Item No 04:-

21/04349/FUL

Brookford Cottage Shipton Oliffe Cheltenham Gloucestershire GL54 4JF

Item No 04:-

Demolition of existing modern (late-C20th) garage (51.77 cubic metres). Internal works (removal of modern timber stud partition, re-wiring and re-plumbing) and external alterations to include: breach of small section of east gable wall and erection of single storey side extension; and wholesale replacement of existing rainwater goods. Demolition and re-build as new the single storey early-C20th brick outbuilding at Brookford Cottage Shipton Oliffe Cheltenham Gloucesteshire GL54 4JF

Full Application 21/04349/FUL	
Applicant:	Mr Richard Hall
Agent:	Corinium Planning Services
Case Officer:	Ed Leeson
Ward Member(s):	Councillor Robin Hughes
Committee Date:	13th April 2022
RECOMMENDATION:	REFUSE

I. Main Issues:

- (a) Design and Impact on Heritage Assets including the Shipton Conservation Area
- (b) Impact on Residential Amenity
- (c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Impact on trees
- (e) Flood Risk
- (f) Impact on Biodiversity
- (g) Community Infrastructure Levy (CIL)

2. Reasons for Referral:

This application has been referred to Planning and Licensing Committee following a request from Councillor Hughes. The reasons for doing so include:

- The historic environment has been shaped by people and investment of successive generations, and each generation should therefore shape and sustain the historic environment in ways that allow people to use, enjoy and benefit from it, without compromising the ability of future generations to do the same;
- Change in the historic environment is inevitable, caused by people's responses to social, economic and technological change and that new work should aspire to a quality of design and execution which may be valued both now and in the future; and
- Keeping a significant place in use is likely to require continual adaptation and change and owners of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process.

3. Site Description:

- 3.1 Brookford Cottage comprises a modest detached cottage which appears to date back to the 17th century with a 19th century extension, and is constructed of large blocks of coursed squared and dressed limestone with Cotswold stone tiles. It is a Grade II listed building within the Shipton Conservation Area.
- 3.2 The property sits within a generous garden, but is closely constrained to the north and west, by the road and neighbouring properties.
- 3.3 The site is bordered by a tributary to the River Coln to the south, and it is partially within Flood Zones 2 and 3.
- 3.4 The site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

4. Relevant Planning History:

- 4.1 21/00588/FUL Alterations to dormer window (retrospective). Permitted 13.07.2021.
- 4.2 21/00589/LBC Re-roofing and associated repairs and alterations, replacement of porch, alterations to dormer window and re-pointing (retrospective). Permitted 13.07.2021.

5. Planning Policies:

- ENI Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- ENIO HE: Designated Heritage Assets
- ENII HE: DHA Conservation Areas
- EN14 Managing Flood Risk

6. Observations of Consultees:

- 6.1 Conservation Officer: views incorporated within the Officer's report.
- 6.2 Tree Officer: no objection subject to conditions.
- 6.3 Newt Officer: no objection.

7. View of Town/Parish Council:

7.1 Shipton Parish Council have not provided comments on this application however have provided comments of support on the accompanying listed building consent application 21/04350/LBC stating:

"Shipton Parish Council support this application and the renovations. It is important that this property is occupied asap so that further deterioration does not occur."

8. Other Representations:

8.1 4 third-party comments of support have been received.

9. Applicant's Supporting Information:

- i. Drawings
- ii. Heritage Impact Assessment & Planning Statement
- iii. Flood Risk Assessment
- iv. Biodiversity Survey and Report
- v. Schedule of Works & Method Statement with associated photographs
- vi. Structural Engineering Report
- vii. Further clarification on amendments supplied via email

10. Officer's Assessment:

10.1 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.

Proposal

- 10.2 The proposed scheme comprises a number of elements including:
- i. Erection of single-storey side extension;
- ii. Demolition of brick outbuilding and erection of replacement garden store; and
- iii. Demolition of garage.
- 10.3 The single-storey side extension was originally proposed to extend from the side gable by 4.2m and out past the rear elevation, creating an L-shape to the property's floorplan. The length from its front to rear elevation would have been 11.6m.
- 10.4 Following discussions with the applicant's agent, this extension was amended and reduced in size so that it no longer extended past the rear elevation of the existing dwelling. It is now proposed to have a dual-pitch roof with side gable, extending out approximately 4.3m with a length of 2.9m. Its height would be around 3.1m with 2m-high eaves.
- 10.5 It should be noted that the description of development for this application includes other proposed elements which do not require planning permission, only listed building consent, and therefore will not form part of this application's assessment. These elements are outlined below and will be dealt with and assessed under the accompanying listed building consent application (ref. 21/04350/LBC):

- i. Internal alterations;
- ii. Replacement of existing rainwater goods; and
- iii. Replacement of 4no. windows.

(a) Design and Impact on Heritage Assets including the Shipton Conservation Area

- 10.6 Brookford Cottage is a Grade II Listed Designated Heritage Asset. As such 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 it possesses. This duty is required in relation to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework.
- 10.7 The site lies within the Shipton 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 above Act.
- 10.8 Local Plan Policy ENI promotes the protection, conservation and enhancement of the built, historic and natural environment in new development. It seeks to ensure the protection and conservation of such assets and their setting in proportion with the significance of the asset. It seeks development contributes to the provision and enhancement of multi-functional green infrastructure and helps address climate change, habitat list and fragmentation whilst improving air, soil and water quality where feasible. It seeks to ensure design standards complement the character of the area and the sustainable use of the development.
- 10.9 Policy EN2 asserts that developments will be permitted provided they accord with the Cotswold Design Code (Appendix D), and that "proposals should be of design quality that respects the character and distinctive appearance of the locality."
- 10.10 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 designate heritage assets and their setting, which put them in a 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.
- 10.11 Policy ENTI (Designated Heritage Assets Conservation Areas) of the adopted Local Plan is also relevant.
- 10.12 Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 130 requiring that planning policies and decisions should ensure that developments: "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; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places ... with a high standard of amenity for existing and future users."
- 10.13 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.

Erection of single-storey side extension

- 10.14 As outlined above, the initial proposal was amended and reduced in size so as to now be proposing an entrance lobby with a footprint of around 12.50 square metres (depth of 2.92m by frontage width of 4.30m), and a height of approximately 3.15m.
- 10.15 Brookford Cottage comprises a modest detached cottage which appears to date back to the 17th century and was extended in the 19th century. It is a Grade II listed building within the Shipton Conservation Area and is in a prominent location in the streetscene. The earlier part of the building is constructed of large blocks of coursed squared and dressed limestone, whilst the 19th century addition is made of limestone rubble and brick. The roof appears to be Cotswold stone tiles.
- 10.16 Whilst Brookford Cottage may have been historically extended in the 19th century, it remains a modest and compact building; indeed part of the significance of this building is its modest size and its contained character. The property sits within a generous garden, but is closely constrained to the north and west, by the road and neighbouring properties. Despite Brookford Cottage's position to the north of the site, its principal elevation faces south, into the garden of the property. Whilst the south elevation of Brookford Cottage is considered to be its principal one, its gabled east elevation is one of its most notable and significant features. It is unbroken apart from what appears to be an historic hood moulded mullioned window. The elevation appears intact, without evidence of change of alteration; as such it makes a considerable contribution to the significance of this modest yet charming listed building.
- 10.17 Whilst the proposal would be subservient to the existing cottage, and only a small area of historic fabric would be removed, with around a quarter of the existing C17th gable end being "masked" externally by the extension, Officers have concerns over the impact the proposal would have on the significance of the heritage asset.
- 10.18 Firstly, access to an extension created through an opening in the eastern gable end of the property is a proposal which would not only lead to the loss of 17th century historic fabric, but also the alteration of this intact historic feature which appears to be from the original construction of the building. The addition of an extension in this location, would also cause further harm, masking the eastern gable end and, while set back from the roadside elevation, would detract from the host building and be harmful to the modest architectural and spatial character of the designated heritage asset.

- 10.19 Whilst it is noted that there would be reuse of stone work, this is not considered to mitigate the harm of the new opening within the 17th century gable which would result in the loss of 17th century historic fabric which is considered to be harmful to its significance and the extension will also partially obscure the historic gable walling of the asset. Once fabric is removed, this results in a loss of its historic integrity and a change in the spatial character of the gable wall.
- 10.20 On the basis of the revised proposals, the scheme is assessed as being of 'less than substantial harm' in terms of the relevant section of the NPPF. As such Paragraph 196, which states that less than substantial harm should be weighed against the public benefits of the proposal, would be pertinent. Although considered 'less than substantial' under the terms of the NPPF, the proposals would still cause harm to the designated heritage assets. The building is not designated on the building at risk register and its use is as a private dwellinghouse; therefore, there are limited public benefits to outweigh the harm identified.
- 10.21 Although generally not available to view publicly, it is noted that an application for preapplication advice was submitted in November 2019 (ref. 19/04174/PAYPRE) which included proposed additions to the side elevation of Brookford Cottage. The advice provided is broadly consistent with the assessment undertaken here; the advice provided outlined that a side extension would cause harm to the listed building by virtue of the removal of historic fabric and the masking of the prominent gable end.
- 10.22 Although it is noted that the initial proposal was considered harmful to the character and appearance of the conservation area due to its lack of subservience and prominent and open siting within it, the amended plans show a small protruding addition set back from the front elevation, subservient in massing, height and footprint. As such, its adverse impact on the character and appearance of the conservation area is considered to have been alleviated, however there is still considered to be some minor harm due to the prominence of the dwelling within the street scene.
- 10.23 Notwithstanding this, due to the harm caused to the listed building through the loss of historic fabric and the obscuring of the historic gable wall, the reduced impact on the conservation area is not outweighed by that caused to the heritage asset.
- 10.24 Taking the above into account, this aspect of the application cannot supported as it is not considered to sustain or enhance the significance of the heritage asset, which is at odds with Local Plan Policies EN1, EN2, EN10 and EN11, and Sections 12 and 16 of the NPPF.

Demolition of brick outbuilding and erection of replacement garden store

- 10.25 To the property's rear is a brick outbuilding which comprises of two sections; the north-east facing section, which faces the principal elevation of the cottage, containing three timber-boarded doors, painted pale blue, and a window frame with UPVC cill and has a modern roof of artificial Welsh slate; and is the remains of a much larger L-shaped structure. This outbuilding is considered to be curtilage listed.
- 10.26 The building is in poor condition and it is proposed to demolish it and replace it with a single-storey outbuilding of the same footprint (5m by 6.2m) with an increase in its overall height from 2.7m to 3.1m.

- 10.27 The removal of the existing building is not objectionable due to its condition and its proposed replacement with one of a like-for-like massing and pitch roof. Additionally, the materials seek to reuse the metal cladding which would help assimilate the new addition within the site's current context.
- 10.28 Although visible from the public realm, the building would be set back from the property's frontage and would consist of a linear design with a dual-pitched roof, which would be sympathetic having regard for the character of the host dwelling and the locality. This aspect of the proposal is therefore considered acceptable and compliant with local and national policy.
- 10.29 Notwithstanding, it is recommended a condition is added to any permission granted requiring scaled drawings of windows and doors, together with a roof sample.

Demolition of garage

10.30 The garage building is not of historic interest or one of architectural merit, and therefore its proposed removal is not objectionable. This aspect of the scheme is therefore considered to comply with the requirements of Local Plan Policies EN1, EN2, and EN10 and Sections 12 and 16 of the NPPF.

(b) Impact on Residential Amenity

- 10.31 Local Plan Policy EN2 (Design Code) states that development should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. Similarly, paragraph 130 of the NPPF also states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.
- 10.32 The proposed side extension is set away from the application site's boundaries and is single-storey in height. As such, it is considered its construction would not cause undue impact to the residential amenities of neighbouring properties.
- 10.33 Similarly, the proposed replacement outbuilding is also away from any shared boundaries and single-storey, which would have no adverse impact on residential amenity. Further, the removal of the garage would have no impact.
- 10.34 As such, the proposals are considered to comply, with the residential amenity considerations of Policy EN2 and the NPPF.

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

- 10.35 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.
- 10.36 Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local

distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

- 10.37 Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' 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.
- 10.38 The proposals would be contained within the residential curtilage of the host dwelling with no encroachment into open countryside. Officers are therefore satisfied that the development would not be harmful to the character or appearance of the Cotswolds AONB and so the scheme would comply with Local Plan Policies EN4, EN5 and the NPPF.

(d) Impact on trees

- 10.39 Policy EN7 asserts that "development will not be permitted that fails to conserve and enhance trees of high landscape, amenity, ecological or historical value", which includes trees that are protected by virtue of being within a conservation area.
- 10.40 There are 2 mature trees that are at risk of being affected by the proposed replacement outbuilding due to their proximity. As such, the Tree Officer was informally consulted.
- 10.41 He has advised that he does not have concerns over the demolition and rebuilding of the outbuilding, but would wish to see measures to protect the nearby tree(s) during site works. Officers are therefore satisfied that this issue could be covered via a precommencement condition requiring the submission and approval of a tree protection plan and arboricultural method statement with the tree protection to be complied with in full during demolition and construction works, in the event that the application were approved.
- 10.42 Subject to the addition of the above conditions and informative, the proposals are considered to comply with Local Plan Policy EN7.

(e) Flood Risk

- 10.43 A small strip of the application site may be, potentially, at risk of flooding from the adjacent brook, a tributary of the River Coln that runs along the south-eastern boundary of the site. Additionally, whilst the location for the proposed extension to the cottage lies in Flood Zone I, land assessed as having a less than I in 1000 annual probability of river flooding in any year, the existing outbuilding (and its proposed replacement) can be seen to lay partially within Flood Zone 3.
- 10.44 Local Plan Policy EN14 relates to managing flood risk and requires developments avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Additionally, proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding. As such a site specific flood risk assessment is required for all development in Flood Zones 2 and 3. Due to the scale of the development, it would fall within minor household development; as such the proposal does not need to satisfy the

requirements of either the Sequential Test or Exceptions Test from a flood risk planning perspective. This is supported by Section 14 of the NPPF which addresses flooding.

- 10.45 A Flood Risk Assessment (FRA) has been submitted with the application, and has assessed the potential implications for the proposals. As the extension to the cottage lies outside of the flood zone extents, it is therefore deemed not to be at risk of flooding
- 10.46 With regards to the outbuilding, the FRA identifies that it has a medium risk of fluvial flooding and a low risk of surface water flooding. Given the intended use as an ancillary outbuilding, were this to flood, the impact on the occupiers of the site would be limited. As such, the safety risk to the users of the site is not considered to be increased by the proposal.
- 10.47 The increase in footprint is minimal given the scale of the wider plot and as such the impact on flooding elsewhere is considered limited. As such the proposal is considered acceptable in regards to Local Plan Policy EN14.
- 10.48 Due to the proximity of the development to the water course, a permit is required from the Environment Agency. This is a separate matter to the planning application and an informative would be added to any decision to remind the applicants of the need for this.

(f) Impact on Biodiversity

- 10.49 Local Plan Policy EN8 (Biodiversity And Geodiversity: Features, Habitats And Species) requires development to conserve and enhance biodiversity and geodiversity. Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.
- 10.50 NPPF Section 15 seeks to conserve and enhance the natural environment. Specifically Paragraph 174 states that planning decisions should protect and enhance valued landscapes and sites of biodiversity. Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; whereas development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 10.51 Due to the potential for bats within the buildings on site, a survey was undertaken and provided. The conclusion however is the site offers negligible potential for bats within the garage and brick shed and lean-to structure, although the cottage provides moderate bat roost potential with potential roost features being identified under roof tiles. Although the proposal would not result in damage to the cottage's roof, the report outlines that it would cause disturbance if bats are present, suggesting a precautionary working method statement be designed to ensure that short-term impacts from pre-development and development phases to the stream habitat and its associated habitats and species are avoided (including disturbance to bats, nesting birds, water vole, otter, crayfish, fish, and aquatic invertebrates, if present). As such, a condition would be attached requiring the submission of a precautionary working method.

- 10.52 Additionally, it's considered the proposal offers opportunity for biodiversity enhancement features and, as such, a condition would be added to any permission granted requiring the submission of bat and bird box details which could be incorporated into the new outbuilding, and/ or on trees within the site and the proposals' vicinity.
- 10.53 Taking the above into account, the proposals are considered to comply with Local Plan Policy EN8 and the NPPF.

Newts

10.54 The application site lies within the amber impact zone as per district licence impact mapping, and within 50m of a pond. The Officer in charge of great crested newt district licensing was consulted and provided no objection to the proposals.

(g) Community Infrastructure Levy (CIL)

- 10.55 This development is not liable for CIL because it is:
- 10.56 Less than 100m2 of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

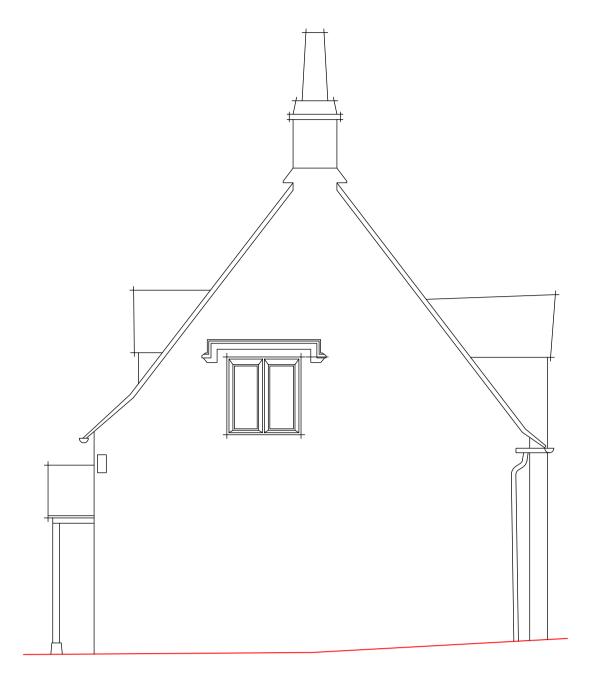
II.I For the reasons outlined above, although a number of elements within the application proposal are considered to be acceptable, the scheme as a whole is not considered to comply with local and national guidance. As such, the application is recommended for refusal.

12. Reason for Refusal:

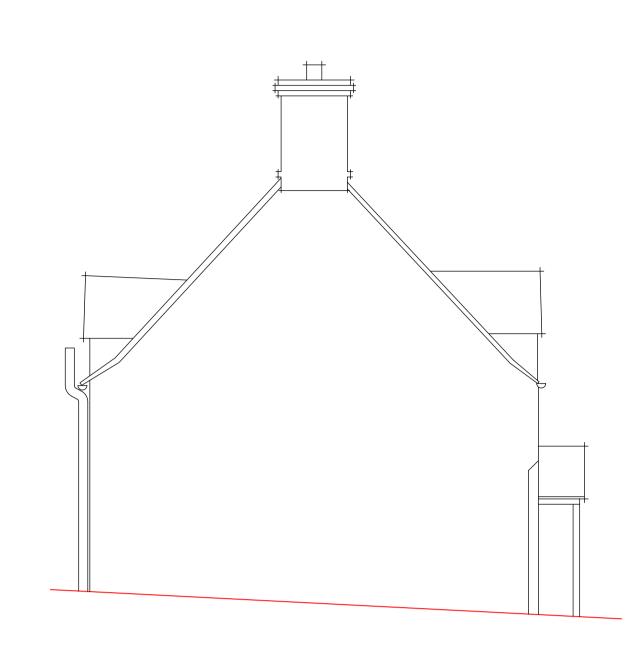
I. Brookford Cottage is a grade II listed building, comprising a modest detached cottage which appears to date back to the 17th century with a 19th century extension, and is constructed of large blocks of coursed squared and dressed limestone with Cotswold stone tiles. Under the Planning (Listed Buildings 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 loss of 17th century historic fabric, as well as the alteration and masking of the property's gable end which is an intact historic feature, would neither preserve the special architectural or historic interest of the listed building, 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 Section 16 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. The proposal is also contrary to Policies EN1, EN2, EN10 and EN11.









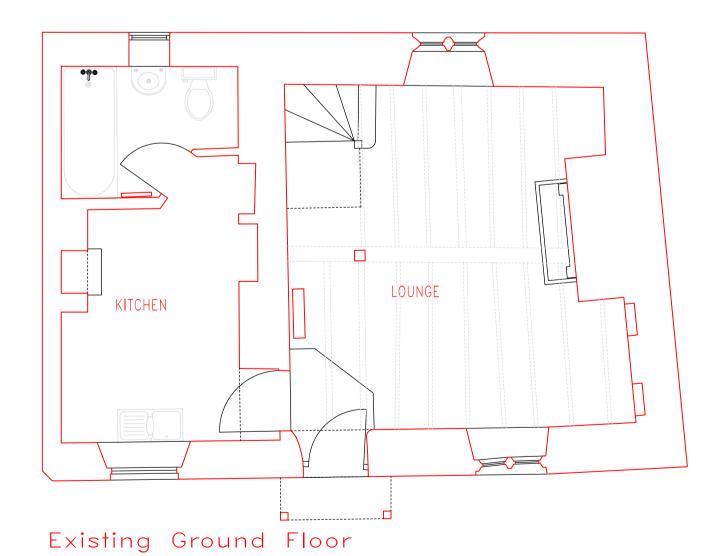


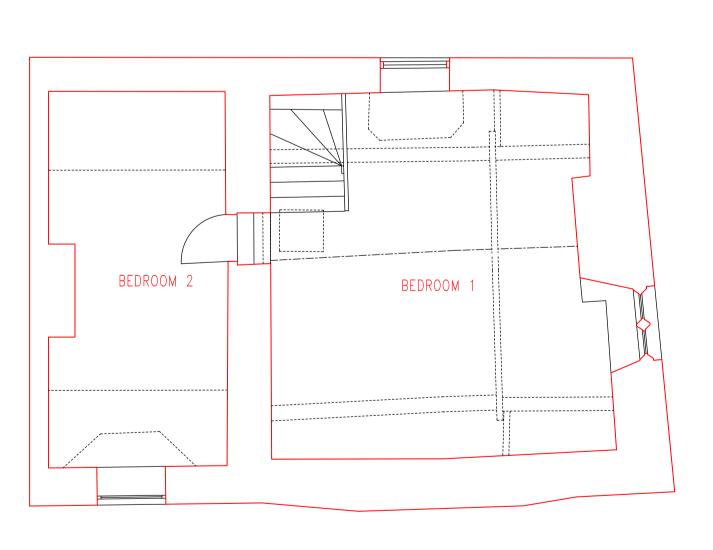
Existing North

Existing West

Existing South

Existing East





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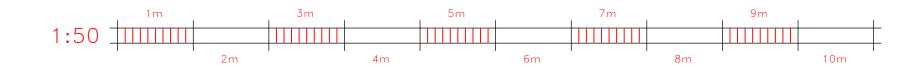
Existing First Floor

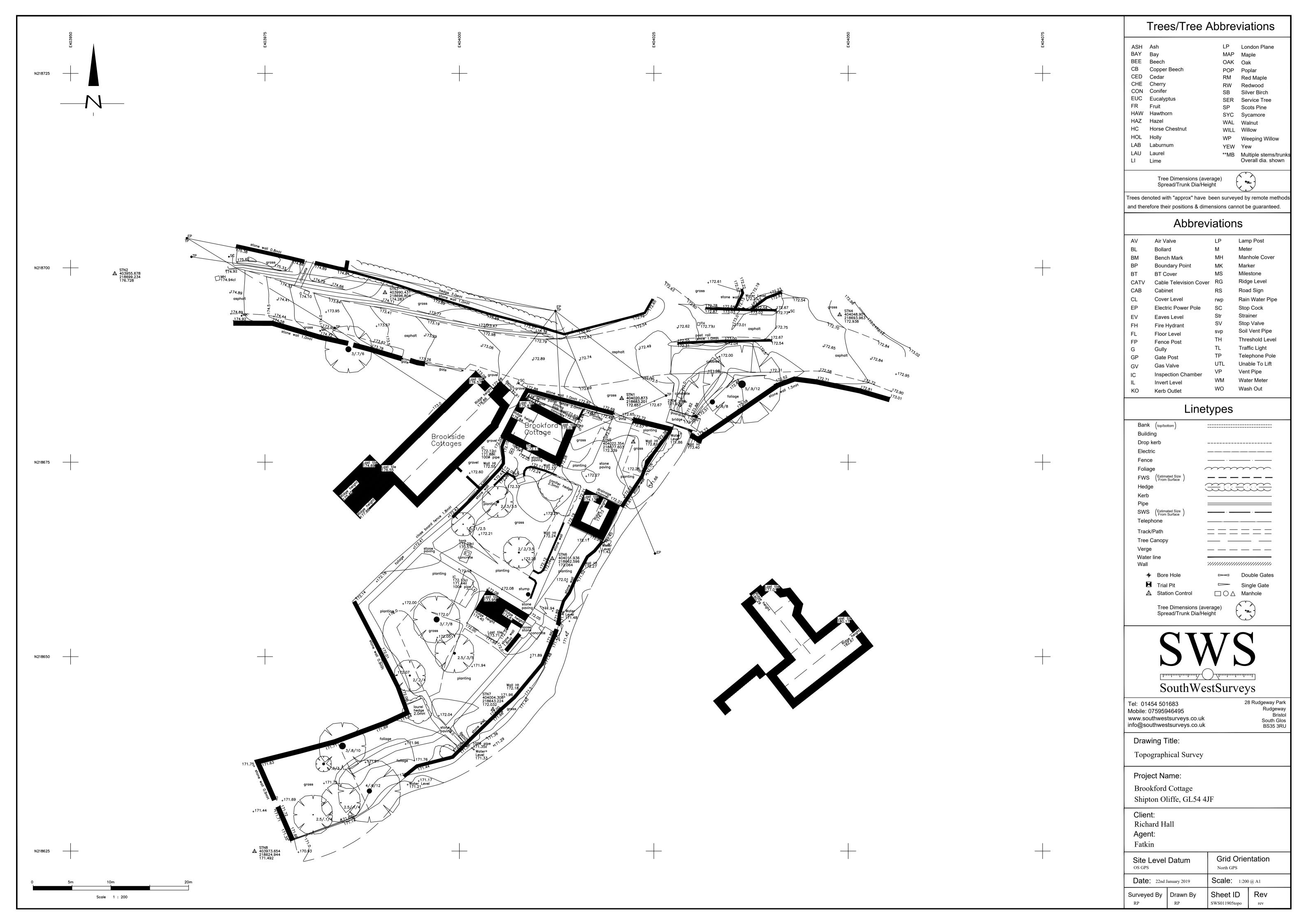
Location Plan — 1:1250

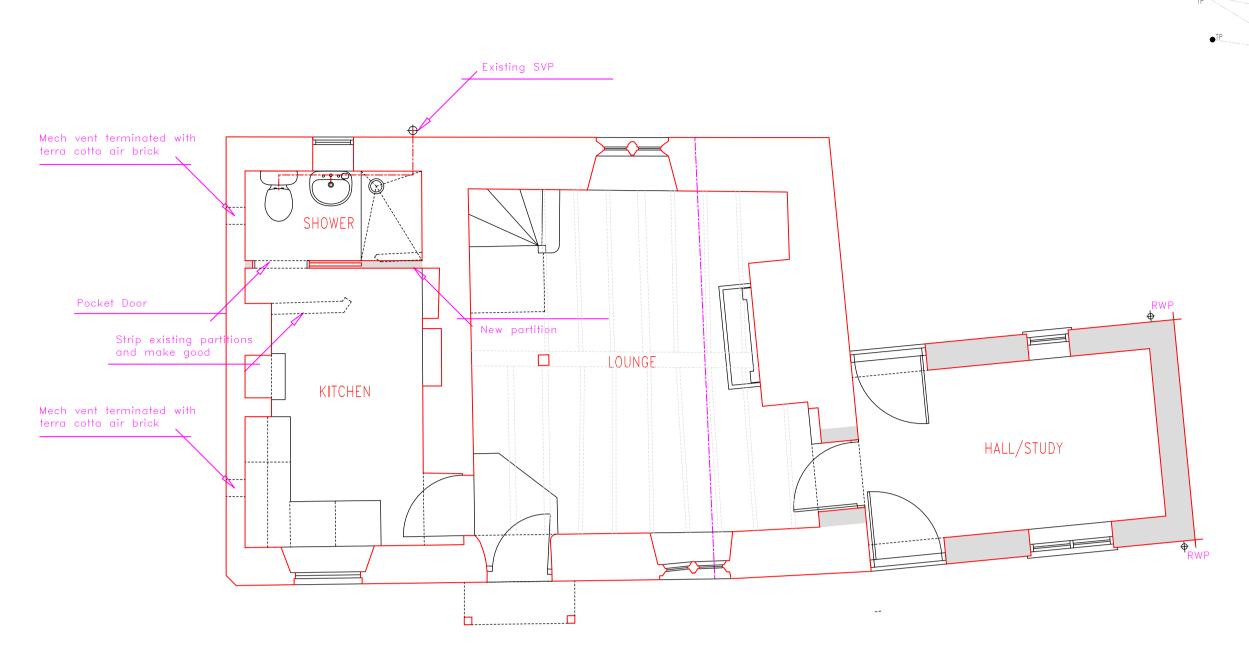
Brookford Cottage Shipton Oliffe Glos GL54 4JF

CLIENT: Mr R Hall SHEET NO: 2042/1 SCALE : 1:50 DATE : Oct 2020 REV : B

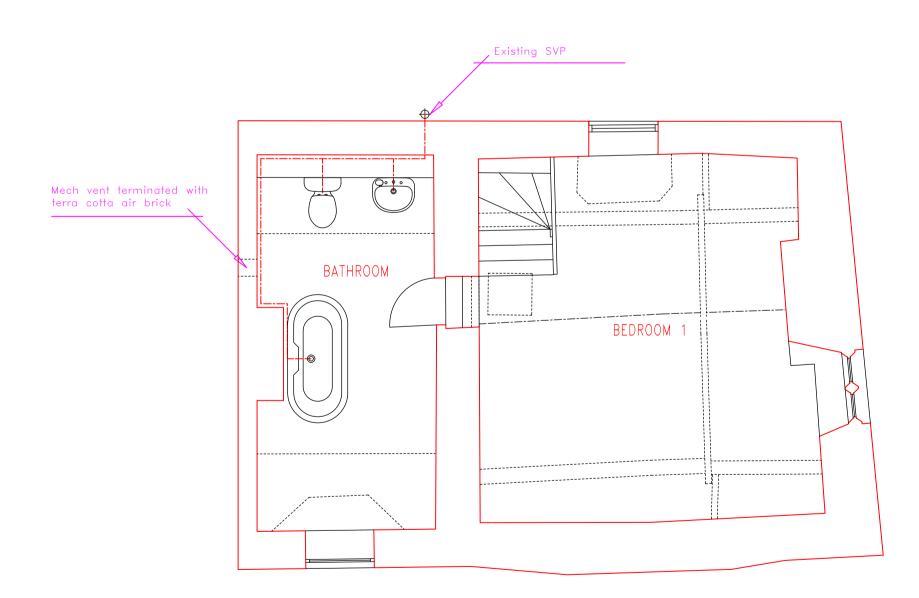
Corinium Architectural Services 64 Queen Elizabeth Road Cirencester, Glos,GL7 1DJ Tel: 01285 65 85 65 E—Mail: Info0CoriniumAS.co.uk



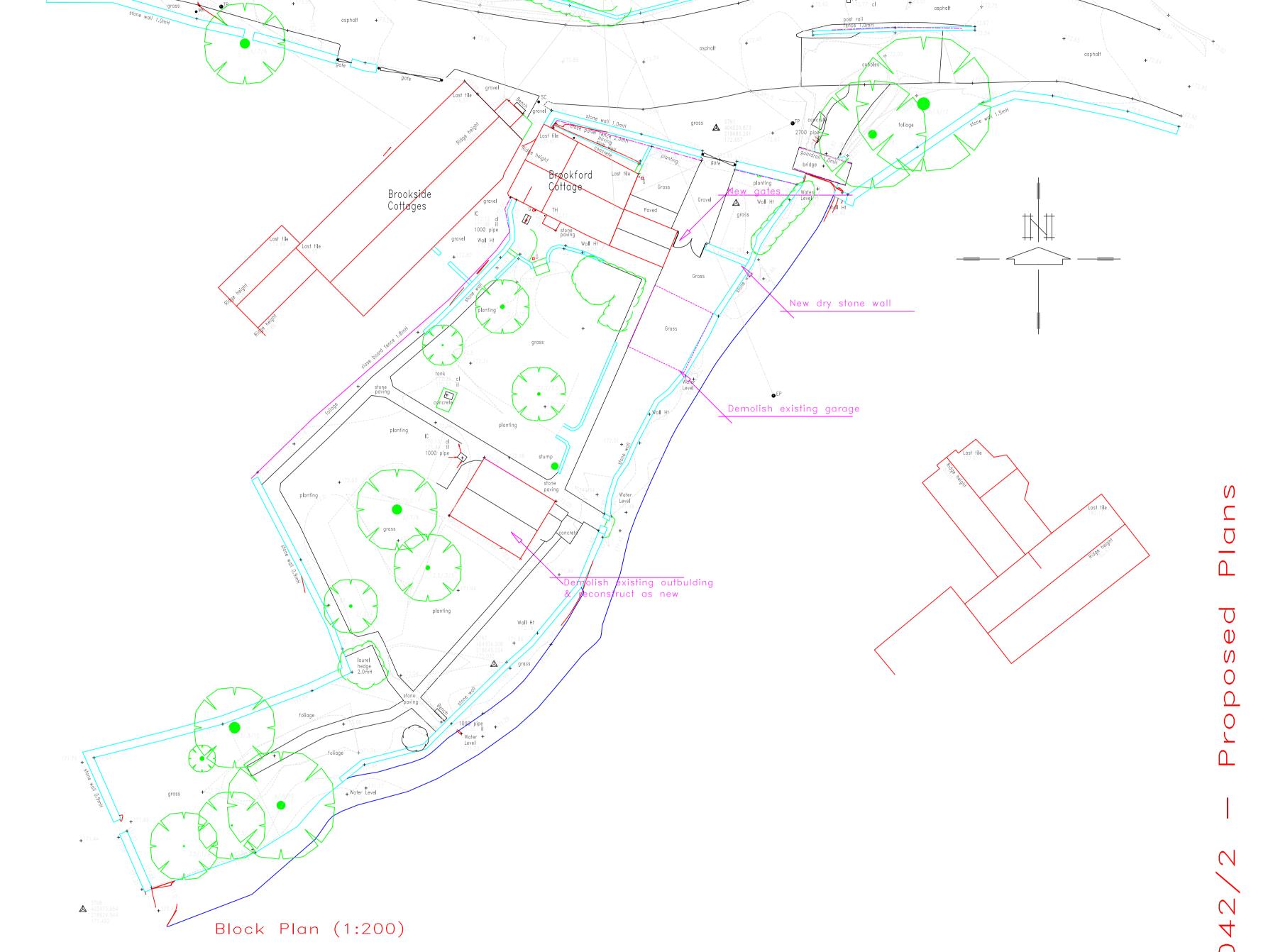




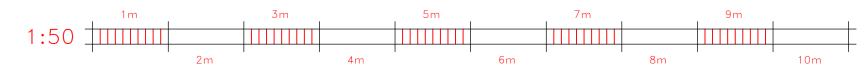
Proposed Ground Floor



Proposed First Floor



1:200



Brookford Cottage Shipton Oliffe Glos GL54 4JF

CLIENT: Mr R Hall SHEET NO: 2042/2 SCALE : 1:50,1:200 DATE : Oct 2020 REV : G

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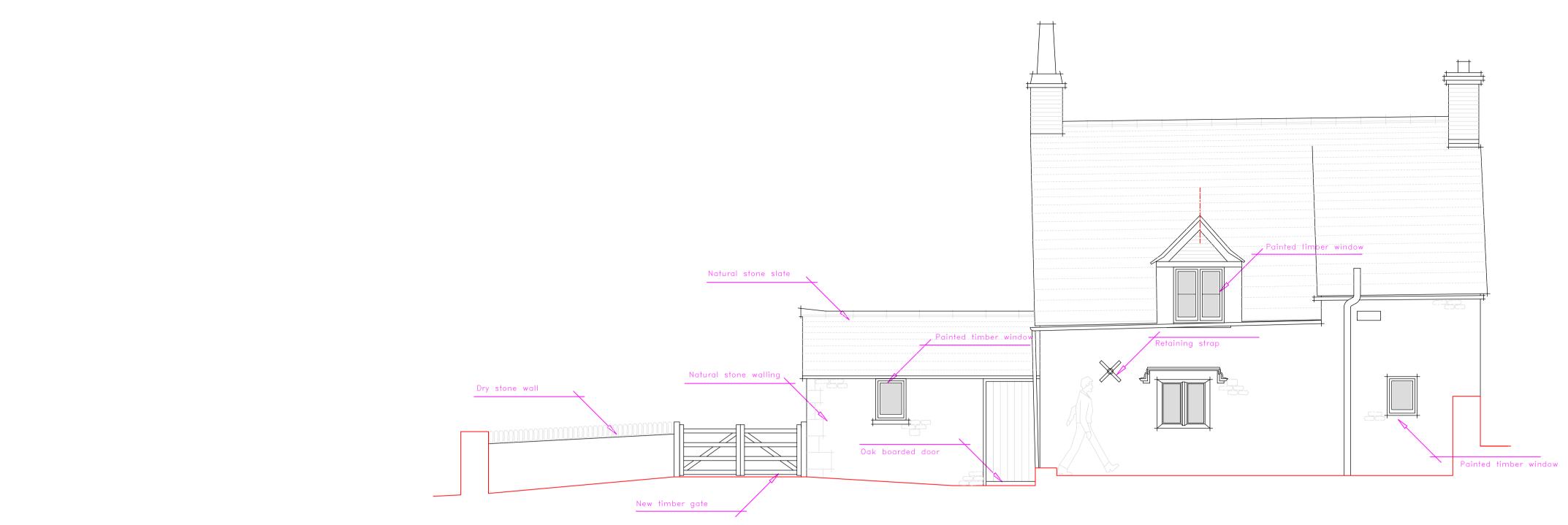
Brookford Cottage Shipton Oliffe Glos GL54 4JF

Natural stone walling

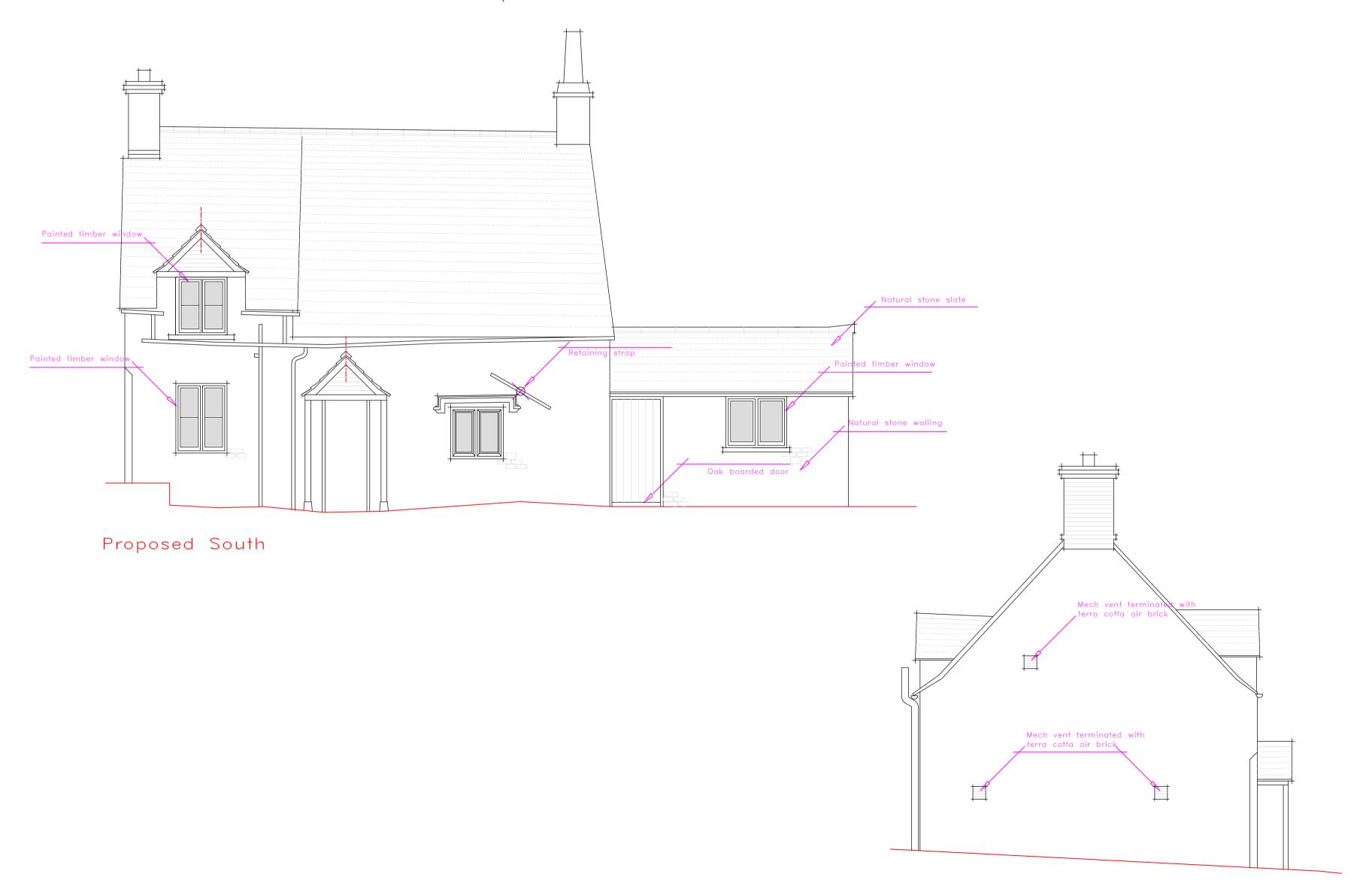
Proposed East

CLIENT: Mr R Hall SHEET NO: 2042/3 SCALE : 1:50 DATE : Oct 2020 REV : H

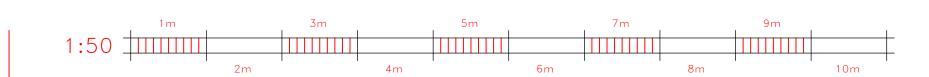
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Proposed North

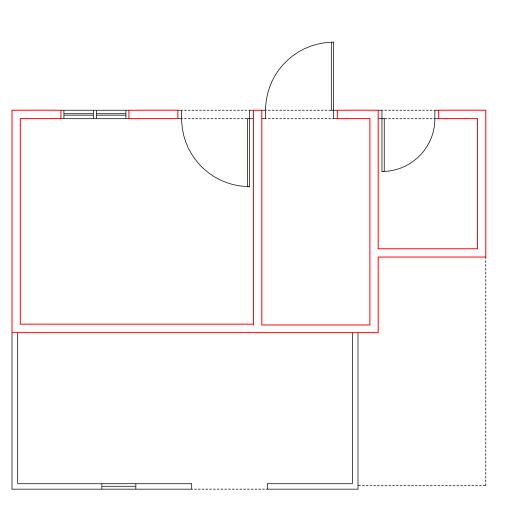


Proposed West

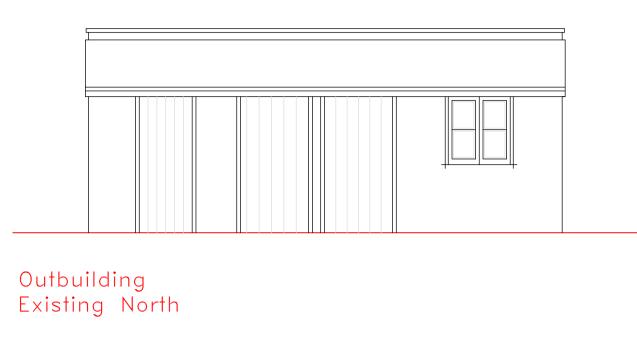


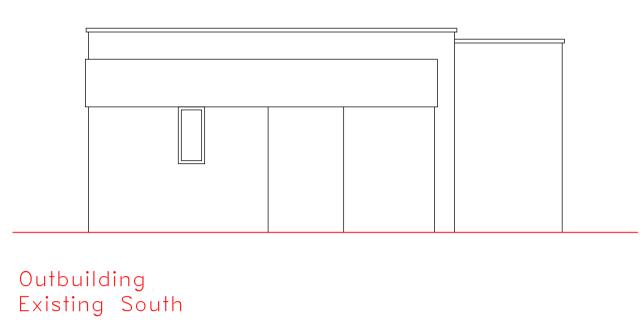


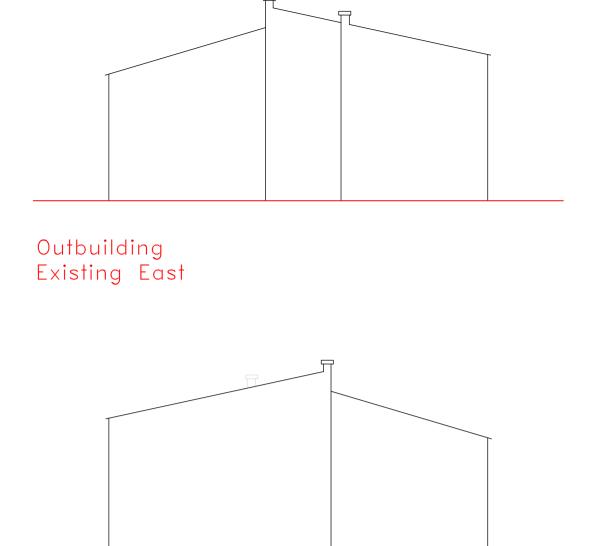
CLIENT: Mr R Hall SHEET NO: 2042/4 SCALE: 1:50 DATE: Apr 2021 REV: E



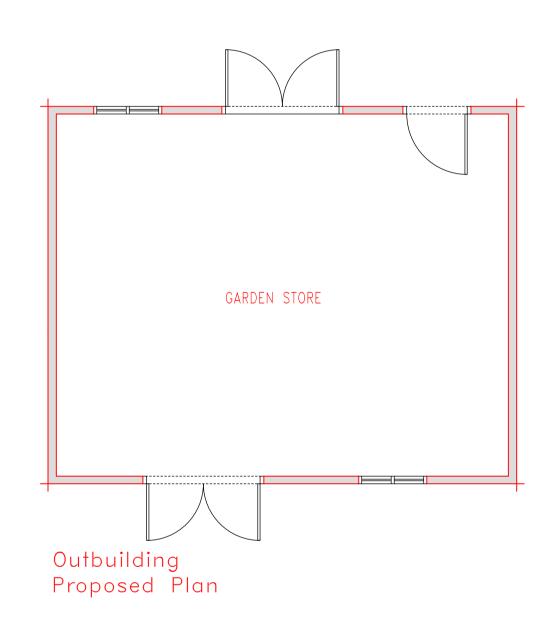
Outbuilding Existing Plan

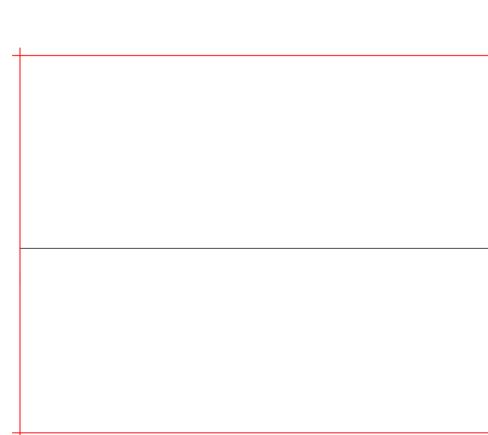




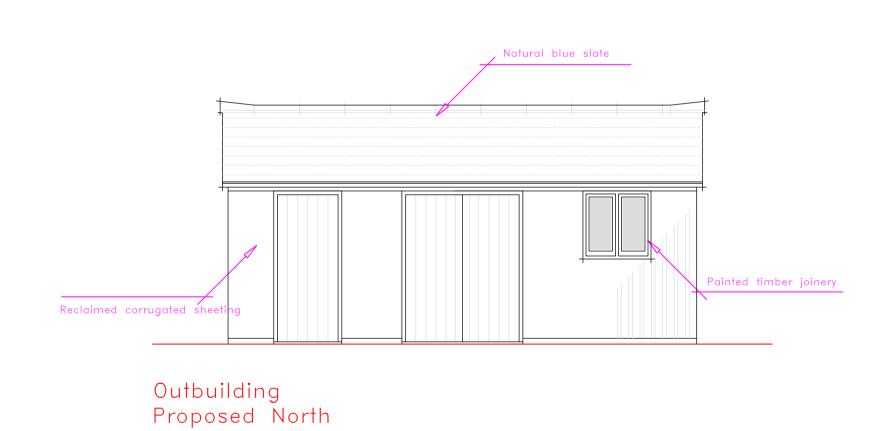


Outbuilding Existing West

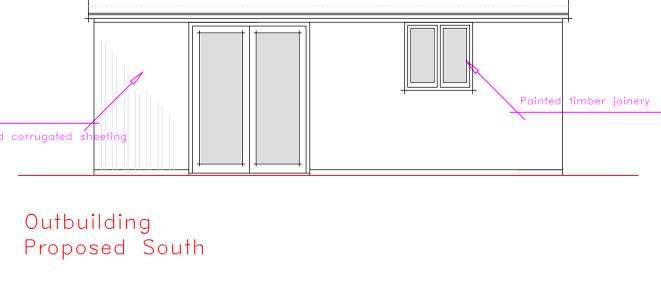


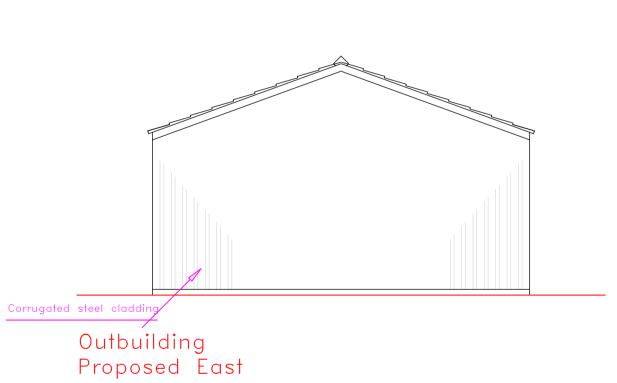


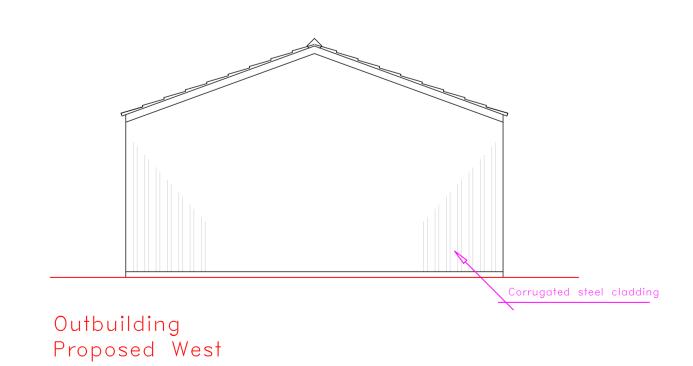
Outbuilding Proposed Roof Plan



Natural blue slate







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