Item No 05:-

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18/04714/FUL

Clematis Cottage Keytes Acre Ebrington Chipping Campden Gloucestershire GL55 6PD

Full Application 18/04714/FUL		
Applicant:	Mr & Mrs K Mathieson	
Agent:	Mm3 Design Ltd	
Case Officer:	Amy Hill	
Ward Member(s):	Councillor Mrs Sue Jepson	
Committee Date:	10th April 2019	
RECOMMENDATION:	PERMIT	

Single storey rear extension and reconfiguration of entrance steps at Clematis Cottage Keytes Acre Ebrington Gloucestershire GL55 6PD

UPDATE: This application was reported to the Planning and Licensing Committee on 13th March 2019. At that time, the Committee resolved to undertake a Site Inspection Briefing to better understand the concerns raised by the Parish Council and residents. The feedback from this Site Inspection Briefing will be presented by the relevant Councillors at this Committee.

Main Issues:

- (a) Design and Impact on Heritage Assets
- (b) Impact on Residential Amenity
- (c) Impact on Cotswolds Area of Outstanding Natural Beauty
- (d) Impact on Trees
- (e) Parking

Reasons for Referral:

Cllr Jepson called the application to committee, stating "Reasons are highlighted by the parish council and the very strong reason of objection."

1. Site Description:

The application site consists of a two-storey red brick building which is a former historic barn, converted into a dwelling in the 1990s. This included an increase in height of the southern section of the building. It now forms part of a cul-de-sac built at a similar time as the conversion. It has a parking space to the front, alongside parking areas for the neighbouring properties, and a garden area to the rear with a substantial tree within. The site is level with the road to the front, but is significantly elevated from the main road to the rear and is supported by a substantive stone wall.

The site is considered to be curtilage listed to the neighbouring listed buildings formally known as Town Farmhouse. It also falls within Ebrington Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

Listed

The agents queried whether the building is curtilage listed on the previous application, to which the Conservation Officer provided the following response:

"The application relates to a historic property within the historic "Town Farm" complex in Ebrington. The site was developed in the 1990s as part of a new residential cul-de-sac scheme and the dairy was converted into a residential dwelling now called Clematis Cottage. At the time

of the 1990's conversion, the building was identified as curtilage listed and there is now a question by the agent as to whether this is correct. The following is my assessment based on the tests set out by Historic England Advice Note 10 the tests are -

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- the physical layout of the listed building and the structure;
- their ownership, both historically and at the date of listing; and
- the use or function of the relevant buildings, again both historically and at the date of listing

Physical layout: Yew Tree Cottage and Oakwood Cottage fronts onto main highway, the dairy, now Clematis Cottage, is situated a few meters to the south separated by a mix of stonewall and planting.

Past and present ownership: The building was part of the Town Farm complex at the time of listing, this changed once redeveloped into a residential dwelling in the 1990s and now independently owned.

Date of listing of principal building: 1985 Grade II listed as Town Farm House the building has been subdivided into Yew Tree Cottage and Oakwood Cottage dates from the 17th century. Clematis Cottage, the dairy is identified on the historic epoch of 1883 map as part of town farm complex. No earlier maps can be found but the parish council note that the dairy was built in 1835.

Previous and current uses: Original use as Dairy as part of the Town Farm complex. The site was developed in 1990's and converted to residential as part of the Keytes Acre housing development. This resulted in the loss of other farm related buildings and was agreed under LBC consent; the Town Farm House was retained as part of the scheme and is two properties.

Due to the above it is considered that the dairy, now Clematis Cottage, is curtilage listed. At the time of listing the site was Town Farm and the dairy was part of the wider farm context and a related function which was integral to the farm complex when listed. Keytes Acre housing development was considered with the benefit of listed building consent and the dairy was part of this application."

As an additional note of clarity in regards to the Historic England Advice, the following has been added:

"Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of a listed building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building. The Historic England Advice Note provides hypothetical examples (which is stated in the document) to assist in that assessment and it should be noted that not all cases are the same, each case needs to be reviewed individually based on the tests which have been established. I have reviewed the following areas within my comments as per the tests set out within the advice note and the areas requiring consideration are as follows -

- Physical layout
- Past and present ownership
- Date of listing of principal building
- Previous and current uses

As previously advised should the applicant wish for a definitive view on this Historic England offer an enhanced service to review and revise listed building descriptions where there may be doubt about what is and what is not protected, assist in defining curtilage and can provide clarity regarding protected structures. See www.HistoricEngland.org.uk/services-skills/our-planningservices/enhanced-advisory-services/listing-enhancement/" The agent does not consider the building is curtilage listed; however, as far as the Council is aware the above service from Historic England has not been sought. No Listed Building Consent has been applied for, but this does not impede the consideration of this application for planning permission. Notwithstanding this, it remains the Council's opinion that the building is curtilage listed and as such Listed Building Consent would be required for the proposed works.

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2. Relevant Planning History:

LBC.394/B - 2-storey extension and conversion of existing farmhouse listed building ref. no. 13/30 to provide 2 dwellings. Conversion of existing barn to provide 1 dwelling. Demolition of existing outhouse and some internal partitions. - Permitted April 1989

CD.6602/C - 2-storey extension and conversion of existing farmhouse listed building ref. no. 13/30 to provide 2 dwellings. Conversion of existing barn to provide 1 dwelling. - Permitted April 1989

Permitted Development rights were restricted by condition for extensions, alterations, outbuildings, fences etc.

18/02645/FUL - Two-storey rear extension and re-configuration of entrance steps - Refused November 2018

3. Planning Policies:

NPPF National Planning Policy Framework EN1 Built, Natural & Historic Environment EN2 Design of Built & Natural Environment EN5 Cotswold AONB EN7 Trees, Hedgerows & Woodlands EN10 HE: Designated Heritage Assets EN11 HE: DHA - Conservation Areas EN13 HE:Conv'n of non-domestic historic bldgs INF4 Highway Safety INF5 Parking Provision

4. Observations of Consultees:

Conservation Officer: No objections subject to conditions. Comments incorporated in the report below.

Tree Officer:

No objections subject to condition.

5. View of Town/Parish Council:

Parish Council:

Ebrington Parish Council STRONGLY OBJECT to the application. They have raised objections on the following matters:

- Concerns that the footprint of the proposed extension is the same as that of the previously refused application, and is out of proportion to the site and would have a detrimental effect on the amenity of neighbours.

- That the ridge reduction is minimal and does not resolve the numerous problems with this application

- Risk to the Cooper Beech and neighbouring protected Yew Trees.

They also re-iterated the concerns raised on the previous application as they consider them equally applicable for the current application.

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Those re-iterated were concerns relating to:

- 1. Severe Over-development
- 2. Severe Impact on a Listed Building & its Setting
- 3. Risk to Protected Trees
- 4. Loss of Amenity to Neighbouring Properties.

These matters are considered in the report below.

6. Other Representations:

5 Objections to the scheme were received for the following reasons:

Restricted space for an extension ; proportion of increase in footprint of the building resulting in overdevelopment; reduced garden size; previous extension to the building during conversion; insensitive over-development as a consequence of "garden grabbing"; impact on the conservation area; adverse effect on the character of the adjacent gardens and dwellings within the Conservation Area to the detriment of neighbouring homeowner; impact on Yew Tree Cottage (grade II listed building) due to the extensions proximity and size; impact on historic property and its character; limited access to rear garden and parking for construction; loss of light to 1 Keytes Acre; concerns over impact of drilling on neighbours property; impact on tree roots of Beech tree; and ongoing parking limitations.

Those matters which are relevant planning considerations are discussed in the report below.

7. Applicant's Supporting Information:

Arboricultural Method Statement Proposed Plans

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

The building is considered to be curtilage listed, and as such is a designated heritage asset. The Local Planning Authority is therefore 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 it possesses. This duty is required in relation to Section 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework.

The property is located within the Ebrington 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 locality. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

a) Design and Impact on Heritage Assets

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

Local Plan Policy EN13 related to the conversion of non-domestic historic buildings, including those previously converted. It states 'Proposals to extend or alter heritage assets that have been converted, will be permitted where it can be demonstrated that the proposed works would preserve the significance of the asset (including its form and features), its setting and/or the character or the appearance of the surrounding landscape in a manner that is proportionate to the significance of the asset.'

NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states decisions should ensure 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. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

Section 16 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 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 notes that significance can be harmed through alteration or development within the setting. Paragraph 194 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. 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, whilst 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 property dates from 1835 and is of simple narrow single depth plan form with two rooms to the ground floor and two rooms above (although these have been subdivided to create a further bedroom and bathrooms). The internal reconfiguration proposed is not objectionable as the property was converted in the 1990s to provide this new layout. The alteration to the front steps is also considered not objectionable given the limited impact this would have on the dwellinghouse.

The concerns raised by neighbours and Parish Council predominately stem from the impact of the proposed single storey extension to the rear. This application is a resubmission of a previous, refused, application for a two storey extension.

The Cotswold Design Code states that "extensions to existing buildings should be in scale and character with the parent building. Additions should not dominate the original building". The reduced scale of the extension (from the refused scheme), with a single storey only, would ensure that the host dwelling can still be read. Whilst it would be preferred if the ridge line could be below the eaves height of the existing dwellinghouse, the extension is nevertheless of a modest scale. It would therefore have a limited impact on the character of the building. The footprint of the extension, whilst relatively large in relation to the host building's footprint, approximately 25m² and 55m² respectively, would not overwhelm the rear elevation of the building. The reduction by a storey from the previous application to a single storey; the resultant roof and eave heights; and lack of first floor, are sufficient that the scale is considered not to dominate the host building. The use of high quality materials will ensure that the extension is of a high quality, which would be controlled by condition. Overall it is of a subservient nature in height, mass and area to the original dwelling therefore conforming to the Cotswold Design Code. It is considered reasonable and necessary for a condition to be agreeing the materials used and scaled drawing to be submitted of the new windows and doors to agree the profile, glazing and material.

The site is relatively limited in size, with the Beech tree visually reducing much of the garden space, the rear garden is approximately 125m², with the proposed extension reducing this by just over 25m². The scale of this reduction is sufficiently limited that the remaining garden is sufficient, despite the Beech and Yew trees making the site appear somewhat cramped. Whilst the appearance of the site would appear somewhat overdeveloped, given the constraints of the neighbouring properties and trees, the single storey nature of the extension is such that the degree of overdevelopment is considered to be at an acceptable level. Whilst it is noted a neighbour refers to this as 'garden grabbing', such terminology commonly relates to new dwellings on gardens, rather than extensions to existing dwellings.

By virtue to the extension having an acceptable impact on the host dwelling, this curtilage listed building would still contribute positively to the character and appearance of the conservation area. Whilst the extension would be visible from the rear roadside, the level of the road is significantly lower than the site. Additionally, the trees provide a degree of cover and the extension is set back from the boundary. As such, the extension would not be overly prominent, and views of it would not be considered harmful to the character or appearance of the area. Equally, as the extension is not dominant, it is considered that the proposed development would not harm the setting of the principal listed building (Town Farm).

The extension is therefore proposed to comply with Local Plan Policies EN2, EN10, EN11 and EN13, and Sections 12 and 16 of the NPPF.

(b) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

By virtue of the height of the proposed extension and its distance from the rear windows of the Yew Tree Cottage (to the north), despite the orientation of these buildings, the impact in regards to loss of light on Yew Tree Cottage is considered not to be harmful. There are proposed to be a couple of ground floor windows proposed facing these neighbours; however, there is an existing high fence separating the property from the neighbour and similar levels of overlooking could occur from the garden of the dwellinghouse.

To the south, the extension is close to the side windows of the dwellinghouse, 1 Keytes Acre, such that they would suffer from some loss of light. The reduction to single storey would mean that this would affect the ground floor windows of this neighbour, rather than the upstairs. The downstairs windows affected serve a utility, cloakroom and the kitchen. The Cotswold Design Code identifies that principal rooms do not include hallways, stairs, bathrooms, utility or store

rooms. As such, losses of light to such rooms are accepted and would not warrant refusal of the application.

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The kitchen window affected by loss of light is north facing, in addition this room is also served by an east facing window. As such, the daylight available to the kitchen of 1 Keytes Acre is considered to be at an acceptable level.

The reduction of the proposal to single-storey, as well as reducing the amount of light lost, would also reduce the overbearing effect on the occupiers of 1 Keytes Acre. Whilst it remains closer and of a height which would cause a degree of overbearing, predominantly on the cloak and utility rooms, the degree of overbearing is not to a level where it is considered that the overbearing affect would warrant refusal of the application.

As such, despite the identified harm to the amenity of 1 Keytes Acres, this level of harm is such that the proposal is considered to comply with residential amenity considerations of Local Plan Policy EN2.

(c) Impact on Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

The proposed development is contained within the clear residential curtilage of the site and relates closely to the existing built form on the site. It does not encroach into open countryside nor harm the character or appearance of the Cotswold AONB. As such the proposal is considered to accord with Local Plan Policy EN5 and Section 15 of the NPPF.

(d) Impact on Trees

Local Plan Policy EN7 requires development to conserve and enhance natural assets to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.

The trees to the rear of the site include two Yew trees outside the application site which are protected by a Tree Preservation Order. The tree within the rear garden of the site is a mature Cooper Beech tree, which is protected by virtue of being within a conservation area.

All three trees are considered to provide significant benefit to the visual amenity of the Ebrington Conservation Area. They are in a central location along the main road, and are along the roadside at an elevated position. The trees are of high to moderate quality and as such damage to the trees would be a significant concern for any proposal.

Due to these factors an arboricultural method statement has been provided detailing the use of piles in the foundation to limit the impact on the root system. The proposed method of construction is such that it is considered that the impact on the trees would be acceptable. It would be considered reasonable and necessary to attach a condition to this effect for any permission on the site.

The report also details that the piles will be bored by means of a portable "Mini Kitten" pile rig or similar type mini-pile rig designed to limit compaction during construction. It has been advised that the rig would gain access to the site through the existing house. The rig is powered by a hydraulic power pack that should be located outside the root protection area.

As such, whilst the concerns of the neighbours and Parish Council raise concerns over damage to the tree, the proposed works accord with British Standards 2012: 5837, and have been carefully considered and found acceptable by a qualified arboriculturalist (one of the Tree Officers of the Council).

As such the proposal is considered to comply with the requirements of Local Plan Policy EN7.

(e) Parking

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Local Plan Policy INF4 relates to Highway Safety and seeks to avoid development in locations where cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and having regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it. Local Plan Policy INF5 states that 'Development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.' The guidance notes from this policy support the considerations of Paragraph 105 of the NPPF.

Section 9 of the NPPF promotes sustainable transport. Paragraph 105 requires parking standards to take into account:

a) the accessibility of the development;

b) the type, mix and use of development;

c) the availability of and opportunities for public transport;

d) local car ownership levels; and

e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 108 requires that all development ensures safe and suitable access to the site for all users. Paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is noted the inclusion of unacceptable impacts on highway safety following the revision of the NPPF.

Many objections have identified the concerns due to the ongoing parking situation, with only one parking space to serve the potentially enlarged dwellinghouse, and the highway safety involved in the construction of the extension of the site.

It is acknowledged that objections have been received due to the difficulties in parking however, given the scale of the works, off-street parking space and on-street parking in the vicinity (if limited) it is not considered reasonable or necessary to require a construction management statement (nor refuse the application).

The one parking space for a three-bedroomed house, whilst not generous, is not considered to result in unacceptable impact on highway safety, nor a severe cumulative impact in the road network.

The application therefore satisfies the Local Plan policies INF4 and INF5, and Section 9 of the NPPF.

9. Conclusion:

The proposal is considered to comply with the requirement of the above Local Plan Policies and Sections of the NPPF. As such, it is recommended for 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 implemented in accordance with the following drawing number(s): .

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

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN10, EN11 and EN13, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

No windows or doors shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 of the elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10, EN11 and EN13.

No flues or vents shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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 Policies EN2, EN10, EN11 and EN13.

New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN10.

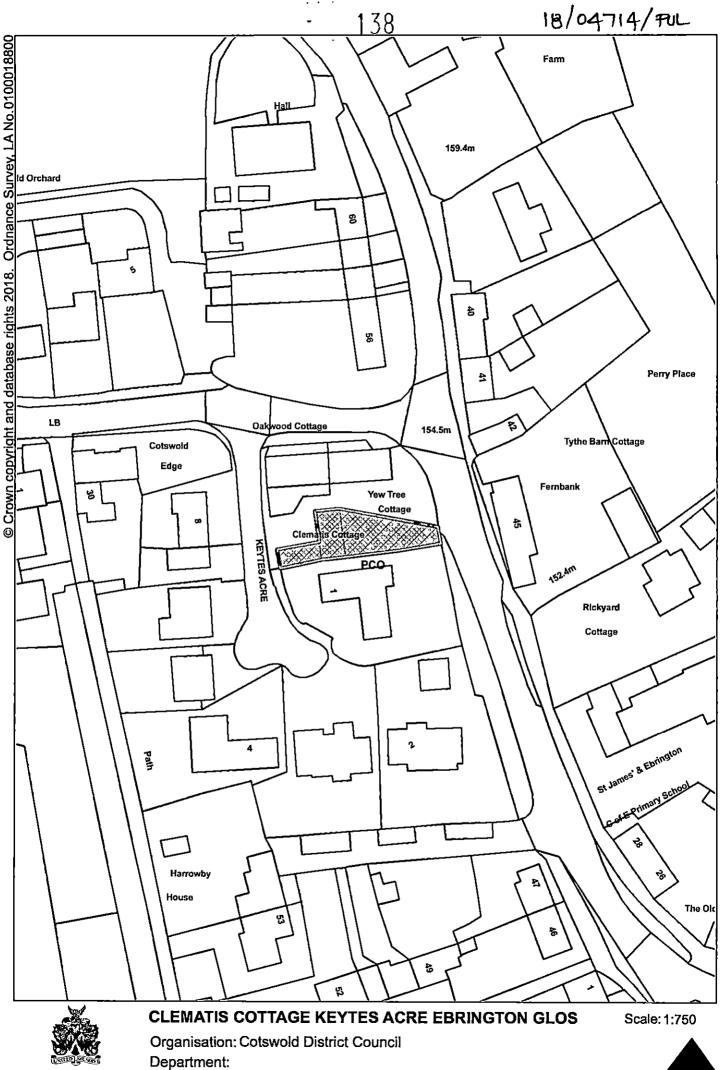
Prior to the commencement of any works on site (including demolition and site clearance), the tree protection scheme as detailed within the arboricultral method statement and tree mitigation plans in the report SPH/5837-01/06.09v2 dated 11th October 2018 is undertaken. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged with 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no windows, doors or other openings, shall inserted in the south elevation of the extension hereby permitted.

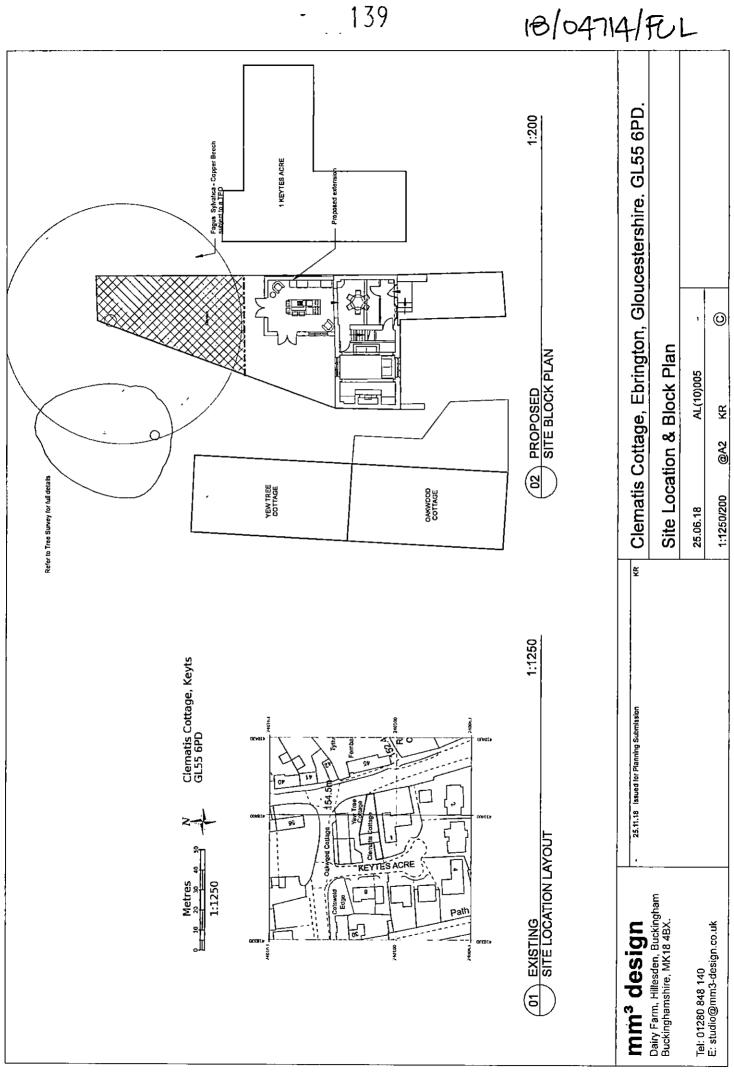
Reason: To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan Policy EN2.



COTSWOLD DISTRICT COUNCIL

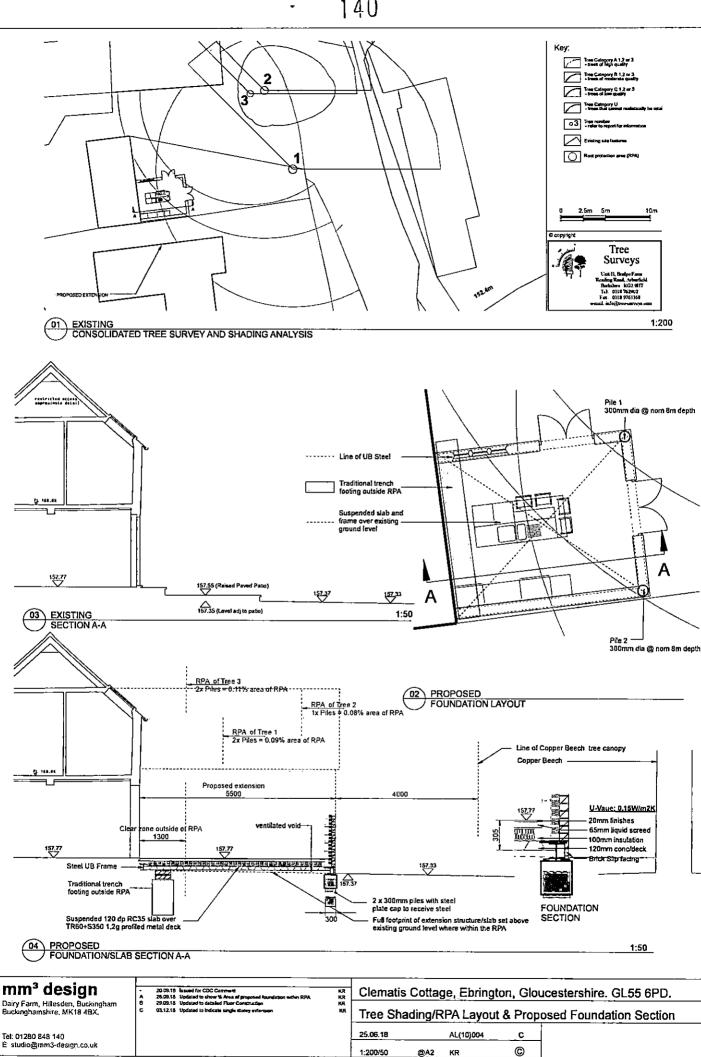
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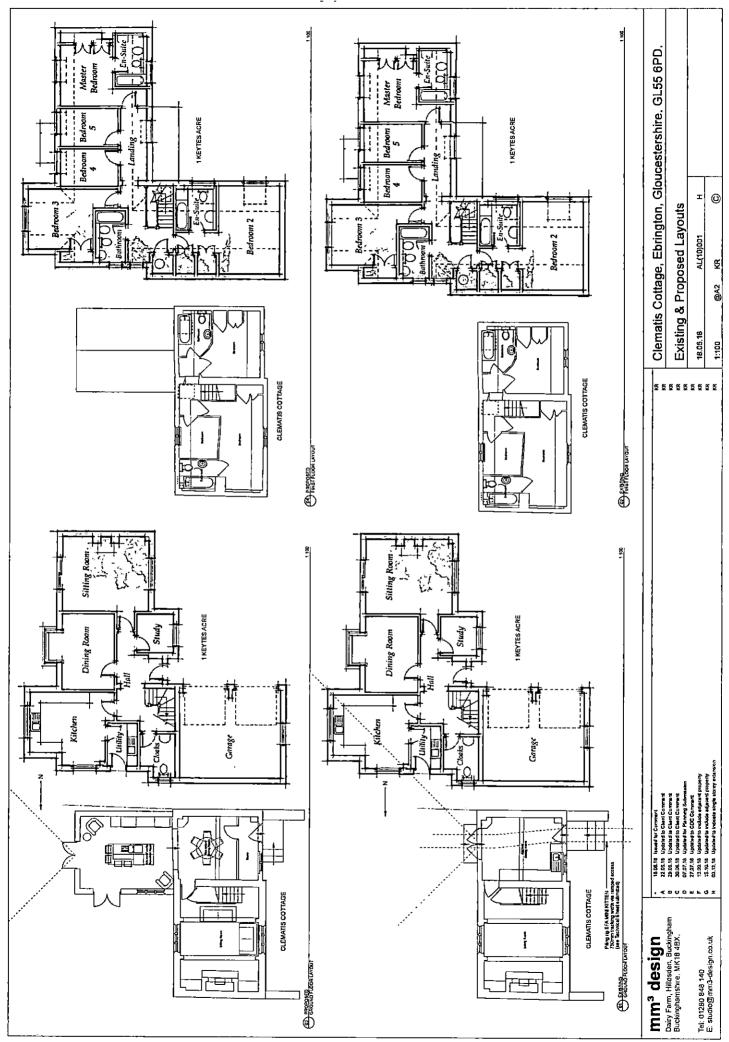


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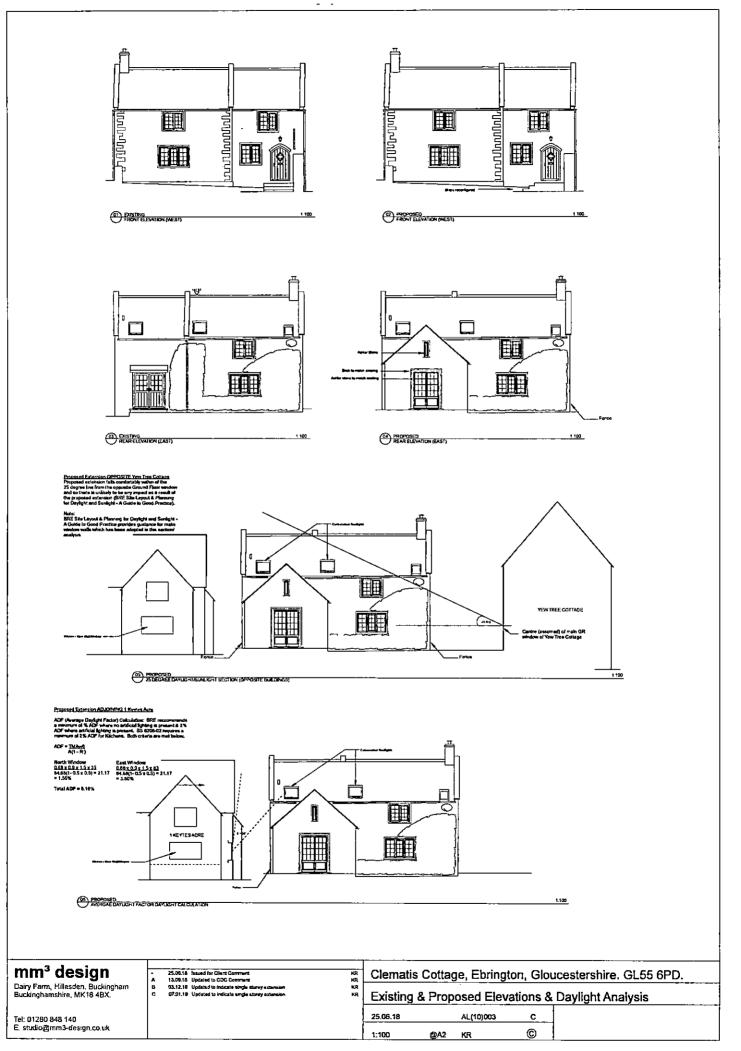


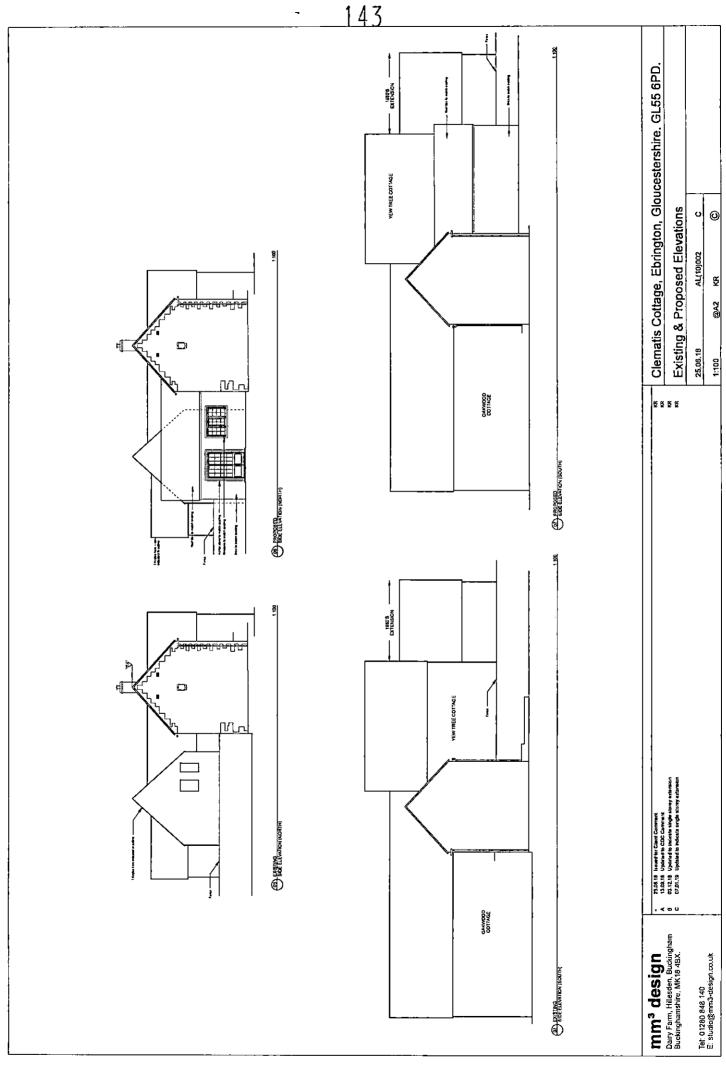
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