

**Erection of a side and rear extension at Valley View Chapel Street Mangersbury
Cheltenham Gloucestershire GL54 1HR**

| Full Application 23/02137/FUL | |
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| Applicant: | Mrs Ruby Eady |
| Agent: | Guiding Light Architecture Ltd |
| Case Officer: | Wayne Campbell |
| Ward Member(s): | Councillor Dilys Neill |
| Committee Date: | 11th October 2023 |
| RECOMMENDATION: | PERMIT |

1. Main Issues

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

2. Reasons for Referral:

2.1 Objections received.

2.2 Following consideration and discussions with the Parish Council and local residents this application is referred to the Planning and Licensing Committee for the following reasons:

2.2.1 This is a very large extension, making a very modest cottage about 75% larger

2.2.2 There will be an impact on the neighbouring listed building, the listed wall will be only a metre away from the extension.

2.2.3 There will be an impact on the conservation area.

3. Site Description:

3.1 The application site Valley View, Chapel Street in Mangersbury is an end of terrace dwelling with Cotswold stone elevations and timber windows and doors under a pitched slate tiled roof. The property is three storeys in height with the third floor located within the roof space and served by a flat roofed dormer window on the front elevation. The rear elevation maintains a two storey rear projection which is located on the shared boundary with the neighbouring property of Gray Cottage, 2 Chapel Street. To the side of the application property is a series of single storey flat roofed storage buildings.

3.2 The site is within the Stow on The Wold with Mangersbury Conservation Area and within the Cotswolds Area of Outstanding Natural Beauty. To the immediate east, and on the shared

boundary, is the Grade II listed property known as Manor Farmhouse with the Grade II listed property of Manor Farm Barn located to the north corner boundary of the rear garden.

4. Relevant Planning History:

None listed

5. Planning Policies:

- EN1 Built, Natural & Historic Environment
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- EN2 Design of Built & Natural Environment
- EN5 Cotswolds AONB
- TNPPF The National Planning Policy Framework

6. Observations of Consultees:

6.1 Conservation Officer: *“Further to my previous comments dated 27th July 2023 and the amended plans submitted on the 11th August 2023, I have the following comments to make:*

It is considered that the proposed amendments have addressed the concerns raised in my original comments, and on balance, the proposed side and rear extensions will sustain the appearance of the building and its contribution to the Conservation Area. It is recommended that detailing of the windows and doors, stone walling, roofing materials and the use of lime render on the dormers to ensure that the materials and detailing are in keeping with the character of the building and the Conservation Area.”

7. View of Town/Parish Council:

7.1 Mangersbury Parish Council (MPC) is pleased that the applicants have been amenable to making changes to reflect most of the concerns of the village and thinks the revised design is an improvement. However, MPC recognises that there are still concerns within the village in regards the size of the side extension and the impact on the conservation area and surrounding listed buildings and defer to CDC to determine the suitability.

7.2 MPC requests, in particular, a clause be put in place to ensure as much effort as possible is taken to ensure the adjacent listed wall is preserved intact and not destabilised during the demolition and construction. MPC suggests a requirement for a Structural Engineer's report confirming the suitability of plans for protecting the wall during construction works, before work starts, and a requirement that the wall be monitored by a Structural Engineer during construction. MPC also requests that if there are privacy concerns from neighbours, a planning condition be included stipulating obscure glass in the rear bathroom windows.

8. Other Representations:

8.1 Two objections received from local residents. On the initial design areas of concern related to the following:

- Design
- Impact on Conservation Area
- Impact on Listed Building
- Overdevelopment
- Privacy, light and noise
- Loss of general amenity

8.2 Following receipt of an amended design, neighbours were re-consulted and two objections were received stating that previous objection is maintained. In addition to this the following further comments were made:

- amended version still constitutes the creation of a mock vintage Cotswold extension that is an addition of some 75% of the size of the existing heritage building surely contrary to the Listed Building rules and the Conservation Area rules that apply more generally to the village;
- revised plans do little to reduce the width and bulk of the side and rear extensions;
- limited changes do not address the comments and objections in relation to the original plans in the Conservation Area Report or those of Mangersbury Parish Council;
- revised plans still result in adding a second false cottage to the original cottage;
- plans set dangerous precedent and request Council refuse the application;
- Dormer windows are out of character along this part of Chapel Street;

9. Applicant's Supporting Information:

- Plans as amended
- Biodiversity Self-Assessment Form
- Energy Statement

10. Officer's Assessment:

(a) Design and Impact on Heritage Assets

10.1 The neighbouring properties of Manor Farm and Manor Farm Barn are both Grade II Listed Buildings and are located to the immediate east and to the north of the application site. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.2 In addition, the site is located within the Stow on the Wold Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.3 Local Plan Policy EN1 covers the Built, Natural and Historic Environment and states that *"new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development."*

10.4 Local Plan Policy EN2 covers the Design of the Built and Natural Environment and states that *"development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality."*

10.5 Local Plan Policy EN4 covers the Wider Natural and Historic Environment and 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."*

10.6 Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that *"in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm."*

10.7 Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that *"development proposals that would affect Conservation Areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features."*

10.8 Section 16 of the National Planning Policy Framework (NPPF) requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 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. Paragraph 200 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.9 Paragraph 202 of the NPPF states that *'where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* Paragraph 203 also highlights that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

10.10 Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

10.11 Valley View is located at the end of a terrace of four which are visible on the First Edition OS Map, therefore are at least 19th century in date. The buildings are set back from the road with small front gardens. Built as an in line terrace, the dwellings do not have an entirely uniform appearance. Valley View differs most and it is considered that the site contributes positively to the character and appearance of the terrace and the wider Conservation Area. Although, at present, the side of the application property currently only contains small single storey outbuildings, it is noted that scarring on the gable end of the building suggests that there may have been another structure with a lower roofline attached to Valley View in the past. As stated above the building contributes positively to the character and appearance of the Conservation Area, and is considered to be a non-designated heritage asset for the following reasons:

- Age
- Architectural Interest
- Architectural Merits
- Aesthetic Merits

10.12 The application is for a three storey side extension where the third floor accommodation will be located within the roof area, with the addition of a second dormer window, and the replacement of the existing flat roofed dormer with a pitched roof dormer. In addition to this, the application also seeks permission for the corresponding demolition of an existing two storey rear projection and its replacement with a two storey rear extension with a dual pitched roof. The design of the extensions and alterations has been altered by the applicant following concerns being expressed by Council Officers, the Parish Council and local residents. The initial design showed the side extension positioned on the shared boundary wall with the neighbouring property, the Grade II listed Manor Farm House, and due to the scale, design and position of the side extension, concern over the impact of the proposal on the heritage assets was expressed.

10.13 In order to address the concerns expressed by Officers the Applicant submitted a revised scheme which reduced the width of the side extension by 1.0m to bring the extension off the shared boundary and allow a footpath link to the rear of the property, as well as to the neighbouring property. The change also included the replacement of the chimney which was previously removed, the re-design of the front dormer windows to a more appropriate pitched roof design, and the removal of a proposed rear dormer window.

10.14 In considering the principle of an extension on the side of the property, as already outlined, it is considered that the scarring on the side wall suggests that some form of build had been maintained along this gable wall in the past and, therefore, the principle of an extension is considered acceptable. The Conservation Officer has confirmed that the proposal will lead to less than substantial harm to the significance of a designated heritage asset, however, the initial concerns expressed are now addressed and no objections are raised subject to conditions. Although it is accepted that the current proposal is for a taller extension, the reduced width of the extension will be in line with the width of other properties along this terrace row and as such will not appear out of place or character in this part of the Conservation Area.

10.15 The comments / objections raised by the local residents are noted, and it is accepted that the adjoining neighbouring property at Manor Farm House and Manor Farm Barn are both Grade II listed buildings and as such, the setting of these heritage assets is a material consideration. Paragraph 202 of the NPPF highlights 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.'* In this instance, it is accepted that the proposal will result in a less than substantial harm to the heritage assets and that the public benefits of the development is that this small cottage will be improved to a modern standard of living and be brought into an active use as a family home.

10.16 It is accepted that the proposed side extension will be closer to the boundary with the Listed Building, however, Officers are of the view that the development will not result in any adverse impact on the setting of the Listed Building. This view is supported with no objections to the revised design being raised by the Conservation Officer. It is also acknowledged that the gap between the application site and that of this Listed Building, is a particularly strong feature in this part of the streetscene. Paragraph 203 of the NPPF highlights that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* With this point in mind, although it is accepted that this gap will be reduced as a result of the proposed side extension, a noticeable and significant gap will still be maintained between the extension and the neighbouring property of Manor Farm House. As such, and in line with Paragraph 203 of the NPPF, although the gap between the application property and that of the neighbouring property is reduced, the benefits of the improvements to the application property, and the active use of the dwelling as a family home together with the retention of a gap in the street scene, will ensure no harm to the heritage asset.

10.17 The proposal is therefore, in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of the designated heritage

assets will be sustained, in accordance with Section 16 of the NPPF and Policies EN1, EN2, EN10 and EN11 of the Local Plan.

10.18 In terms of the overall design of the proposal, the Cotswold Design Code (Appendix D) emphasises that development should either follow an authentic vernacular and traditional approach or be of a high quality contemporary and innovative approach. Paragraph D67 highlights the key design considerations include the following;

- D.67.1.a - which emphasis that extensions should respect the scale, proportions, materials and character of building,
- D.67.1.b - extensions should not diminish the quality or integrity of the building and they should not detract from the surroundings
- D.67.1.c - modern extensions should not compete original building either individually or accumulatively
- D.67.1.n - the gaps between buildings may be important to the rhythm of the street scene, contributing to the character of the area.

10.19 It is accepted that the scale of the side extension, in terms of height, is still greater than the possible historic side addition, however, the design of the extension is considered by Officers to be acceptable and will not give the appearance of a further separate dwelling at the end of this terrace as suggested by the objectors to the proposal. As highlighted in the paragraphs above, although it is accepted that the gap between the side elevation of the application property and that of the neighbouring property will be reduced, the remaining gap with the extension will still be significant and will maintain this feature in this part of the street scene. It is also noted that in terms of width, the host property, along with the extension, will be the same as that of the neighbouring property at number No2 Rock Cottages which is in the middle of this terrace row. The width of the application property with the extension is therefore considered appropriate and will not appear out of scale or proportion within this terrace. The rhythm of the terrace as a row of dwellings will, therefore, not be disrupted in a detrimental way to warrant a refusal.

10.20 With regards to the alterations to the rear, in considering the proposal alongside the Cotswold Design Code guidance, the rear extension will follow the same depth and scale of those on the neighbouring property. Furthermore, rather than adopt a flat roof approach as used on the neighbouring property, the proposed extension will incorporate a double / dual pitch roof which will have a better appearance than that of the neighbouring property. The overall height of the rear extension is lower than that of the main dwelling which will ensure that the extension appears as a subservient structure on the rear of the property as required by the Cotswold Design Code.

10.21 It is noted from the comments received from local residents that the revision to the design does not address their objections and the residents' question why the changes have resulted in a 'no objection' from the Conservation Officer. The comments and objections made by the local residents are noted and they have been taken into account in the consideration of

this application. It is accepted that on the initial design, an objection was raised by the Council's Conservation Officer, however, following receipt of an amended plan these concerns were addressed to a point that the impact of the development on the character / appearance of the Conservation Area and the setting of the Listed Buildings would not warrant a reason to refuse the application. The impact of the development on the setting of the nearby listed buildings has been taken into account, with the Case Officer noting the position of these heritage assets on site and as with the impact on the Conservation Area, it is now considered that the revised design will not result in any significant impact on the setting of the listed buildings.

(b) Impact on Residential Amenity

10.22 Local Plan Policy EN2 refers to The Cotswold Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects development to respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. A key element in the Design Code is paragraph D67 (o) which highlights that extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.

10.23 Similarly, Section 12 of the NPPF explains planning decisions should ensure developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

10.24 The main impact of the proposal is upon the neighbouring properties of Manor Farmhouse to the east and the adjoining neighbouring property in the terrace at Gray Cottage, 2 Chapel Street. With regards to Manor Farmhouse, the side extension would be approximately 1.0 m off the shared boundary, which is currently marked by a stone wall, which also forms the side wall to the applicant's single storey outbuildings and is in the region of 2.5 m in height. In terms of this neighbouring property, the applicant has amended the design of the scheme to remove the side extension off the shared boundary wall to allow a 1.0 m wide access route from the front of the property to the rear and to the rear of the neighbouring property of Gray Cottage. The gap between the side of the proposed extension and that of Manor Farmhouse would be approximately 12.0 m which is approximately 3.0 m less than currently exists. Paragraph D.67 (o) of the Cotswold Design Code highlights that '*extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.*' Officers consider that due to the 12.0m distance between the proposed extension and the side elevation of the neighbouring property, the proposal will ensure that the development will not appear overbearing nor result in any loss of light or outlook currently enjoyed by the occupiers of this neighbouring property.

10.25 In terms of the adjoining property of Gray Cottage, as this property maintains a large two storey rear extension to the same depth to that of the proposed rear extension the development will not result in any loss of light or outlook enjoyed by the occupiers of the neighbouring property. It is accepted that the first floor windows in the proposed extension will be in line with the neighbours extension and potentially allow a clearer view into the neighbour's rear garden however, as the windows are to a bathroom and an en-suite and do not have a direct view over the neighbours rear garden it is not considered that the proposal will result in any significant loss

of privacy. It is also considered that due to the length of rear garden the distance between the proposed rear extension and that of the surrounding adjoining rear gardens is such that adequate distance will be maintained to ensure no adverse impact in terms of any significant loss of privacy.

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

10.26 The 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 (S85(1) of the Countryside and Rights of Way Act 2000).

10.27 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.”*

10.28 Local Plan Policy EN5 of the Cotswold Local Plan highlights 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."*

10.29 In considering this particular application it is clear that the proposed development is contained within the clear residential curtilage of the site and is situated within a built up area of the village. It is not considered that the development impacts the open countryside and hence does not harm the character or appearance of the Cotswolds AONB. The proposal therefore complies with Policy EN5 of the Cotswold Local Plan 2011 - 2031.

11. Conclusion:

11.1 Overall, it is considered that the development is in accordance with established policies and guidance. It is therefore recommended that the application is granted planning permission.

11.2 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is 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.

12. Proposed Conditions:

I. 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.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): Location Plan, 2303-129-05 - Rev A, 2023-129-07 Rev B, 2023-129-08 Rev B, and 2023-129-09 Rev A.

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

3. The external walls of the development hereby permitted shall be built of natural Cotswold stone with the same stone colour and size, coursing bonding, use a lime mortar to match the colour of the stonework and shall be permanently retained as such thereafter. In addition, the pointing shall have a marginally recessed finish and shall be brushed or bagged to match the existing.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, EN10, EN11 and EN12 the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

4. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building 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 EN2, EN10, EN11 and EN12.

5. Within one month of their installation, all new timber windows and doors shall be painted in a white/off-white paint colour to match the existing external joinery and shall be flush fitting, and shall be retained in the approved colour 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 EN2, EN10, EN11 and EN12, and the National Planning Policy Framework.

6. The materials to be used for the roof of the development hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, EN10, EN11 and EN12, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

7. 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 EN2, EN10, EN11 and EN12.

8. New render on the front dormer windows shall be of a smooth type and be of a mix containing sharp sand, stone dust and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

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 EN2, EN10, EN11 and EN12.

9. The outbuildings attached to the stone wall on the shared boundary with Manor Farmhouse shall be removed by hand and any damage to the shared boundary wall shall be made good in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Upon the removal of the outbuildings and any necessary repairs, the stone wall shall be protected during the whole construction phase of the side and rear extensions in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: Cotswold stone walls are a characteristic, traditional feature of the Cotswolds and this part of the Conservation Area and the setting of the adjoining listed building. The wall identified on the drawing contribute(s) to the character of the area in accordance with Cotswold District Local Plan Policy EN2 must be retained as part of the development and repaired and made sound for the future.