

**Erection of a 1.5 storey extension and other associated works at Swallows Nest
Arlington Bibury Cirencester Gloucestershire GL7 5ND**

Full Application 22/03206/FUL	
Applicant:	Wright
Agent:	Eric Cole LTD
Case Officer:	Kristina Carter
Ward Member(s):	Councillor David Fowles
Committee Date:	13th September 2023
RECOMMENDATION:	REFUSE

1. Main Issues:

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

2. Reasons for Referral:

2.1 Councillor Fowles, the Ward Member, has requested the application is referred to the Planning and Licensing Committee for the following reasons:

2.1.1 Optimum viable use of the site not being explored and weighing in favour of the proposal

2.1.2 'By converting this small dwelling into a viable permanent home for longstanding residents of Bibury and active members of the community, it qualifies as securing the optimum viable use of the site which is a public benefit that weighs in favour of the proposal.'

2.1.3 'A significant proportion of small dwellings in Bibury have been lost to commercial tourist accommodation and there is an identifiable need for viable small dwellings which this application seeks to meet.'

2.1.4 Belief there is a public benefit to the proposal that has not been considered

2.1.5 'NPPF202 relates to the definition of public benefit and "optimum viable use" however, both Officers omit this definition before finding there to be insufficient public benefit.'

Lack of harm to the Conservation Area

2.1.6 'Whilst the Appeal Decision refuses consent for a substantial new build dwelling located along the eastern side of the site on the boundary of the Conservation Area, the current proposal concerns an extension to the western side of the existing

building. Any concerns expressed by the Appeal Inspector in relation to the Conservation Area to the east of the site are therefore not relevant.'

Misinterpretation of the previous appeal decision

2.1.7 'I believe that the Conservation Officer has misinterpreted an appeal decision and referenced the wrong approvals. At Appeal it is clear that the principle of further development upon the site is acceptable and yet the Conservation Officer refers to the Appeal Decision as justification for recommending refusal!'

2.1.8 'The Appeal Inspector confirms that the ancillary character of the extant building results in "neutral harm". I believe the proposed conversion is a continuation of the extant acceptable character.'

Principle of further development of the site

2.1.9 'The Planning file shows that the local Authority considers the site to be suitable for buildings and residential use. This was first established in 2004 and then again in 2016 and 2017 with approvals to convert the extant building. I am concerned that we as the local authority now seek to prevent the owners from improving the building such that it can provide a viable permanent home. This seems to me to run contrary to the needs of residents and the wider community.'

3. Site Description:

3.1 The application relates to a stone outbuilding on the plot of land opposite The Old Post Office in Arlington, Bibury. The outbuilding is situated at the back of the plot and was first erected in the early 2000s as a double garage ancillary to The Old Post Office and has since been converted to a one bedroom dwellinghouse. The converted garage building benefits from the driveway to the front with parking to the west. To the south, there is open countryside.

3.2 The site is within the Cotswolds Area of Outstanding Natural Beauty and adjacent to the Bibury Conservation Area. There are several Grade II Listed Buildings in the vicinity of the application site, including The Old Post Office, Catherine Wheel, the Little Cottage, the Long Cottage and the Old Manse. There is also a Grade II Listed Telephone Kiosk to the west of the site.

4. Relevant Planning History:

- 4.1 04/01390/FUL - Erection of double garage and use of land as domestic curtilage, permitted 16.09.2004
- 4.2 14/05466/FUL - Erection of one dwelling, refused 09.04.2015
- 4.3 15/04341/FUL - Erection of one dwelling, refused 14.04.2016; appealed, refused on appeal 26.01.2017
- 4.4 16/01744/FUL - Change of use from a garage with studio above to one bedroom dwelling, permitted 18.07.2016

4.5 17/03060/FUL - Change of use from a garage with studio above to one bedroom dwelling, permitted 06.12.2017

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EN1 Built, Natural & Historic Environment
- 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: Recommendation to refuse; comments incorporated into the Officer report.

7. View of Town/Parish Council:

7.1 Bibury Parish Council: "Bibury Parish Council considered this application in their meeting held on Tuesday 11th October and agreed 'to support'."

8. Other Representations:

8.1 None received at the time of writing.

9. Applicant's Supporting Information:

- Proposed Plans
- Design and Access Statement
- Heritage Statement

10. Officer's Assessment:

10.1 The application seeks permission for erection of a one-and-a-half storey side extension to the west. The extension would measure approximately 6.6m in width, effectively doubling the current width of the dwelling. The depth would measure approximately 6.8m. The roofline would follow the existing, measuring approximately 6.0m in ridge height, with eaves approximately 2.3m. Four pitched roof dormer windows are proposed along the south facing roofslope. The dormers would measure approximately 2.2m in height and 1.4m in width, and would protrude from the roofslope by approximately 2.2m.

10.2 The proposed materials for the extension are stone to match the existing with tiles to match the existing roof. Windows are proposed to the south, west and north elevations. These would be painted timber to match the existing dwelling.

10.3 A timber pergola structure is proposed to the northwest corner of the property. This would measure approximately 7.0m in width and 5.0m in depth and would provide parking

shelter for three cars. The plans for the proposed pergola have not been submitted therefore the height of the pergola could not be measured.

(a) Impact on Design and Heritage Assets:

10.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall 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.

10.5 Local Plan Policy EN1 states that new development should promote the protection, conservation and enhancement of the historic and natural environment by several measures, including: ensuring the protection and enhancement of heritage assets and their settings; addressing climate change and ensuring that the design of proposals should complement the character of the area.

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

10.7 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.

10.8 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.

10.9 Paragraph D.9 of the Cotswold Design Code states that any proposed new development should respond to its landscape or townscape setting. Paragraph D.10 states that Settlements are distinctive in how they set within the landscape with their layouts and patterns of streets. Any new development should reflect this in its location and design. Paragraph D.13 states that the particular character of existing streets should be respected, 'including gaps between buildings, which can often be important'.

10.10 Section 12 of the revised National Planning Policy Framework (NPPF) reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process. Paragraph 130 advises that, amongst other things, development should be: 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. Paragraph 134 states that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

10.11 Section 16 of the NPPF states that Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Specifically, Paragraph 199 states that when considering the impact of a proposed development 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 200 clarifies that significance can be harmed through alteration or development within the setting. Paragraph 201 states that where a proposed development will lead to substantial harm application should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.12 The proposal is to erect a side extension to the west of the existing building, which would result in the structure doubling in size. This would materially change the appearance of the building which currently reads as a modest, ancillary outbuilding. The position of the property within the application site is set back within the plot, which further contributes to the property being read as an outbuilding. The scheme as proposed would result in the creation of a dormer bungalow. A dormer bungalow in this location is uncharacteristic of the Cotswolds and Bibury, and would fail to relate meaningfully to its context.

10.13 Furthermore, the extension to the west would result in an erosion of the still clearly-visible and legible edge of the historic settlement in this location, as well as inserting modern development between Arlington and its current and historically open aspect to the south. The addition as proposed would make the dwelling visually prominent in views from the main road, from within the Bibury Conservation Area, and would significantly erode the existing views south across the valley to the open countryside beyond. The proposed development would materially change the appearance of the area. This would harmfully erode the setting and significance of both the Conservation Area, and the nearby listed buildings.

10.14 Whilst this gap has already been partially eroded by the construction of the existing building, the property still reads as a subsidiary, ancillary outbuilding property, providing a gentle transition from the open gap to hillside and the buildings beyond. The proposed extension to the west would erode this transition, harmfully impacting the immediate setting and wider locale. This position is considered to be supported by the Planning Inspector who dismissed the appeal of planning refusal 15/04341/FUL for the erection of one new dwelling that was to stretch north to south and was to be no further west than the current structure. The Inspector noted that proposal would 'not extend across the entire site' with some of the gap still remaining due to the scheme's north-south orientation. Despite this, they still maintained that the 'development would affect the setting to the village and would be visible from the important approach into Arlington', concluding that this would adversely affect the historic development pattern and layout, and the relationship between the settlement and the open countryside. In the case of the current proposal, the proposed extension encroaches further west than the scheme submitted under 15/04341/FUL. While it is recognised that this is a one-and-a-half storey extension rather than a two-storey proposal, due to the position of the scheme as submitted, this presents a further encroachment to the west and into the gap than the previous scheme, harming the historic gap and negatively impacting the heritage assets.

10.15 In addition to the extension, a pergola proposed to the northwest part of the plot would further erode the openness of the site, adding to the cluttered appearance and harming the views of the open countryside beyond.

10.16 The harm caused by the proposed would be less than substantial, however there are no public benefits associated with the proposal which would outweigh the harm to the setting of the Conservation Area and the Listed Buildings. The proposal therefore fails to accord with Paragraph 202 of the NPPF.

10.17 It is therefore considered that the proposal fails to accord with the Local Plan Policies EN1, EN2, EN10 and EN11, and Sections 12 and 16 and the Paragraph 202 of the NPPF.

(b) Impact on the Area of Outstanding Natural Beauty

10.18 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.

10.19 Local Plan Policy EN4 (The Wider Natural and Historic Landscape) states 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) of Cotswold District or neighbouring areas. 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.

10.20 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.

10.21 NPPF Section 15 seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states that 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.

10.22 The existing building reads as a transition between the open space of the site and the nearby residential properties. This space contributes to the open character of this part of the village and creates a link through to the open countryside to the south. There are public footpaths running through the site and to the south. The site is therefore quite prominent both from the road on the approach to the village as well as from the open countryside to the south. Currently and owing to the modest ancillary appearance of the outbuilding, the structure does not dominate the views, allowing the eye to skip over it and to the countryside beyond.

10.23 The erection of a one-and-a-half storey extension to the west as well as the erection of the pergola would present a significantly more dominant feature, a visual encroachment that would harm the historic gap vistas, blocking some of the views across the site and causing harm to the visually open character of this part of the AONB. As previously stated, the

existing views are historic and significantly positively contribute to the appearance of the Cotswolds AONB. An encroachment into this gap would negatively impact the appearance of the village by eroding the separation gap and blurring the historic development boundary. This is again considered supported by the Inspector's decision where they state the importance of the relationship between the Cotswold village and the natural beauty of the AONB: 'The Cotswold villages are intrinsic to the natural beauty of the AONB and are an inherent feature of the area's special distinctiveness.' By harming the historic gap and the open vistas that characterise this area, the proposal would fail to conserve the appearance of the AONB, and therefore be contrary to the relevant Policies, both Local and National.

10.24 The proposal would fail to conserve and enhance the natural beauty of the area and would therefore be contrary to Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

(c) Impact on Residential Amenity:

10.25 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.

10.26 By virtue of the scale, siting and positioning of the proposal relative to the 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 therefore considered to accord with the residential amenity considerations of Local Plan Policy EN2 and Section 12 of the NPPF.

11. Conclusion:

11.1 The proposed development does not respect the scale, proportions and the character of the host building, appearing out of keeping and having a detrimental effect on the character and appearance of the street scene, setting and significance of the Bibury Conservation Area and the setting of the nearby Listed Buildings. The proposal also fails to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. As the proposal is for a domestic dwelling, this harm would not be outweighed by the public benefits arising from the proposal. The application is therefore recommended for refusal.

12. Reasons for Refusal:

1. Swallow's Nest lies within the setting of several Grade II listed buildings as well as within the setting of the designated Bibury Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority 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 National Planning Policy Framework required Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The current proposal, by virtue of encroachment into an open space that it has been confirmed at appeal contributes positively to the character, appearance and significance of the conservation area, would erode the historic settlement boundary, thereby harming aspects of the setting of the Bibury Conservation Area that contribute positively to its significance as a designated heritage asset. This open space also forms part of the historic relationship between the listed buildings and the open countryside. Therefore, this would harm aspects of the listed buildings' setting that contribute positively to their significance, thereby neither preserving their special architectural or historic interest, nor sustaining their significance as designated heritage assets. The harm would be less-than substantial, but not be outweighed by any resultant public benefits that are dependent upon that harm. Furthermore, the extension presents an addition that fails to be subservient in size and massing to the existing structure, does not respect the character of the building. The current structure, which currently reads as a small, ancillary outbuilding, would assume a domestic appearance of a dormer bungalow set back within the plot. Neither the dwelling, nor the proposed parking pergola, would be characteristic of the Cotswolds, nor would they relate meaningfully to their context. The proposal is therefore contrary to the Cotswold Design Code.

As such the proposal conflicts with paragraph 202 of the Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 66(1) of the 1990 Act. The proposal is also contrary to Policies EN1, EN2, EN10 and EN11 of the Cotswold Local Plan 2011-31, and Sections 12 and 16 of the National Planning Policy Framework.

2. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The existing structure visually reads as a transition between the open space of the countryside and the residential part of the settlement. This space contributes to the open character of this part of the village and creates a link through to the open countryside to the south. The erection of a one-and-a-half storey extension to the west would present a visual encroachment that would harm the historic gap vistas and be harmful to the open character of this part of the Area of Outstanding Natural Beauty. The proposed pergola would present a further erosion of the open views of the countryside to the south. As such the proposal is contrary to Cotswold District Local Plan Policies EN2, EN4 and EN5 and Section 15 of the National Planning Policy Framework.