

Date of Meeting	15 November 2018
Application Number	Planning application 18/08496/FUL and listed building consent application 18/08762/LBC
Site Address	Boxhedge Cottage High Street Porton SP4 0LH
Proposal	Retrospective planning permission for replacement gate
Applicant	Mr & Mrs R Pope
Town/Parish Council	IDMISTON
Electoral Division	Bourne and Woodford - Councillor Hewitt
Grid Ref	418727 136426
Type of application	Full Planning
Case Officer	Hayley Clark

Reason for the application being considered by Committee

The application has been called in to committee by Councillor Hewitt for the following reasons –

- It is not considered that the development is detrimental to the listed building
- The Parish Council have no objection.

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 the appearance of the conservation area
- Impact on Highway safety
- Impact on neighbour amenity

3. Site Description

The application site is located on the High Street within the village of Porton. The property is a two storey detached dwelling that was formerly three separate cottages. The site is constructed from a timber frame with brick and render under a thatched roof. Boxhedge Cottage is a large thatched grade II listed building in the Porton Conservation Area. A footpath runs within close proximity to the site on the eastern boundary.



4. Planning History

NB Development on land adjacent to Boxhedge Cottage not included below

16/04773/FUL	Proposed two storey rear extension Approved 15/08/2016
16/04776/LBC	Proposed two storey rear extension Approved 15/08/2016
16/11289/LBC	Replacement of all joinery of rear porch Approved 22/02/2017
17/03510/LBC	Demolish existing garage and erect a replacement garage of a similar construction Withdrawn 16/05/2017
17/04764/FUL	Demolish existing garage and erect a replacement garage Approved 10/07/2017
18/08556/LBC	Retrospective application for flue extension – live application under consideration

5. The Proposal

The proposal is for “retrospective planning permission for a replacement gate” – shown below in the case officers photo



6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

- Section 16: Preserving a Listed Building or its setting
- Section 66: Special considerations affecting planning functions
- Section 72: General duties of planning authorities (CONSERVATION AREAS)

National Planning Policy Framework (NPPF) revised July 2018

Wiltshire Core Strategy (WCS):

- 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'
- Idmiston, Porton and Gomeldon Village Design Statement
- Idmiston Neighbourhood Plan

7. Summary of consultation responses

Parish Council – No objection

Wiltshire Council Highways - No objection

Wiltshire Council Conservation – Objection

The council has a statutory duty to pay special regard to preserving the character, significance and setting of listed buildings, which are by definition of national interest; and preserving or enhancing the character of conservation areas. (sections 16, 66 and 72 of the PLBCA Act 1990).

The gate in this application has already been installed. Records show that the cottage had a pair of narrow traditional five-bar timber gates in line with its western elevation; the

sliding/rolling replacement is more than double the width, and when open it rolls across the whole of the southern bay of the cottage.

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasize its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

8. Publicity

The application was advertised by press/site notice and neighbour consultation letters

3 Neighbour/third party letters have been received, 2 in support and 1 commenting that the design is not in keeping with the listed building or conservation area

9. Planning Considerations

9.1 Principle

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.

Core Policy 57 states “a high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality

Core Policy 58 of the Wiltshire Core Strategy states that designation of a listed building does not preclude the possibility of new development. In considering applications for new development, the council will seek to ensure that the form, scale, design and materials of new buildings are complementary to the historic context. Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment.

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

Boxhedge Cottage is a grade II listed seventeenth-century thatched cottage at the southern entrance to the Porton Conservation Area. It has undergone a significant programme of works in the last three years, including the erection of a new dwelling and garage within the garden, a two-storeyed extension (approved by committee), and extensive internal works.

The council has a statutory duty to pay special regard to preserving the character,

significance and setting of listed buildings, which are by definition of national interest; and preserving or enhancing the character of conservation areas. (sections 16, 66 and 72 of the PLBCA Act 1990).

The gate in this application has already been installed. Records show that the cottage had a pair of narrow traditional five-bar timber gates in line with its western elevation; the sliding/rolling replacement is more than double the width, and when open it rolls across the whole of the southern bay of the cottage.

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasise its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

Objections to the gate have been raised by the Head of Planning and the council's Principal Conservation Officer.

9.3 Impact on highway Safety

The Wiltshire Council Highways Officer was consulted as part of the application process; the Highways Officer raised no objections

9.4 Neighbour Amenity

The proposed development will not have an adverse impact on the amenity of neighbouring properties, due to its location and design.

10. Conclusion (The Planning Balance)

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The property is a simple thatched cottage and the gate is out of keeping with this aesthetic. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72. The proposal is therefore contrary to both national and local policy and causes harm to this prominent listed building.

RECOMMENDATION: REFUSE

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched

cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasis its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.