

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	14.5.2008
Application Number	08.00581.LBC and 08.00586.FUL
Site Address	Chequers, Market Place, Box
Proposal	Repair Burnt out Garage to Provide Ancillary Residential Accommodation; Construct Underground Garage; Disabled Access Link Path; Replacement Boiler and Flue; Alterations (Resubmission of 07.03313.LBC)
Applicant	Mr I Bentley
Town/Parish Council	Box
Grid Ref	382674 168579
Type of application	Full application and Listed Building Consent

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because Councillors Sheila Parker and Katharine Banks have requested that the application be considered by committee to assess the effect of the proposals on the listed and curtilage listed buildings and their settings.

Summary of Report

The Chequers is a Grade II listed building. It occupies a site with land rising steeply to the rear, and consequently the land is highly prominent within Box Conservation Area. These applications propose to convert a badly fire-damaged garage to provide a 2-storey ancillary residential unit; to form an underground garage within the garden area; to undertake drainage works to the rear of the building with associated engineering operations to lower the ground levels, landscape and provide disabled access to the garden and car park area; and to reposition a boiler and associated flue within the listed building. It is considered the main issues are:

- Effect of the proposals on the appearance and character of the listed building and curtilage-listed buildings, and their settings
- Impact on the Conservation Area
- Effect of proposals on highway safety, access turning and car parking
- residential amenity of existing properties
- Design and scale of the development
- Impact on traffic and parking in the local area

Officer Recommendation

Planning Permission be REFUSED

Listed Building Consent be REFUSED

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Proposal and Site Description

The Chequers is a Grade II listed building within Box Conservation Area. It occupies a site with land rising steeply to the rear (north) and consequently the land is highly prominent within Box Conservation Area. The property is set into the ground to the rear, such that rear ground floor areas (formerly used as beer cellar/storage) are effectively at basement level.

Disabled Access and Engineering Works Associated with Drainage Works:

This property has been the subject of a series of unauthorised works in recent years. In September 2007, your officers made site inspections in response to complaints that unauthorised engineering operations were being carried out, including substantial lowering of ground levels to the rear of the building. The applicant argued that the works were necessary to improve the land drainage and address problems of moisture penetration through the back wall of the listed building, but also explained that the work was to improve disabled access to the rear of the property. The application includes proposals to formalise this work, together with associated reinstatement and landscaping works.

Currently, the ground level has been lowered by a 1/2m adjacent to the building grading back to in excess of 2m within the garden. In order to undertake the proposed drainage works, the land would be lowered further. The ground level would then be "reinstated", with hard surfacing introduced to form the proposed disabled access from the side of the property to the upper garden level. The area immediately to the rear of the property would be mainly laid to hard surfacing, with mounds of planting to soften its appearance; and a further range of steps parallel to the rear elevation to provide disabled access to the upper garden area. Adjacent to the north east corner of the building the hard surfacing will be c1m below the currently- lowered position, grading upwards to the north west corner of this lowered area, from where it links with the steps providing the disabled access to the garden. Some soil will be mounded against the building (the finished level being roughly at the current soil height) and adjacent to the hard surfaced area.

Underground Garage:

Works noted by officers at the site inspection last year included levelling of the land at high level to the rear of the site to form a 4-vehicle car park area. This parking area is partially concealed from public view by a stone wall (nb permission for a parking area here had been granted in 1997, with railings surmounting the wall to conceal vehicles, but the application has lapsed). It is also separated from the garden by a 3.2m high stone wall; the garden level is about 1m higher than the original ground level of the land adjacent to the base of the stone wall, however this wall has been partially undermined – to a maximum of around 1m - by the ground levelling works to form the car park area.

It is proposed to construct a 2-vehicle underground garage within the garden area, with access through a 4.3m wide opening in the stone wall, concealed behind folding timber doors. The garage would have 1.9m headroom, with the finished ground level 100mm above this, which is the current garden ground level. There is an existing small area of decking, and it is proposed that decking would form the roof finish of the garage with turf over the decking line. (NB the relative ground levels – and thus the positions of the garage opening – appear to be inaccurately reflected in the application drawings – and this implies a 1m discrepancy between the heights of the garage shown in section and the position of the folding garage doors on the elevation drawing).

Converted Garage:

There is a 2-storey curtilage-listed garage/store, the west gable of which fronts directly onto Market Place with 1st floor access from the garden area. This structure has been badly damaged by fire, and earlier approvals to form tourist accommodation at 1st floor level, associated with the pub, have lapsed. These current applications include proposals to rebuild the structure, with the whole building used as ancillary residential accommodation. The stonework would be repaired, with timber cladding to the west gable - the ground floor of which would be recessed slightly so that the proposed front door would not emerge directly onto the street.

Boiler Flue:

The listed building consent application also proposes to reposition a boiler to the 1st floor, with the flue emerging into the centre valley where it would be concealed from view. This alteration is proposed as a means of complying with a listed building enforcement notice which requires removal of a flue on the front elevation of the building.

The drawings submitted with these applications were identical to drawings on applications 07.03313.LBC and 07.03314.FUL. Revised applications have been submitted to take account of some of the issues raised by your officers. These comprise:

- removal of a proposed cupboard around the proposed boiler (which would have obscured a dressed stone blocked window);
- amendments to the design of the gable elevation of the proposed ancillary residential unit;
- some very minor additional soft landscaping adjacent to the main building, with the disabled ramp finished with timber risers and grass going to reduce the area of hard surfacing
- parallel lines added to the drawings to indicate 1m height intervals (your officers asked for further clarification of existing and proposed finished levels across the site).
- Further information submitted, including method of lowering the ground levels adjacent the building and associated structural implications.

Annotations on drawings of the proposed underground garage to show cobbles covering the exposed footings/soil below the wall.

Planning History		
Application number	Proposal	Decision
N.97.2442.F N.97.2443.LB	Conversion of Outbuildings into 2 no Tourist Units	Approved
N.98.1915.F N.98.1916LB	Construction of Disabled Access	Approved Approved
01.00042COU 01.00403LBC	change of use from licensed public house to residential accommodation; internal & external alterations associated with residential conversion	Refused and dismissed on appeal
02.01344.COU 02.01343.LBC	partial change of use from public house to residential; internal alterations associated with part change of use	Refused and dismissed on appeal
02.02653.ENF	appeal against enforcement - various matters	Appeal Dismissed
04.01797.LBC	internal alterations comprising infilling of 3 doorways	Withdrawn
04.00233.APEN	Appeal Against Enforcement - Works to a Listed Building without Listed Building Consent	Appeal dismissed
07.03313.LBC 07.03314.FUL	Repair Burnt Out Garage to Provide Ancillary Residential Accommodation; Construct Underground Garage; Disabled Access Link Path; Replacement Boiler & Gas Flue; Alterations	Refused
07/03334.CLE	The Use of the Whole of the Property Known as The Old Chequers as a Single Dwelling	Approved

Consultations

Box Parish Council : objections. The proposed work to garage would be detrimental to the Listed Building. No objections to other proposals. If granted, the accommodation must remain ancillary to the existing property.

Wiltshire County Council Highways point out that the spaces in the proposed garage will not be accessible when cars are parked in spaces 2-4, although there would be adequate parking. Re: annexe they have no objections provided it remains permanent ancillary accommodation to The Chequers, occupied by persons of the same household.

Drainage Engineer: Has sought clarification on the existing surface water drainage system on site and requested further details of proposals of the proposed alterations – both on site and connections to mains drainage

Representations

43 letters of support have been received.

- the new garage will create extra parking and reduce pressure on roadside parking
- Drainage works will prevent further flood damage to the property
- Original garage wasn't suitable, this proposal is a good solution and will tidy up the site and enhance the area.
- Concern that NWDC has been persecuting the applicant and wasting tax payers' money
- Provision of disabled access will help the less physically able in the community.
- Relocated boiler will resolve the enforcement issue.

2 letters of objection have been received.

- There are multiple occupancy houses –including Chequers – in this area, which doesn't have adequate infrastructure to support further expansion
- The building burnt down in mysterious circumstances – it should be rebuilt to original condition.
- There is no need for underground parking

Impact of drainage works is unclear

Planning Considerations

Principle of development

When submitting a proposal affecting a listed building or its setting, or affecting the character of the conservation area, the applicant needs to be able to demonstrate why the scheme is considered to be necessary or desirable, and why it is not considered to harm the historic context.

Impact on amenity

Further clarification has been sought on the land drainage works. Whilst there are no objections in principle to these works, there are concerns to ensure they are undertaken in a manner that doesn't have a harmful impact on the public drainage system.

Parking

County Highways has pointed out that the proposed manoeuvring to obtain access to the underground garage would not work, and in practice 3 of the car park spaces would have to be unoccupied to provide vehicular access to the underground garage. Moreover, the width of the garage opening is too small to enable two vehicles to be parked in the garage at the same time. Effectively, this proposal will result in a nett loss of parking (exacerbated by conversion of the existing garage to ancillary accommodation). It is considered that the need for this structure has not been demonstrated.

Impact on Conservation Area

In principle, the proposed works to the fire-damaged building will benefit the appearance of the conservation area. The roofs of vehicles using the recently-formed car park area are clearly visible from the conservation area, and the very wide opening to the proposed garage will also be visible. The horizontal proportions of the garage doors are considered to have a non-traditional appearance, which detracts from the character of the conservation area. Whilst the area to the rear of the building is not prominent, it is clearly visible from other properties in the area, and

consequently the works are considered to have an adverse effect on the appearance of the conservation area.

Impact on Listed Building

The amendment to the boiler position in the house will resolve one of the outstanding enforcement issues and benefit the appearance of the listed building, although it is considered essential to ensure that the blocked window remains fully visible. The revised scheme for the conversion of the garage is considered to benefit the curtilage-listed building, although amendments to the window detailing to reflect the building's former use, which were requested by your officers, have not been made.

The agent has submitted further information regarding the proposed drainage works to the rear of The Chequers, including information on the proposed approach to the work. Your officers still have the view that the alterations to the ground levels and the proposed hard surfacing materials associated with the drainage works and formation of the disabled access have fundamentally altered the setting of the listed building in a manner which detracts from its special character. It is considered that the proposed reinstatement works proposed do not alleviate this harm adequately, and unless this can be undertaken to a satisfactory standard, the works cannot be recommended for approval.

The wide garage door introduces a strong horizontal element in the curtilage listed boundary wall; this is an alien feature which diminishes its character.

Sustainability

There are concerns that the underground garage, for which there is unproven need, will effectively sterilise that area of the site – reducing the area for water run-off, and also any future opportunity to replace the decking with planting.

Section 106 Agreement

There is direct access to the proposed residential annexe from the street, and it is not felt that a planning condition would be sufficient to ensure the unit remains ancillary to The Chequers. The applicant has been asked to enter into a S106 Agreement to control the use, but declines to do so

Conclusion

It is considered that all the elements of this application could be recommended for approval if the applicant would agree to submit appropriate revised plans, and subject to appropriate conditions to resolve the issues mentioned above, with the exception of proposals for the formation of the underground garage. The applicant has been invited to omit this from the application, but does not wish to do so. Therefore both applications are recommended for refusal.

Recommendation and Proposed Conditions/Informatives

Recommendation in respect of 08.00586.FUL:

Refusal for the following reasons:

1. The proposed alterations to the former garage would detract from the character and appearance of the curtilage listed building and the appearance of the conservation area by virtue of the design of the joinery to windows. It would therefore not be in accordance with policies C3, HE1 and HE4 in the North Wiltshire Local Plan 2011 the Planning (Listed Buildings and Conservation Areas) Act 1990 or PPG15.
2. The need for the proposed underground garage and associated works has not been demonstrated, and in practice it would not provide any additional parking on site. It would

therefore not be in accordance with policies C3, HE1 and HE4 in the North Wiltshire Local Plan 2011

3. The proposed alterations to the curtilage-listed wall and associated works to form the underground garage would detract from the character, appearance and setting of the curtilage listed building, and the appearance and character of the conservation area. It would therefore not be in accordance with policies C3, HE1 and HE4 in the North Wiltshire Local Plan 2011 the Planning (Listed Buildings and Conservation Areas) Act 1990 or PPG15.

4. The proposed engineering and landscaping works (including hardsurfacing and retaining walls) will detract from the setting of the listed building and appearance of the conservation area by virtue of the extensive area of hard surfacing. It would therefore not be in accordance with policies C3, HE1 and HE4 in the North Wiltshire Local Plan 2011 the Planning (Listed Buildings and Conservation Areas) Act 1990 or PPG15.

Informative

1 This decision relates to documents/plans submitted with the application, listed below.

Drwgs 427/SK//03A (Rev A1) received on 5.2.2008; drgs 427/SK01B, 02B, 03B, 04B, 05B, 06B, 07A, 08B 09B, received on 15.4.2008

Recommendation in respect of 08.00581.LBC:

Refusal for the following reasons:

1. The proposed alterations to the former garage would detract from the character and appearance of the curtilage listed building and the appearance of the conservation area by virtue of the design of the joinery to windows. It would therefore not be in accordance with the Planning (Listed Building and Conservation Area) Act 1990 or Central Government Guidance in PPG 15.

2. The proposed alterations to the curtilage-listed wall and associated works to form the underground garage would detract from the character, appearance and setting of the curtilage listed building, and the appearance and character of the conservation area. It would therefore not be in accordance with the Planning (Listed Building and Conservation Area) Act 1990 or Central Government Guidance in PPG 15.

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Appendices: None

Background Documents Used in the Preparation of this Report: Docs:

1.20, 2.02, 3. , 4.02., 4.04, 4.07, 5.01, 5.03, 5.04, 6.03