern does change outside the conservation area boundary with the development of Hamilton Croft, although the proposal site if developed would not project as far back behind the settlement as Hamilton Croft.

The proposal site contributes to the setting of this conservation area in that it is green open space located behind the main form of the settlement. The only interconnecting views to and from the conservation area are from the open spaces and land, directly behind the Old Rectory. The contribution of the site to the setting of the conservation area is relatively limited due to its size and location and in turn the closer proximity and greater extent of the remaining open space to the rear of the historic settlement, which is in the conservation area, provides the prominent settlement setting.

The proposal is to develop one detached house set to the western edge of the site, maintaining a much greater proportion of the open character of the site which was historically a garden to the Old Rectory, with access provided through the existing car park.

The manner of access appears to be a convenient option with relatively limited visual impact. The boundary wall proposed for part removal to enable this access is largely modern and therefore no historic fabric would be lost. However, the line and enclosure of this wall does contribute to the historic form and character of the garden and the modest opening is considered to maintain this enclosure.

The open character of the garden would be altered by the development of a house in the very nature of the introduction of built form to the open space. However, the location of the dwelling, set in one corner of the site maintains the majority of open space in a unified form. The siting of

the proposed dwelling also provides it with greater distance from the listed building, with interconnectivity between the remaining garden space and the listed building and its other grounds (open spaces) within the conservation area better preserving the setting of the listed building and the setting of the conservation area.

The Conservation Officer has identified that there would be less than substantial harm to the setting of the listed building and the conservation area. However, it was also confirmed by the Conservation Officer that this would be on the lower end of the scale and that these could be outweighed by the public benefits of the proposal.

In weighing up the benefits of the proposal, a well-designed dwelling within a non-principle settlement is supported by the Local Plan. An additional dwelling in this location does not only provide additional housing to meet the District's housing needs, it also helps to support everyday services and facilities within the village and provides economic and local employment benefits during the construction stage.

The scale, form and design of the proposed house are considered to respond to the scale and character of its garden context whilst reflecting the local vernacular. Subject to the use of local materials and details the house is considered to accord with the Design Policies in the Local Plan and NPPF.

It is considered, on balance, the public benefit of the proposal outweighs the less than substantial harm to the setting of the listed building and Conservation Area and as such is in accordance with Section 16(2) and 72(1) of the Act, paragraph 196 of the NPPF.

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

The proposal is not considered to involve the significant loss of historic fabric or have a negative impact upon the special architectural and historic interest of The Old Rectory and its setting. The significance of the Grade II designated heritage asset will be sustained, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, Section 16 of the NPPF and Policy EN10 of the Local Plan.

#### **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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby granted consent shall be implemented in accordance with the following drawing number(s): 1647-01 Rev B, 1647-02 RevA, 1647-04 Rev A, 1647-04 Rev C, 1647-05 Rev A, 1647-05 Rev A.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

No works to the stone freestanding wall and arch (as shown on drawing 1647 - 04 Rev. C) shall commence, until the extent and manner of their repair has been agreed in writing by the Local Planning Authority and the works shall be carried out fully in accordance with the approved details.

**Reason:** It is important to ensure that the repair of the wall and arch is carried out in a manner which is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby serving to preserve the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning Policy Framework.