

Date of Meeting	2 nd April 2015
Application Number	15/01585/LBC
Site Address	Crooked Cottage, 53 Burr Lane, Shalbourne SN8 3PT
Proposal	Rear single storey garden room extension.
Applicant	Mr & Mrs C Bartholomew
Town/Parish Council	SHALBOURNE
Division	BURBAGE AND THE BEDWYNS
Grid Ref	431299 162820
Type of application	Listed Building Consent
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee:

This application is brought to committee at the request of Divisional Member, Cllr Wheeler.

1. Purpose of Report

To consider the recommendation that the application be refused planning permission.

2. Report Summary

The key issues for consideration are:

- a) Whether the proposal would preserve the character and setting of the listed building;
- b) Whether the proposal would preserve or enhance the character or appearance of the Shalbourne Conservation Area.

3. Site Description

As previously reported under 15/01547/FUL

4. Planning History

As previously reported under 15/01547/FUL

5. The Proposal

As previously reported under 15/01547/FUL

6. Planning Policy

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give **special regard** to the desirability of preserving the building or its setting (S16) and to the desirability of preserving the character and appearance of the conservation area (S72).

Wiltshire Core Strategy – Core Policy 57 (design) and 58 (Historic Environment), which requires that “designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.

Relevant policies within the National Planning Policy Framework (namely section 12) and guidance contained within the saved Planning Policy Statement 5 Practice Guide.

The Shalbourne Conservation Area Statement provides additional guidance.

7. Consultations

Wiltshire Council Conservation Officer

The building has been extended to the maximum that does not harm its significance: any further extension would have a cumulative effect on the special interest of the listed building, to its detriment. This would be contrary to both local and national planning policy. Therefore it is strongly recommended that the applications be refused.

Shalbourne Parish Council

The Parish Council strongly supports this application stating that the proposal will have no impact on the surrounding area and, in the opinion of the Parish Council, will not detract from the character of the house or surrounding area.

8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbours.

9. Planning Considerations

The listed building considerations are identical to those set out in the report for the accompanying planning application (15/01547/FUL). The assessment is reproduced below:

9.1 Impact upon the listed building – Extension

The local planning authority has a statutory duty placed upon it to protect the character and appearance and the setting of the listed building and any features of architectural or historical interest that it may possess.

In this case, the garden room proposed is a very substantial additional structure in its own right, extending beyond the established building line at the rear and largely obscuring remaining views of the historic section of the building from the north-west. The scale and mass of the extension relative to its footprint is incongruous in this context. Although this view is currently not a public one, the Planning Practice Guidance produced by the government makes it clear that the setting of a listed building does not depend on their bring public rights to experience that setting.

Paragraph 178 of PPS5: Planning for the Historic Environment Practice Guide states that the main considerations for additions and alterations to heritage assets are:

“...proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.”

The Shalbourne Conservation Area Statement reflects the above advice, stating that *“All extensions should be in scale and character with the building to which they are added and should not dominate”*.

It is clear from the above that scale is a particularly important aspect to consider and that any proposed and existing modern additions to listed buildings should not either separately or cumulatively as a result of their size dominate the original asset or its setting. Paragraph 120 of the same guidance goes on to state that: *“when assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...”*.

In this case, although the additional extension would have no further physical impact on historic fabric, the proposal would take the cumulative impact of the modern extensions well beyond the level which could be considered as dominating the original building and would result in significant harm to its character and setting.

The special interest of the listed building derives from its historic core which comprises a two bay cottage which dates from the C17th. To the rear, the attractive gable of the original range is prominent and defines the character of the building. It has a particular value in providing evidence of the building's original timber framed construction, which has been re-fronted in brickwork elsewhere. The scale, materials and vernacular construction of the cottage, including the evidence of its re-fronting, are characteristic of historic cottages in the vicinity.

A one and half storey extension and former garage provide additional living accommodation and are attached at right angles to the main range, on the approximate footprint of previous, historic, additions which appear on the early OS maps (ie from the turn of the century). The form and nature of these previous extensions, however, is not known and given their non-survival it is possible that they were modest and ephemeral structures. The presence of previous unknown structures cannot be seen as creating any precedent for further, unacceptable, development and the existing C20 extensions and current proposals must be judged on their own merits. On this basis, the existing modern extensions follow the general form and materials of the re-fronted main range but, from the rear, only narrowly avoid dominating the original gable of the timber framed cottage. Listed as a good example of a modest cottage, it is important that the significance of the building is not diminished by further large extensions.

The current proposal is considered to be of such a scale – in terms of its 5.8m length, 4.8m width and 4.4m height to the lantern - that it would significantly detract from the original building and be harmful to its character and setting. The cumulative impact with previous extensions is particularly harmful. The harmful impact of the proposed extensions is compounded by its siting, which protrudes uncharacteristically from the compact established footprint. In addition, the largely glazed design, the slate roofing and glazed lantern are all out of character in the context of the existing vernacular cottage and would tend to draw further attention to an already prominent addition, increasing its dominating presence. This goes directly against government guidance and Conservation Area Statement advice

The NPPF makes a distinction between proposals which cause ‘substantial harm’ to a designated heritage asset and those which lead to ‘less than substantial harm’. The former category is reserved for situations such as the complete demolition of a listed building whereas the latter is more applicable in cases such as this. It does not automatically mean that less than substantial harm is more acceptable, it simply means that a different test is applied. Paragraph 134 of the NPPF states 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 securing its optimum viable use”*.

The current proposal would not give rise to any public benefits. No evidence has been provided to suggest that the extension is required to secure the long term viability of the building and it is clear that it has functioned successfully for many years as a family dwelling with a perfectly workable internal layout. Accordingly, the harm cannot be justified in policy terms.

9.2 Impact upon conservation area – Extension

The existing listed building is an important element of the conservation area and contributes towards its character and appearance and significance as a heritage asset. However, whilst

the extension would harm the significance of the heritage asset that is the listed building, the location of the extension to the rear of the building means that any impact on the wider conservation area is limited and not considered to be significant.

10. Conclusion

The proposed size, design and location of the extension, as well as its cumulative impact when added to the existing modern extensions is such that it would harm the setting and significance of the original listed building, diminishing its significance as a designated heritage asset. As such, the proposal is contrary to government policy contained within Section 12 of the NPPF and to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy 2015. In addition, in cases where it is identified that a proposed development will give rise to harm to a heritage asset, recent case law has emphasised that the over-arching 'special regard' required by Sections 66 and 72 of the Act imposes a presumption against the grant of consent in cases of this nature.

RECOMMENDATION:

That listed building consent be refused for the following reasons:

The design, bulk and location of the extension, together with the consequent cumulative impact of the proposed and existing modern extensions in relation to the original dwelling would harm the character and setting of the listed building and diminish its significance as a designated heritage asset. As such, the proposal is contrary to the legislative requirements of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and to government policy contained within Section 12 of the NPPF; guidance contained in the PPS5 Practice Guide, and to Core Policies 57 and 58 of the adopted Wiltshire Core Strategy 2015 and supplementary planning guidance contained in the Shalbourne Conservation Area Statement.