

Date of Meeting	12 th July 2018
Application Number	18/04676/FUL
Site Address	Land rear of Perrys Cottage, 29 Andover Road, Ludgershall, Wiltshire SP11 9LU
Proposal	Erection of a dwelling with access and parking (following withdrawal of 18/01573/FUL)
Applicant	Mr S Willmont
Town/Parish Council	LUDGERSHALL
Electoral Division	LUDGERSHALL AND PERHAM DOWN – Councillor Williams
Grid Ref	426627 150754
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the application being considered by Committee

This application is brought to committee at the request of Councillor Williams, for the following reason:

'The Community Benefit that would be lost if this application was refused. Funds from the sale of this land will go towards the maintenance of Perrys Cottage.'

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 that the application 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 on heritage assets
- Character & design
- Residential amenity/living conditions
- Highway safety/parking
- S106/CIL

The application has generated no comments from Ludgershall Parish Council; and no letters of support or objection.

3. Site Description

The site is situated within the built up parameters of Ludgershall, which is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). It is a corner plot that shares a boundary with both the main road to the south (Andover Road) as well as a residential cul de sac (Rawlings Court) to the west. It is surrounded on all sides by other development, which consists of a mix of residential and retail uses, primarily of three storey height. The site is also within a defined service centre, as designated by Saved Kennet District Local Plan (KDLP) policy ED24. A public right of way (LUDG6) (PROW) passes immediately adjacent to the eastern boundary of the site, between it and a row of shops that are set back from, but face onto, the main road to the south (with parking to their front). The PROW leads between the main road and an existing recreation ground to the north of the site.

The site currently consists of a two storey thatched cottage. The house is situated towards the front of the plot and faces onto the main road. To the rear, a large garden extends northwards, which is terraced and rising as it extends away from the house. The house is a grade II listed building known as Perry's Cottage. The site is, however, outside of the town's designated conservation area. The site does not currently benefit from any vehicular access or off road parking.

4. Planning History

Application Ref	Proposal	Decision
K/33135/L	Rebuilding of 2 chimneys plus internal and external repairs and renovations.	Permission 09.09.1996 –
K/36075/O	The erection of 17 houses.	Refused 26.11.1998 –
K/37446/O	Retention of sales and retail element together with 15 new dwellings.	Permission 29.07.1999 –
K/40171	Erection of 15 No two and a half/three storey dwellings plus retail unit.	Permission 21.12.2000 –
18/01573/FUL	Erection of a dwelling with access and parking	Withdrawn

The most recent application was withdrawn earlier in the year, in order to allow a heritage statement to be prepared and for the issue of heritage impacts to be considered. The detailed design/proposals was however, identical to the current scheme other than for the recent incorporation of a chimney on the new dwelling.

5. The Proposal

This is a full application proposing the subdivision of the plot and the development of most of the existing garden with an additional dwelling. The proposed dwelling is to be sited on slightly higher ground than the existing cottage (given the natural land levels across the site) but is to be of two storey height, with a two storey rear projection, culminating in a height that will be approximately 0.54 metres taller to its ridge than the host cottage. It is to provide three bedrooms of accommodation over the two floors and is to sit perpendicular to the existing dwelling, fronting out onto Rawlings Court and backing onto the PROW.

Kennet District Local Plan policies (Saved by Wiltshire Core Strategy):

ED24 – New Development in Service Centres

TR17 – Recreation Grounds

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP26 (Tidworth Community Area)

CP43 (Providing Affordable Housing)

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP67 (Flood Risk)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of consultation responses

Ludgershall Town Council – No comments received.

Conservation Officer – Objection:

- Perry's Cottage is a thatched cottage dating from the C18 of cob under a thatched roof, and is grade II listed for its historic significance, being a relatively rare survivor of its type in national terms, and unique in Ludgershall.
- The application is for a new dwelling in its modest rear garden.
- The planning authority has a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the character and significance of listed buildings, as well as adopted policy CP58 and the aims of the NPPF.
- Proposals affecting listed buildings may not always cause harm, either directly or indirectly, and the NPPF only requires applicants to explain and justify their proposals where harm has been identified.
- In this instance, the applicant argues that the proposed dwelling would cause no harm to the setting of the listed building and provides no explanation.
- There is no doubt that the surroundings of Perry's Cottage have changed since it was constructed, with C20 developments on all sides significantly compromising its rural setting.
- The cottage appears almost as an island of historic Ludgershall that has endured against the odds, with the trees and shrubs to the north providing a visual barrier between the cottage and the higher residential blocks of the adjacent close.
- These developments have incrementally altered the setting of the cottage, but its garden forms a critical element of separation between historic and modern, and importantly, it retains almost identical boundaries to those it had in the C19 (only the parking pull-ins encroach).

- The severance and development of the plot could only worsen the setting of the cottage and reduce its visual and physical separation from its neighbours. On this basis I find it impossible to conclude that the proposal would cause no harm, and would put it in the 'less than substantial' category (in NPPF terms).
- Setting isn't the only concern however, with the aim of all planning legislation, guidance and policy, including the Wiltshire Core Strategy, being to ensure the sustainable conservation of the historic environment, for this and future generations.
- Specific guidance is provided by the government regarding the responsible management of historic properties in the ownership of local authorities, and I would urge those involved to refer to this.
- The survival of cottages like this requires careful owners who are willing and able to carry out regular, and usually extravagant, maintenance.
- The desirability of a property, and its ability to remain in its optimum original use, is key to its long-term survival
- I would argue that the proposal would have a significant impact on the desirability of the property as a small family home, and that this poses a serious threat. The less desirable as a dwelling, the more frequently a property changes owners and/or tenants, and the less likely it is that either would carry out necessary maintenance, especially as it is rare for a property such as this to have an owner with cash to spare.
- This again, poses a significant threat to the listed building, and would again comprise 'less than substantial' harm.
- This conclusion prompts reference to paragraph 134 of the NPPF, which states that such harm may be acceptable where there are clearly defined and achievable public benefits, and where those benefits could not be achieved by less harmful means, either at this site or elsewhere. As submitted, no such benefits have been identified.
- I note that the planning committee call-in form refers to the need to raise funds for maintenance of the listed building. We have specific policies and guidance regarding enabling development, where a degree of harm to a designated heritage asset may be deemed acceptable in extremely rare cases if significant benefits for the listed building may be secured by legal agreement.
- Such an application would require detailed financial appraisal and survey information, so that there may be public assessment of the impact and benefits. No such information has been provided with the application.

Highways – No objection subject to conditions:

- I note that a previous application has been made and subsequently withdrawn (18/01573/FUL).
- As no changes have been made to the proposal, I therefore adhere to my colleagues previous comments and recommend that no Highway objection is made subject to conditions being attached to any consent granted

Public Protection – No objection:

- There is Tandoori restaurant with a large flue on its western elevation immediately adjacent to the site.
- There are residential receptors in very close proximity (Rawlins Court and no.29
- Andover Road itself). More importantly, there are flats above each of the commercial units and windows are within a couple of metres of the flue
- However there are **no** noise or odour complaints against this property despite these potential receptors.

- Therefore, whilst I have not heard the extraction system in operation, I would not imagine that the presence of the flue should be a 'show stopper' for the proposed development (inside or outside) due to the lack of complaints from existing residential receptors.
- I would anticipate that the expectations of any future occupant of a property immediately adjacent to such commercial activities would fully consider that there may be some adverse impact on residential amenity as a consequence of the difference in uses.

Rights of Way Officer – No comments received.

Wessex Water – No objections, subject to informatives:

- Please note that the sewerage service provider for this area is Southern Water who the applicant will need to contact if they wish to connect the new dwelling to the public water mains
- According to our records there are no recorded public water mains within the red line boundary of the development site.

8. Publicity

This application was advertised through site notices, a press notice and letters of consultation.

Letters of representation – None received.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development

As is identified above, the site is situated within the main built up parameters of Ludgershall, which is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). WCS policy CP2 (Delivery Strategy) confirms that in such a location there is a presumption in favour of sustainable development. WCS policy CP26 (Tidworth Community Area) further confirms that in this community area there is a need for approximately 1,920 new homes by 2026 and the strategy for delivery is that approximately 1,750 of those will be provided in Tidworth and Ludgershall. The principle of a new dwelling on this plot within Ludgershall therefore accords with these policies.

This acceptability in principle does not, however, override matters of detail in terms of how the development integrates into the surrounding area; the implications for the heritage asset that exists on the site; the impact on neighbouring amenities; and the impact on highway safety. These matters will be considered in greater detail below.

9.2 Heritage Assets:

As identified above, the host dwelling on this plot, Perry's Cottage, is a Grade II listed building and is therefore a designated heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act) requires '*special regard*' to be given to the desirability of preserving a listed building or its setting. In

having '*special regard*' and in line with the NPPF, an assessment must therefore be made as to whether the proposals cause '*substantial harm*', '*less than substantial harm*' or '*no harm*' to the asset/s. The NPPF and WCS policy CP58 (Ensuring the Conservation of the Historic Environment) also confirm that a designation of a listed building '*does not preclude the possibility of new development*' but '*will only be acceptable where they are consistent with the conservation of a heritage asset's significance*'. Proposals affecting listed buildings may not always cause harm, either directly or indirectly, and the NPPF only requires applicants to explain and justify their proposals where harm has been identified.

Perry's Cottage is a thatched cottage dating from the 18th century, constructed of cob under a thatched roof; it is grade II listed for its historic significance, being a relatively rare survivor of its type in national terms, and unique in Ludgershall. The application is for a new dwelling in its modest rear garden. The supporting Heritage Statement argues that the proposed dwelling would cause no harm to the setting of the listed building but provides no justification for this conclusion.

There is no doubt that the surroundings of Perry's Cottage have changed since it was constructed, with 20th century developments on all sides significantly compromising its rural setting. The cottage appears almost as an island of historic Ludgershall that has endured against the odds, with the trees and shrubs to the north providing a visual barrier between the cottage and the higher residential blocks of the adjacent Rawlings Court. These developments have incrementally altered the setting of the cottage, but its garden forms a critical element of separation between historic and modern, and importantly, it retains almost identical boundaries to those it had in the 19th century (only the parking pull-ins encroach). The Council's Conservation Officer has therefore confirmed that the proposed severance and development of the plot will only worsen the impact on the setting of the cottage and reduce its visual and physical separation from neighbouring buildings. On this basis, it is considered that the proposals would result in '*less than substantial*' harm to the significance of the listed building and its setting.

Setting is not the only concern, however, with the aim of all planning legislation, guidance and policy, including the WCS, being to ensure the sustainable conservation of the historic environment for this and future generations. The survival of cottages like this requires careful owners who are willing and able to carry out regular, and usually inextricable, maintenance. The desirability of a property, and its ability to remain in its optimum original use, is key to its long-term survival. It is considered that the proposals would have a significant impact on the desirability of the property as a small family home, which poses a serious threat to its long term future. The less desirable a dwelling, the more frequently a property changes owners and/or tenants, and the less likely it is that either would carry out necessary maintenance, especially as it is rare for a property such as this to have an owner with cash to spare. The significant reduction in the level of garden and the proposed development in such close proximity to the listed building would therefore pose a significant threat to the future desirability of the listed building, which would again lead to '*less than substantial*' harm to the significance of the heritage asset.

When it is considered that a proposal will cause '*less than substantial harm*' to a heritage asset, paragraph 134 of the NPPF states that such harm may be acceptable where there are clearly defined and achievable public benefits, and where those benefits could not be achieved by less harmful means, either at this site or elsewhere. As submitted, no such benefits have, however, been identified as part of the application.

It is noted that the division member refers to the need to raise funds for maintenance of the listed building on the committee call-in form. There are specific policies and guidance regarding enabling development, where a degree of harm to a designated heritage asset may be deemed acceptable in extremely rare cases if significant benefits for the listed building may be secured by legal agreement. Such an application would, however, require detailed financial appraisal and survey information so that there may be public assessment of the impact and benefits. No such information has been provided with the application and it cannot therefore be assessed on that basis accordingly.

Overall, it is therefore considered that the proposals would result in 'less than substantial harm' both directly to the listed cottage through the reduction and compromise of its setting; and by potentially reducing its long term desirability/use and maintenance. No public benefits have been identified which would outweigh this harm and therefore the proposals are considered to have an unacceptable impact on the significance of the heritage asset, which is contrary to the provisions of the legislation as well as the NPPF and WCS policy CP58 (Ensuring the Conservation of the Historic Environment). For this reason, the proposals are considered to be unacceptable and accordingly, the application is recommended for refusal.

9.3 Character & Design:

Taking the detailed design of the proposed dwelling in isolation, this is considered to be appropriate. Its two storey scale is considered to be respectful of the level changes and would transitionally infill between the small scale proportions of the host cottage and the three storey, more modern development to the north and east. The traditional design of the new dwelling and its porch; cill; chimney; breaking eaves; and brick work detail would also result in an attractive dwelling that is appropriate given the character of this part of Ludgershall.

However, the development in the rear garden of the host cottage will be visible, not only from both the public roads of Andover Road and Rawlings Court but also from along the adjacent PROW. It is considered that the new development, despite it being well-designed, would overwhelm the host cottage and reduce the only remaining gap between it and the high density development and town houses that surround it. It is therefore considered that the development will detrimentally reduce the rare feeling of space that currently surrounds the host cottage to the detriment of its character and setting and that of the surrounding area.

9.4 Neighbouring Amenity:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF states 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*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens.

In this instance, the proposals involve the subdivision and redevelopment of the majority of the existing garden for an additional dwelling. Both the proposed and existing dwelling will be served by fairly limited gardens, which as discussed above, is considered to be harmful to the setting and character of the heritage asset and the wider area. The size of the resultant gardens are not considered to be much better from an amenity point of view, especially given the size of the dwellings that they are to serve. However, the Council has no garden size standards; and the size of the respective gardens is not dissimilar to those which serve the surrounding residential properties in Rawlings Court. It is not therefore considered that the modest size of the gardens would warrant an additional reason for refusal on amenity grounds.

In addition, internal layout and window placement has been carefully managed so that any first floor windows on both the northern and southern elevations are resisted and/or are shown to be obscurely glazed. If this scheme were to be recommended for approval then conditions could be imposed to control this arrangement in the long-term. It is therefore considered unlikely that the proposals would cause any issues in terms of overlooking or loss of privacy.

The scale and orientation/position of the dwelling relative to both the existing dwelling and the existing properties to the north mean that it is unlikely to result in any implications in terms of dominance or loss of light either. The Council's Public Protection Officer also considers that the potential for noise and odours from the adjacent A1, A3 and A5 uses for any future occupier is also likely to be minimal given the absence of complaint history in the area. Overall, it is therefore considered that the proposals would be acceptable in terms of any implications for residential amenity.

9.5 Highway Safety:

The plans identify that the new dwelling is to be served by a new access and driveway to its north, both served from Rawlings Court to the west. The highway authority has confirmed that the level of parking proposed is acceptable. It has also confirmed that the parking and access arrangements are unlikely to result in any negative impact for any other user or existing parking arrangements and therefore has raised no objection to the proposals. It is therefore not considered that the proposals will result in any significant highway safety implications.

9.6 S106/CIL

WCS policy CP43 (Providing Affordable Housing), requires contributions towards affordable housing provision from any net gain in the number of dwellings in the area. However following subsequent ministerial advice, this policy now only applies to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application which proposes only one dwelling.

The Council has, however, adopted the Community Infrastructure Levy (CIL), and therefore any development involving new residential development that is implemented after May 2015, may be subject to CIL. If the application were to be recommended for permission, an informative would be attached to the decision accordingly.

10. Conclusion

Whilst the principle of a new dwelling would be acceptable due to the site's location within the settlement boundary; and any such dwelling could be designed to have a limited impact on highway safety or neighbouring amenities, it is considered that the subdivision of this plot and the development of what is left of the curtilage of the grade II listed building, would result in 'less than substantial' harm to the significance, setting, character and long-term future of the heritage asset. The development of this plot for residential purposes is therefore considered to be unacceptable in heritage terms and the application is recommended for refusal accordingly.

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:

- 1) The proposed severance and residential development of the plot would adversely affect the setting of the Grade II listed cottage and reduce its visual and physical separation from neighbouring buildings. It is also likely to reduce its long-term desirability/use and maintenance. The proposal would therefore cause less than substantial harm to the significance of the heritage asset and to the character of the area. No public benefits have been identified which would outweigh this harm and therefore the proposal is contrary to policies contained in Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework; and Core Policies 57 (Ensuring High Quality Design & Space Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy.