

**Erection of single-storey rear extension to replace existing and associated works at Wyck Cottage Wyck Rissington Cheltenham Glos GL54 2PN**

<b>Listed Building Consent 24/00835/LBC</b>	
Applicant:	Mr and Mrs Lathe
Agent:	Ashleigh Clarke Architects Ltd
Case Officer:	Mark Fisher
Ward Member(s):	Councillor Andrew Maclean
Committee Date:	11 September 2024
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**1. Main Issues:**

- (a) Design and Impact on the Character and Appearance of the Area/Heritage Assets
- (b) Impact on Residential Amenity
- (c) Impact on the Cotswolds National Landscape (AONB)

**2. Reasons for Referral:**

2.1 The applications have been referred to the Planning and Licensing Committee following consideration at the Review Panel of 2<sup>nd</sup> August 2024, following a request by Cllr Maclean, where it was concluded that:

*The Review Panel agreed the request for the application to be heard by the Planning and Licensing Committee on the grounds that the consideration of the impact of, and benefits arising from such development, including in terms of heritage & energy efficiency, was appropriate for the Committee to assess in this instance.*

2.2 The reasons for the referral request set out by Cllr Maclean were:

2.2.1 *Wyck Cottage is a grade II listed building which has been severely neglected over the past 20 to 30 years and was uninhabited for over 2 years prior to Mr & Mrs Lathe purchasing the property in March 22. The property has suffered with subsidence, a failing roof, wood rot, dilapidated dormers and windows and has been a total eye sore in the centre of Wyck Rissington for years.*

2.2.2 *CDC have been incredibly slow in dealing with this application given that the owners first submitted their plans in August 2022.*

2.2.3 *The plan is simply to replace a rear, unsightly and incongruous 20th Century south facing glass conservatory with a slightly bigger, more in-keeping oak framed garden room.*

2.2.4 *A south facing glass conservatory is not practical as temperatures exceeded 56 degrees last summer and zero degrees in the winter and a like-for-like replacement will not improve the energy efficiency of Wyck Cottage at all. The energy inefficiency of a glass conservatory goes against the Council's priority of trying to mitigate climate & ecological emergencies and would not provide a comfortable inhabitable living area for large parts of the year. Improving energy efficiency is also a key issue in planning*

(NPPF14) and this planned improvement would increase the performance of the overall building without detracting from the original features of the cottage as it would replace the very out of keeping conservatory.

- 2.2.5 Historic England advises that “a new extension should not dominate a historic building: this usually means it should be lower and smaller. Some small buildings such as lodges and cottages can easily be swamped by an extension, unless very carefully designed. There is no rule on the ideal percentage increase in size: it all depends on the size, character and setting of your house. There will be some cases where a new extension will not be possible. An extension will usually have less effect on your historic house if it is built onto the back and not seen from the front. This is because the back is usually less important for its architecture than the front. Side extensions may also work well. Permission for an extension that projects to the front is rarely given as this is usually the most important and most visible part of the house.” This proposed garden room is at the rear of the house totally out of sight from the public and therefore cannot be said to dominate the existing house in any way.
- 2.2.6 There has been a huge amount of permitted development work on practically all the listed buildings in Wyck Rissington as is documented in the attached PDF. This could be said to set a precedent for what is allowable in the village especially as many of these buildings are immediate neighbours to Wyck Cottage. Why, therefore, is this simple garden room being refused when it will have no impact at all on the character of the conservation area and the village green.
- 2.2.7 The Lathe’s heritage impact statement makes a very valid point that the 1994 planning permission to grant an extension to the south-east (replacing a garage and single storey store) and a glass conservatory to the rear demonstrates the cottage has been subject to considerable change over the years as a consequence of change of use and having been made a single cottage. The best way now of preserving the inherent and architectural interest of this lovely cottage is surely to facilitate the optimum viable use and long-term preservation of the cottage as a residential premises by allowing the owners to upgrade it to a 21st century standards as proposed.

### **3. Site Description:**

- 3.1 Wyck Cottage is a two-storey detached dwelling situated on the south-western side of the main road running through the village of Wyck Rissington. The property, which was listed as grade II in 1960, historically comprised a pair of symmetrical cottages, each with a small offshoot on the gable ends (that at the north-western end apparently surviving as the utility room), and a smaller structure projecting, forwards from these offshoots (a fragment of which may survive in the external wall projecting north-east from the utility, and which is proposed for demolition). At first floor each cottage is divided into two bays by a raised cruck truss, each substantially encased within historic lath-and-plaster. Though the two cottages have since been combined into a single-dwelling, it is in the character of the building as a pair of traditional estate-workers cottages that its significance as a listed building primarily rests.
- 3.2 In addition to its listing, the property is located within both the Wyck Rissington Conservation Area and the Cotswolds National Landscape (AONB).

#### **4. Relevant Planning History:**

- 4.1 CD.7762 - Demolition of part of Listed Building and erection of extension; Permitted 10.03.1994
- 4.2 CD.7762/A - Demolition of existing garage and single storey store and erection of new extension; Permitted 10.03.1994
- 4.3 CD.7762/B - Erection of an amdega conservatory; Permitted 21.09.1994
- 4.4 CD.7762/C - Erection of amdega conservatory; Permitted 21.09.1994
- 4.5 05/01863/AGFO - Extension to barn to provide agricultural vehicle and hay storage; Refused 06.09.2005
- 4.6 22/02719/FUL and 22/02720/LBC - Demolition and replacement of conservatory, extension of existing outbuilding and alteration/refurbishment of existing dwelling; Permitted 19.05.2023

#### **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- CDCLP CDC LOCAL PLAN 2011-2031
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas

#### **6. Observations of Consultees:**

- 6.1 Conservation Officer: Recommends refusal

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

- 7.1 No comments received at the time of writing

#### **8. Other Representations:**

- 8.1 No comments received at the time of writing

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

- Existing and proposed plans and elevations (including revisions)
- Design and Access Statement
- Heritage Statement

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

- 10.1 The Local Planning Authority is statutorily required to have special regard to the desirability of preserving the buildings, their settings, and any features of special architectural or historic interest they may possess, in accordance with Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.2 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.

### *Proposed Development*

- 10.3 The application seeks planning permission and Listed Building Consent for the erection of a single-storey rear extension.
- 10.4 The proposed extension would be of flat roof design and would measure approximately 5.9 metres in width, 3.9 metres in depth and 3.3 metres in height (3.9 metres including roof lantern). It would be constructed using an oak frame over low Cotswold Stone walls.

## **(a) Design and Impact on the Character and Appearance of the Area/Heritage Assets**

- 10.5 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality. This conforms to the design considerations of National Planning Policy Framework (NPPF) Section 12.
- 10.6 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.
- 10.7 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.
- 10.8 NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in.
- 10.9 NPPF Section 16 states that historical 'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.
- 10.10 Wyck Cottage comprised a modest linear pair of agricultural workers' cottages, which have been converted into a single dwelling, and massively extended to the south-east in 1994 (application references 94.00285 and 94.00286), enormously increasing the length of the building, but retaining its linear form. A fully glazed, lean-to conservatory was permitted on the rear elevation the same year (94.01155 and 94.01156). Whilst

the location broke the linear footprint of the building, this was mitigated by the visually permeable, light-weight appearance, and modest lean-to form were deferential to the historic, linear character. The scale of these extension was such that they accounted for approximately 37% of the footprint of the total building.

- 10.11 Applications for various works was submitted in 2022 (22/02719/FUL & 22/02720/LBC), which initially included a replacement rear extension virtually identical to the current proposal. Concerns were raised over the cumulative scale of the existing extensions, and following a suggested compromise, the proposal was amended to comprise a fully glazed lean-to of similar depth to the previous, but slightly greater width; this was approved, and is the footprint shown in the current survey drawings.
- 10.12 The re-submitted proposal still raises concerns with regard to the depth of the projection and the more box-like form with a substantially solid roof. The result of these would be a large addition dominating the rear elevation and eroding the simple, linear form of the building. Despite the level of mid height glazing, the solid roof would render the interior darker, and thus the addition would be very considerably less visually permeable than a conservatory, reading as a more solid, flat-roofed and rather box-like extension, disruptive to the historic linear form of the host building.
- 10.13 Furthermore, it is now also proposed to increase the opening through the historic rear wall, so that the appearance is not a delicate addition to the rear of the historic building, but a substantial penetrating extension. There would also be loss of the definition of the rear wall, as well as loss of masonry.
- 10.14 The applicant's justification for the development's impact concludes that the replacement extension would "engender long term committed ownership of the property". No public benefits to outweigh the harm arising have been put forward by the applicant as they claim the development would have a beneficial impact upon the Listed Building. Officers do not agree with this contention, and do not consider that the very limited extension or improvement of personal accommodation within the building would set out any clear public benefit to potentially outweigh the clear harm identified.
- 10.15 In regard to the comments made within his referral request regarding the improved 'energy efficiency... performance' of the building that he anticipates to arise, no such case or evidence has been provided by the applicant. It may be that the opposite is true, as the existing conservatory is an external room, accessed by external openings through the solid wall of the host building, whereas the proposed development would create larger full openings in the existing curtain wall fabric and join the remainder of the house to a partially glazed structure, possibly exerting greater heating and cooling demands. Notwithstanding this uncertainty, the potential effects in regard to energy efficiency are not considered to represent a public benefit (if they did actually exist in this case), so should not be weighed against the disbenefits / harm of the proposed development.
- 10.16 The proposed development would therefore fail to accord with Section 16(2) in specific regard to the Listed Building Consent, and otherwise Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Sections 12 and 16 of the NPPF and Local Plan Policies EN2, EN10 and EN11.

## **(b) Impact on Residential Amenity**

- 10.17 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, in conformity to the amenity requirements of Section 12 of the NPPF.
- 10.18 Owing to the scale, siting and position relative to neighbouring properties, the proposed development is considered not to impinge on the residential amenities of the neighbouring properties having regard to loss of light, loss of privacy or overbearing. The proposed development is considered to accord with the residential amenity considerations of Local Plan Policy EN2 and Section 12 of the NPPF.

## **(c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)**

- 10.19 Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.20 Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape, and requires that it takes account of landscape character, visual quality and local distinctiveness.
- 10.21 Local Plan Policy EN5 relates specifically to the National Landscape (AONB), and states that in determining development proposals within the National Landscape (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. This conforms to the considerations of NPPF Section 15, which seeks to conserve and enhance the natural environment.
- 10.22 The proposed development does not materially encroach into open countryside nor harm the character or appearance of the Cotswolds National Landscape (AONB). As such, the proposal is considered to accord with Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

## **11. Conclusion:**

- 11.1 The current proposal, by virtue of the scale and design would dominate the rear elevation, erode the linear form and further add to the already considerable cumulative mass of modern extensions, thereby neither preserving the special architectural or historic interest of the Wyck Cottage, nor preserving nor enhancing the character and appearance of the Wyck Rissington Conservation Area, nor sustaining the significance of either as designated heritage assets. The harm would be less-than-substantial albeit considerable, and not be outweighed by any resultant public benefits that are dependent upon that harm. In this regard, the proposals are considered to fail to accord with Sections 12 and 16 of the NPPF, Local Plan Policies EN2, EN10 and EN11 and Sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

## **12. Reasons for Refusal:**

1. Wyck Cottage is a Grade II listed building, comprising an already massively extended, but still linear former pair of agricultural workers' cottages. 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 both preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
2. The current proposal, by virtue of the scale and design would dominate the rear elevation, erode the linear form and further add to the already considerable cumulative mass of modern extensions, thereby neither preserving the special architectural or historic interest of the Wyck Cottage, nor sustaining its significance as a designated heritage assets. The harm would be less-than-substantial albeit considerable, and not be outweighed by any resultant public benefits that are dependent upon that harm. In this regard, the proposals are considered to fail to accord with Sections 12 and 16 of the NPPF, Local Plan Policy EN10 and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.