

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	14 <sup>th</sup> December 2017
<b>Application Number</b>	Planning application 17/05578/FUL and listed building consent application 17/06125/LBC
<b>Site Address</b>	3 Silver Street Wilton Wiltshire SP2 0HX
<b>Proposal</b>	Proposed alterations, replacement ground floor & new 1st floor rear extensions (Resubmission of 17/00328/FUL and 17/00693/LBC)
<b>Applicant</b>	Mr & Mrs T Paterson
<b>Town/Parish Council</b>	WILTON
<b>Electoral Division</b>	WILTON AND LOWER WYLYE VALLEY – (Cllr Church)
<b>Grid Ref</b>	409652 131149
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

**Reason for the applications being considered by Committee**

Councillor Church has called in the applications for the following reasons:

- Design - bulk, height, general appearance

My reason for supporting the application is community based; being that this landmark building on probably the most narrow stretch of the A30 was up until now derelict for 20 years. Due to the building's location in an increasingly busy town, it is important the accommodation provided at the rear of the building provides space to the scale one might expect of a building of this proportion. I consider the extension proposed to be historically sensitive and of a build and design quality not usually seen in Wilton and welcome the owners commitment to return the space to a family home.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation of the Head of Development Management that planning permission and listed building consent should be REFUSED.

**2. Report Summary**

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Impact to the setting and significance of the listed building and character and appearance of the conservation area
- Impact on neighbour amenity
- Impact to protected species

The application has generated no third party representations and Support from Wilton Town Council.

**3. Site Description**

3 Silver Street is a grade II listed building in the Wilton Conservation Area.

The building has two main blocks of construction, the double-roofed building (which also faces Silver Street), and the annexe to the east.



*Rear garden elevation*



*Elevation facing Silver Street*

#### 4. Planning History

Application ref	Proposal	Decision
17/00328/FUL	Proposed alterations, replacement ground floor & new first floor rear extensions	Withdrawn
17/00693/LBC	Proposed alterations, replacement ground floor & new first floor rear extensions	Withdrawn
16/10350/TCA	Notification of intention to carry out works to tree(s) within a Conservation Area - Apple tree - fell	No objections 28/11/2016
16/03163/LBC	Works to windows including - Installation of slimlite double glazing into existing sash windows - Replacement of rotten windows - Increase in window size - Creation of new windows	Approved with conditions 15/07/2016
16/00556/LBC	Internal alterations 1. 1st floor toilet - block existing doorway and removal of wall adjoining bathroom 2. Bedroom 2/bathroom - creation of doorway between rooms 3. Bedroom 3/bedroom 1 - construction of partition wall to create ensuite and creation of doorway between bedroom 1 and NetSuite. 4. Playroom - reinstate blocked up doorway 5. Playroom - build partition wall and doorway create media room 6. Reception Room - Removal of partition wall to reinstate room to original size.7. Kitchen - removal of partition wall	Approved with conditions 06/05/2016
15/11897/TCA	Notification of intention to carry out works to tree(s) within a Conservation Area: Tree A: Beech - carry out canopy reduction of 40% in order to reduce likelihood of limb loss. Regular pollarding required to make tree safe Tree B: Beech - Thin and reduce regrowth from earlier pollarding Tree C: Thuja Fir - Removal of tree. Tree has overgrown and is now both a hazard and an eyesore, growth has the potential to damage surrounding buildings with water uptake and foliage fall. The trunk is also not straight which could lead to splitting in the future due to excessive weight. Area will be replanted with a number of specimen trees	No objections 04/01/2016
15/11005/LBC	Relocation of boiler to loft space, installation of boiler flue through roof at rear of property, and associated works.	Approved with conditions 21 January 2016
S/2011/1922	Notification of intention to carry out works to tree(s) within a Conservation Area : T1 Beech, canopy reduction of 30% and reshape, T2 Beech, thin and reduce the re-growth by up to 50%, T3 Holly, reduce by 30% in height	No objections 02/02/12

S/2003/0398	Notification of intention to carry out works to tree(s) within a Conservation Area: Reduce holly tree to 4 metres pollard 4 no lime trees and remove 1 no rotted lime	No objections 19/03/2003
S/2002/1759	Remove Goat Willow Tree	No objections 07/10/2002
S/2002/1758	Notification of intention to carry out works to tree(s) within a Conservation Area: Remove thuja tree	No objections 07/10/2002
S/2002/1578	Notification of intention to carry out works to tree(s) within a Conservation Area: Crown thin by no more than 30% and crown lift two beech trees	No objections 24/09/2002
S/1984/0051	Conversion of existing part of dwelling to form 3bedroom self - contained unit to be used in conjunction	Approved 15/02/1984
S/1983/1446	L/b application - repairs and improvements to form habitable dwelling including demolition of part of	Approved 15/02/1984

## 5. The Proposal

The application seeks to demolish all of the red brick range, its replacement with a flat-roofed structure with a larger footprint, demolition of the roof structure over the garden room and the extension of the principal roof to form a first floor extension with a first floor verandah above the existing.





## 6. Local Planning Policy

### **Planning (Listed Building and Conservation Areas) Act 1990:**

- Section 16: Listed Building Decisions
- Section 66: Special considerations affecting planning functions
- Section 72: General duty as respects conservation areas in exercise of planning functions

### **Wiltshire Core Strategy (WCS):**

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 33: Spatial Strategy: Wilton Community Area
- Core Policy 50: Biodiversity & Geodiversity
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58: Ensuring the conservation of the historic environment

### **Supplementary Planning Documents:**

Councils Adopted Supplementary Planning Document 'Creating Places'.

### **Government Guidance:**

Planning Practice Guidance

National Planning Policy Framework (NPPF) March 2012

- In particular, chapter 7: Requiring good design (paragraphs 58 and 61), chapter 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100 and 101), chapter 11: Conserving and enhancing the natural environment (paragraphs 109 & 115) and chapter 12: Conserving and enhancing the historic environment (paragraphs 128, 129, 131, 132, 133 & 134) of the framework are considered particularly relevant.

## 7. Summary of consultation responses

### **Wiltshire Council Conservation: Object**

3 Silver St is a grade II listed building in the Wilton Conservation Area. It has two main blocks of construction, the double-roofed building that links the garden to the street, and the annexe to the east (right in the picture above). The most interesting parts of the building, the



parts considered to have historic interest at a national level that warrant statutory listing, lie in the western part of the site – the slated double-roof, the brick and flint walling, the unique verandah, and the red brick service range.

The application seeks to demolish all of the red brick range, its replacement with a flat-roofed structure with a larger footprint, demolition of the roof structure over the garden room and the addition of a first floor extension with a first floor verandah above the existing. The new room above the garden room would be accessed through the existing rear bedroom that currently has a pair of sash windows facing the garden, that room would then become a bathroom. The proposals would therefore either demolish or obscure from view nearly all of the existing historic structures, such that the only elements remaining visible would be the ground floor garden room and a tiny corner of the brick and flint. It surely cannot be argued that this preserves the character or significance of the building and its setting.

The Act requires that '*special regard*' be paid to the desirability of preserving character and setting, while the NPPF provides guidance in the form of para 134. Para 134 states that 'less than substantial harm' might only be considered acceptable if sufficient public benefits have been identified that might outweigh that harm; in this case, there is no basis to believe there would be any public benefits – the house has a large number of rooms and great potential flexibility of their uses, so there is no issue of viability, habitability or quality of life.

I would urge the applicants to reconsider this and the other current application, to date we have spent significant time providing on-site advice and input to the repairs and other alterations in order to enhance the character of the listed building and its contribution to the character of the CA.

### ***Historic England: Concerns on heritage grounds***

This application is a resubmission of a proposal Historic England provided comments on in February 2017. The works themselves remain largely unchanged aside from the replacement of a curved roof to the kitchen extension with a flat roof. The submission is accompanied by a substantiated Design and Access Statement providing justification for the unaltered scheme.

3 Silver Street is a Grade II listed, mid-19th century house constructed in brick and stone situated within the Wilton Conservation Area. Much of the building is red brick; however the façade is much grander and is faced in grey bricks with dominating stone quoins and voussoirs, window and door architraves, and a heavy panelled parapet. The roof, which appears to be original, retains a double-hipped arrangement. To the rear, incremental additions have been undertaken in a more vernacular, piecemeal fashion, in the form of the brick service-range to west and the ground floor brick and flint drawing room. Whilst these are later additions, they are clearly historic and identified within the Heritage Statement as mid-to-late 19th century phasing.

The core of the justification is the desire for 'modern living'. Whilst this is understandable - and achievable in many cases to a large degree - it must be borne in mind that the building involved is historic and consequently listed for its heritage values, interest and protection.

The National Planning Policy Framework 2012 requires that great weight be afforded to the conservation of heritage assets when determining potential harm and states that significance can be harmed or lost through alteration of the heritage asset. Paragraph 134 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.

We remain unconvinced that the existing kitchen/scullery outbuilding cannot be incorporated into an enlarged kitchen scheme, perhaps by means of a glazed connection. Whilst we do not argue the range's limited architectural value, it nevertheless contributes to the historic evolution of the dwelling and is a typical, congenial, example of a brick-constructed service addition. However, following review of the aforementioned Statement, and in consideration of your Conservation Officer's comments with respect to the previous application, we concede that the existing kitchen/scullery range is of less significance and its removal would facilitate some enlargement of kitchen space. However, we consider that the corner bay, adjacent to the verandah, impedes too heavily on the verandah's prominence and alters the way it is perceived within the rear elevation. We note the removal of the curved roof as a response to your Conservation Officer's comments previously, which we believe is an improvement, but remain concerned about the impact of this projecting range/bay on the elevation.

The 'needs' for the first floor alterations do not change our original judgement. We do not currently consider that an en-suite cannot be contained within the principal house without pushing a master bedroom into a new addition. The driver for the annexe to become more subservient by increasing the scale of the principal heritage asset is counter-productive. It serves to increase the dominance of the addition towards the main house. Whilst it may provide an 'elegant addition' and 'enhance the prominence of this important [verandah] feature', there remains harm to the host building by way of the alteration to the historic arrangement of the double-hipped roof, removal of the drawing room's hipped roof, and distortion to the legibility of the rear elevation; the connection between principal historic core of the house and garden will become almost entirely detached.

Your authority should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to preserving listed buildings or their setting or any features of special architectural or historic interest and take these representations into account and seek amendments.

***Wiltshire Council Highways: No objections***

The proposal will not affect parking provision or the vehicle access

***Wiltshire Council Ecology: Support subject to condition***

(The development to be undertaken in accordance with the Bat Survey Report and that a detailed method statement and work schedule shall be agreed prior to commencement of works on site in order to ensure appropriate and adequate protection and mitigation for bats)

***Wilton Town Council: Support***

It is felt this is a sympathetic design which does much to improve and enhance a long neglected building

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation letters.

No third party representations have been received.

## **9. Planning Considerations**

### ***9.1 Principle of development***

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990

and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS) which also includes some saved policies of the Salisbury District Local Plan (SDLP).

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles and the Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

The site is within the Wilton Community Area and Core Policy 33 confirms that *'Development in the Wilton Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.'*

Core Policy 1 of the Wiltshire Core Strategy sets out the *'Settlement Strategy'* for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries, and there is a general presumption against development outside of these.

Core Policy 2 of the Wiltshire Core Strategy sets out the *'Delivery Strategy'*. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

It is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

## ***9.2 Impact to the setting and significance of the listed building and character and appearance of the conservation area***

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 place a duty on the local planning authority to have special regard to the desirability of preserving listed buildings and their settings:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of*



*State 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.'*

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty on the local planning authority that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Core Policy 58 '*Ensuring the conservation of the historic environment*' requires that '*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.*'

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses (including in terms of ensuring residential amenity is safeguarded).

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The conservation officer has advised that the most interesting parts of the building (the parts considered to have historic interest at a national level that warrant statutory listing), lie in the western part of the site – the slated double hipped-roof, the brick and flint walling to the drawing room, the unique verandah, and the red brick service range:



*Side elevation of Drawing Room*

Historic England have explained that whilst the rear incremental additions (in the form of the red brick service range and the ground floor brick and flint drawing room) have been undertaken in a more vernacular and piecemeal fashion compared to the much grander façade facing Silver Street (which is faced in grey bricks with classical detailing in render made to look like stone and a heavy panelled parapet with original double hipped roof); these are clearly historic elements of the historic building which contribute to the historic evolution and function of the dwelling which is consequently listed for its heritage values, interest and protection. There must therefore be a strong justification for the loss of this fabric and legibility of the listed asset.

The National Planning Policy Framework (NPPF) outlines government policy, including its policy in respect of the historic environment (Section 12). The policy requires that great weight be given to the conservation of heritage assets (para 132).

In paying 'special attention/regard' to the Conservation Area and listed buildings and their settings, the NPPF requires an assessment as to whether the proposal causes 'substantial harm', 'less than substantial harm' or no harm to the heritage asset and advises a balanced approach with the public benefits which may result from proposals being weighed against any harm caused (paragraph 134).

In terms of impact to the conservation area, whilst the roof extension would be visible from Kingsbury Square (where currently the southern hip may be seen and gives a clear sense of the scale of the building); it is not considered that this will harm the character and appearance of the conservation area:



VIEW OF HOUSE FROM KINGSBURY SQUARE AS EXISTING



PHOTOMONTAGE VIEW OF PROPOSED ROOF EXTENSION AND NEW WINDOW

However, in terms of impact to the listed building and its setting; the proposed new bedroom above the garden room would be accessed through the existing rear bedroom that currently has a pair of sash windows facing the garden, that room would then become a bathroom. The proposals would either demolish or obscure from view nearly all of the existing historic structures of interest, such that the only elements remaining visible would be the ground floor garden room and a tiny corner of the brick and flint.

Historic England explains that the driver for the annexe to become more subservient by increasing the dominance of the addition towards the main house is counterproductive as it serves to increase the dominance of the addition towards the main house and whilst the proposals may be elegant in their own right, there remains harm to the host building by way of the alteration to the historic arrangement of the double-hipped roof (the historic arrangement of the double hipped roof as viewed from the rear garden will be distorted by the elongated form of the eastern pitch), removal of the drawing room's hipped roof and distortion to the legibility of the rear elevation (the connection between the principal historic core of the house and garden).

Historic England have advised that the rear service wing is of less significance and its removal would facilitate some enlargement of the kitchen but consider that the proposed single storey extension with corner bay impedes too heavily on the verandahs prominence on the rear elevation:



**VIEWS AS EXISTING**



**VIEWS AS PROPOSED**

The culmination of the proposals will manifestly alter the simpler historic ‘service’ character to the rear of the house and it is not considered that the proposals preserve the character or significance of the building and its setting.

Para 134 of the NPPF states that *‘less than substantial harm’* might only be considered acceptable if sufficient public benefits have been identified that might outweigh that harm.

Historic England refers to the core of the justification for the alterations being the desire for *‘modern living’*. The house has a large number of rooms and great potential flexibility of their uses and it is not considered that it has been demonstrated that there is an issue of viability, habitability or quality of life to outweigh the harm to the character and significance of the building and its setting.

### **9.3 Impact on neighbour amenity:**

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF’s Core Planning Principles (paragraph 17) includes that planning should ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.’

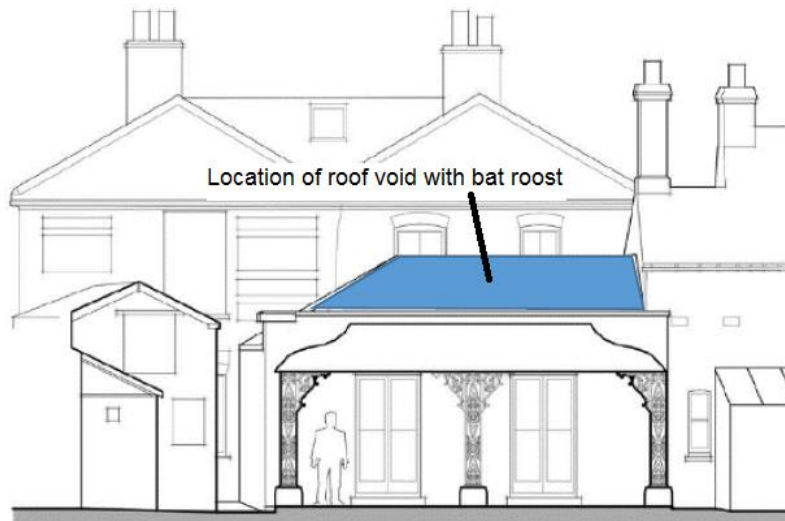
Whilst the rear extensions include a covered balcony at first floor levels; given the position of the development in relation to neighbouring dwellings/gardens, the proposals are not considered to result in any adverse neighbour amenity impacts.

No third party objections to the scheme have been received.

### **9.4 Impact to protected species:**

Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development.





A Bat Survey report has been submitted with the application which explains that a small roof space in the building which will be destroyed by the proposed works supports an ad hoc/opportunistic night or day roost of lesser horseshoe bat and without mitigation the loss of the roost would be significant to lesser horseshoe bats at the local level; although subject to appropriate timing, mitigation and compensation the aim is to provide 'more or less like for like replacement' with a detailed method statement and work schedule to be provided.

The council's ecologist has raised no objections to the proposals subject to a condition requiring the detailed method statement and work schedule to be agreed by the local planning authority prior to commencement of works on site in order to ensure appropriate and adequate protection and mitigation for bats.

## 10. Conclusion

It is considered that the proposals will not harm residential amenity or highway safety and subject to condition appropriate and adequate protection and mitigation for bats can be achieved.

However, it is considered that the proposals will not preserve the character or significance of the listed building and its setting and it is not considered that there are public benefits to outweigh this harm.

**RECOMMENDATION: That the applications for planning permission and listed building consent be REFUSED:**

**In respect of planning application 17/05578/FUL and listed building consent application 17/06125/LBC:**

*(1) 3 Silver Street is a Grade II listed, mid-19<sup>th</sup> century house constructed in brick and stone situated within the Wilton Conservation Area. Much of the building is red brick; however the façade is much grander and is faced in grey bricks with classical detailing in render made to look like stone. The roof, which appears to be original, retains a double-hipped tile arrangement. To the rear, incremental additions have been undertaken in a more vernacular, piecemeal fashion, in the form of the brick service-range to west and the ground floor brick and flint drawing room. Whilst these are later additions, they are clearly historic and identified within the Heritage Statement as mid-to-late 19<sup>th</sup> century phasing.*

*This proposal involves the demolition of the c.1844 service-range, a new kitchen and lobby replacement, and the extension of the principal roof to form a second storey bedroom over the existing c.1867 drawing room.*

*It is considered that the first floor extension would both cover and obscure too much of the historic rear elevation, affecting the whole perception of the building from the gardens by bringing the rear elevation of one of the two matching ranges of the main house southward and in line with the annexe; it would also incorporate an open terrace at first floor level, creating the appearance of a two-storeyed verandah of differing styles. The sense of the rear elevation of the main house would be lost, blurring the currently clear distinction between elements of the building; obscuring historic structures of interest; the historic arrangement of the double hipped roof, and resulting in a near complete severance of visual connection between the existing rear bedrooms and the garden and also affecting the first floor circulation as these historic principal rooms off the stairwell would become spaces of only secondary use. The proposals would also involve the loss of principal historic roof fabric where the new hipped form will enter the existing, as well as the pitched roof of the drawing room below.*

*The rear of the service-range part of the building as it stands is a combination of designs and materials, however the existing ogee-roofed verandah is the most prominent and eye-catching feature. It is considered that the elevational treatment of the proposed replacement extension in such close proximity to this historic feature will have an adverse devaluing impact upon the significance of the historic verandah.*

*Overall, the proposals would fail to preserve the character and significance of the listed building, its setting and features of special interest. Whilst this harm is considered to amount to less than substantial harm in the context of the NPPF (requiring there to be public benefits to outweigh this harm in order to grant planning permission); no public benefits have been identified which are considered to outweigh the harm to the heritage asset (NPPF paragraph 134). The proposals are therefore considered to be contrary to policies 57 (which requires proposals to be sympathetic to and conserve historic buildings) and 58 of the Wiltshire Core Strategy (which also requires proposals to conserve designated heritage assets); guidance within the PPG and NPPF (especially paragraph 134); contrary to advice within the Creating Places Supplementary Planning Guidance (Part 11), and the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving listed buildings, their settings and any features of special interest.*