

REFERENCE: 10/00620/FUL & 10/00621/CAC

SITE: Sandford Dene, Lake Street

PROPOSAL: 10/00620/FUL: Erection of replacement dwelling following demolition of existing dwelling

10/00621/CAC: Demolition of existing dwelling

RECOMMENDATION: Refuse

1. The proposal

- 1.1 This report constitutes a joint report for the application for Conservation Area Consent for the demolition of the existing building, and the application for full planning permission for the proposed replacement building.
- 1.2 The application site is located within Prestbury Conservation Area and is also within the Green Belt. The dwelling is situated at the western end of Lake Street, where the highway bends sharply to the north. The building is identified within the Prestbury Conservation Area Character Appraisal as a positive building.
- 1.3 The proposed replacement building is traditional in form with an 'L' shaped footprint. It is located closer to the southern boundary of the site with a detached double garage to the north.
- 1.4 Members will recall that planning permission was granted at appeal for a new dwelling to the rear of the existing property with access off Lake Street. Members will note on planning view that the access has been partially implemented.
- 1.5 The applications are before planning committee following the recent refusal of applications 10/00012/FUL and 10/00013/CAC, which were also determined at committee. The proposals in these applications are identical to those previously determined. The refusal reason for the planning application was;

The erection of a replacement dwelling in this location would require the demolition of the existing dwelling on the site. The existing dwelling is identified within the Prestbury Conservation Area Character Appraisal and Management Plan (Adopted 2009) as a building which makes a positive contribution to the character and appearance of the conservation area. This positive contribution is by virtue of the buildings age, evidenced by its plan form, relationship to the road, mass, scale, site location and internal features, specifically the size and mass of the central chimney breasts. Furthermore, the building has a positive relationship with adjacent listed buildings, and its historic plot size in relation to other burgage plots within Prestbury is of historic interest.

The advice within PPG15 states that the general presumption is to retain buildings which make a positive contribution to a conservation area and where demolition is proposed, this should be assessed against the same broad criteria as proposals to demolish listed buildings. No such assessment has been provided with this application.

The proposed demolition of the building would harm the character and appearance of the conservation area by virtue of the loss of a positive historic building and would fail to preserve the setting of adjacent listed buildings.

The proposal to erect a replacement dwelling is therefore contrary to the guidance set out within PPG15 and policy BE3 of the Cheltenham Borough Local Plan (Adopted 2006).

- 1.6 The following reason was given to refuse the application for Conservation Area Consent;

Sandford Dene is identified within the Prestbury Conservation Area Character Appraisal and Management Plan (Adopted 2009) as a building which makes a positive contribution to the character and appearance of the conservation area. This positive contribution is by virtue of the building's age, evidenced by its plan form, relationship to the road, mass, scale, site location and internal features, specifically the size and mass of the central chimney breasts. Furthermore, the building has a positive relationship with adjacent listed buildings, and its historic plot size in relation to other burgage plots within Prestbury is of historic interest.

The advice within PPG15 states that the general presumption is to retain buildings which make a positive contribution to a conservation area and where demolition is proposed, this should be assessed against the same broad criteria as proposals to demolish listed buildings. No such assessment has been provided with this application.

The proposed demolition of the building would harm the character and appearance of the conservation area by virtue of the loss of a positive historic building and would fail to preserve the setting of adjacent listed buildings.

Accordingly, the proposals are contrary to sections 66(1) and 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out at PPG15 and policy BE3 of the Cheltenham Borough Local Plan (Adopted 2006).

2. History

Reference number	Description	Decision and date
07/01636/OUT	Outline application for a new dwelling to the rear of the site	Withdrawn
08/01285/FUL	Erection of new dwelling in land to rear	Refuse – 25/3/09 (allowed at appeal)
09/00304/FUL	Erection of two storey dwelling following the demolition of the existing property	Withdrawn
09/00305/CAC	Demolition of existing dwelling	Withdrawn
10/00012/FUL	Erection of replacement dwelling following demolition of existing dwelling	Refuse – 23/2/10
10/00013/CAC	Demolition of existing dwelling	Refuse – 23/2/10

3. Policies and guidance

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 3 Demolition in conservation areas

BE 4 Timing of demolition in conservation areas

CO 5 Definition of green belt

CO 6 Development in the green belt

CO 7 Rebuilding or replacement of dwellings in the green belt

HS 1 Housing development

HS 2 Housing Density

RC 6 Play space in residential development

UI 3 Sustainable Drainage Systems

TP 1 Development and highway safety

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Play space in residential development (2003)

Conservation Area Appraisal and Management Plan (2009)

Development on Garden Land and Infill Sites in Cheltenham (2009)

Planning Policy Guidance/Statements

PPS 1: Delivering Sustainable Development

PPG 2: Green belts

PPS 3: Housing

PPS 5: Planning for the historic environment

4. Consultation responses

4.1 Conservation Officer

Historic analysis of the site

1. *This house and associated garden is shown on the 1842 tithe map, and is also on the 1884, 1902, 1923 and 1932 maps.*
2. *On the 1842 map there are a number of buildings located along Lake Street, with land to the north and to the west of the application site being shown as farm land, with area marked as hay meadows and orchards.*
3. *Although the earliest map evidence I could find for the existing building is 1842, in my opinion it is quite possible that the building is older and may be an altered 18th century house. Certainly the plan form and part of the roof structure appear to be much earlier than mid 19th century.*
4. *An additional historic consideration is the size of the curtilage land or plot of the application building as shown on the 1884 map. On this map the relatively uniform size of all the burgage plots on the west side of The Burgage, are a very similar size to the curtilage of the application building, and its immediate neighbouring plots to the north and south in Lake Street. Since the medieval practice of marking out burgage plots tended to use a consistent sized plot for any particular village settlement, this size relationship of plots in Lake Street and The Burgage suggests that the plot size shown for Sandford Dene on the 1884 map may be a burgage plot.*

Comments

1. *This house is located within the conservation area of Prestbury.*
2. *This existing historic house has been identified on the Townscape analysis map for Prestbury's Character Appraisal as being a positive building, within the conservation area.*
3. *In PPS5 the conservation area is a designated heritage asset and this building is also a heritage asset (non designated).*
4. *In PPS5, clause 7 of The Government's Objectives, it is stated that –"The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations".*
5. *This building could certainly accept a degree of alteration (including the demolition and re-building of the rear single storey extension) without its historic significance being compromised, or the character and appearance of the conservation area being compromised. However what is being proposed is the total demolition of a heritage asset.*
6. *Whilst the building has lost some of its historic features, the principal historic element is the building itself (ie its mass, form, footprint, historic room layout). However the historic assessment carried out by the applicants has confirmed that it is an historic building. The proposal is for total demolition which will obviously destroy all factors of this heritage asset.*
7. *It is noted that the applicants structural engineer's report has confirmed that the building has **not** suffered any structural deterioration over the past 18 months*
8. *In my opinion the publication of PPS5 and the replacement of PPG15, does not weaken the statutory protection of this building, but strengthens it. In my opinion the*

applicants have failed to make an adequate case for the total demolition of the building.

CONCLUSION REFUSE

4.2 Cheltenham Civic Society

We are generally content with this, though we feel there is some unnecessarily fussy detailing.

4.3 Tree Officer

The tree section has no objections to this application.

4.4 Engineering Services

I refer to the above planning application received on 28/04/2010. In highway terms this application is very similar to the previous application at this site which was refused on planning grounds, however the Highway Authority raised no objection. Therefore I recommend that no highway objection be raised to this application subject to the following conditions being attached to any permission granted: The proposed dwelling shall not be occupied until car parking has been provided in accordance with the submitted plan and that area shall not thereafter be used for any purpose other than the parking of vehicles. REASON: To ensure that adequate off-road parking is provided, in the interests of highway safety. Prior to the use of the new vehicular access it shall be laid out and constructed such that any entrance gates are set back a minimum distance of 4.5m. from the edge of the carriageway and hung so as to open inwards only with splay lines provided from a point 4.5m. back from the carriageway on either side of the driveway extending at 45 degrees to the highway boundary. The width of the access driveway shall not be less than 3m and the area in advance of the gate position/splay lines shall be kept free from obstruction and surfaced in bituminous macadam or other approved material and thereafter similarly maintained.

4.5 Parish Council

No objection but we request a pitched roof on the garage using traditional materials

5. Publicity and representations

5.1 Letters were sent to 25 neighbouring residents advising that the application had been received. In addition to this, a site notice was posted adjacent to the site and an advert placed within the Gloucestershire Echo on 4 May 2010.

4.2 In response to this publication, only one letter of representation has been received and this supports the proposals.

6. Officer Comments

6.1. Determining Issues

6.1.1 The fundamental issue relating to these applications is the principle of demolishing the existing building which is identified as a positive building within the Prestbury Conservation Area. In addition to this, it is important to consider the design and layout of the replacement building and its impact on neighbouring amenity.

6.2. The principle of demolition

6.2.1 Members will note from the comments provided by the Conservation Officer, that the principle of demolishing this building is not supported. This judgement is based on the advice contained within PPS5: Planning for the historic environment. Members will note that the refusal reasons given for the previous applications make reference to the advice within PPG15, but this was superseded by PPS5 in March 2010.

6.2.2 Within the objectives of PPS5, it is stated that;

The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

6.2.3 The document conveys a different approach to considering development within the historic environment and makes reference to designated heritage assets, and non-designated heritage assets. Designated heritage assets include listed buildings and conservation areas, whilst non-designated heritage assets would include a building, such as the application site, which has been positively identified as having a degree of significance meriting consideration in planning decision.

6.2.4 The Prestbury Conservation Area Character Appraisal identifies the existing building on the application site as a positive building within the conservation area. There is no dispute therefore, that the building is a heritage asset. Furthermore, the site lies within a designated heritage asset (the Prestbury Conservation Area).

6.2.5 It is unfortunate that the national advice against which the original application was determined has changed. The application has clearly been submitted in an attempt to overcome the previous refusal reason and seeks to address the PPG15 requirements to justify the demolition. This includes information relating to the structural condition of the building and marketing information. Notwithstanding this information, the proposal now has to be considered against the current policy framework, and this is now the advice contained within PPS5.

6.2.6 The relevant policy within PPS5 is policy HE8 (Additional policy principle guiding the consideration of applications for consent relating to heritage assets that are not covered by policy HE9 [Officer note: Policy HE9 relates to designated heritage assets]). In the context of this policy, the practice guide to PPS5 provides useful advice at paragraph 83;

Some non-designated assets, such as buildings of good local character or sites of archaeological interest, are of heritage significance but not at a level that would the threshold for national designation. Such assets can, singularly and collectively, make an important, positive contribution to the environment.

6.2.7 The building is identified as a positive building within the Prestbury Character Area appraisal. Within the previous committee report, the Conservation Officer provided comments to justify this decision. These comments are set against the context of the English Heritage document 'Guidance on Conservation Area Appraisals' which sets out a series of questions that need to be considered when assessing the significance of unlisted buildings within a conservation area. For ease of reference comments are now set out again (the questions are set out in bold, followed by the conservation officers response);

i) Is the building the work of a particular architect of regional or local note?

No, not known.

ii) Has it qualities of age, style, materials or any other characteristics which reflect those of at least a substantial number of the buildings in the conservation area?

Yes, the age of this application building is at least mid 19th century and possibly older. It therefore relates to the historic development of the area and also to the other buildings in the conservation area, the majority of which are historic with some being medieval.

iii) Does it relate by age, materials or in any other historically significant way to adjacent listed buildings, and contribute to their setting?

The exact age of the application building is unknown (see above), but it is clearly historic and its physical presence as an historic building does enhance the setting of the adjacent listed buildings in Lake Street. In addition the two closest listed buildings (ie Lake House and the Stable House) are both linear buildings which run parallel to the road. The application building has the same linear plan form and the relationship to the road, as these two adjacent listed buildings. It is also noted that the application building is rendered, and much of the nearby listed building Pilgrim Cottage is also rendered. It is noted that rendering is not a particularly unusual material for the area and several other listed cottages in the conservation area are rendered.

iv) Does it individually, or as part of a group, serve as a reminder of the gradual development of the settlement in which it stands, or of an earlier phase of growth?

Yes, (see above comments)

v) Does it have significant historic association with established features such as the road layout, burgage plots, a town park, or landscaped feature?

Yes. An additional historic consideration is the size of the curtilage land or plot of the application building as shown on the 1884 map. On this map the relatively uniform burgage plots on the west side of The Burgage, are a very similar size to the curtilage of the application building, and its immediate neighbouring plots in Lake Street. Since the medieval practice of marking out burgage plots tended to use a consistent sized plot for any particular village settlement, this size relationship of plots in Lake Street and The Burgage suggests that the plot size shown for Sandford Dene on the 1884 map may be a burgage plot.

vi) Does the building have a landmark quality, or contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?

Yes, the location of this historic application building at the end of Lake Street does mean that within the immediate rural surroundings of Lake Street it is a landmark building whose physical presence terminates the view looking west in a positive way.

vii) Does it reflect the traditional functional character of, or former use within, the area?

Yes, this building was last used as a residential building before it was vacated, and it appears from the historic maps that it has always been a residential property. This residential use is entirely appropriate for this part of the village.

viii) Has it significant historic associations with local people or past events?

Not known.

ix) Does its use contribute to the character or appearance of the conservation area?

Yes the continued use of this building as a residential property does contribute to the character and appearance of the conservation area.

x) If a structure associated with a designed landscape within the conservation area, such as a significant wall, terracing or minor garden building, is it of identifiable importance to the historic design?

Not applicable

In English Heritage's view, any one of these characteristics could provide the basis for considering that a building makes a positive contribution to the special interest of a conservation area, provided that its historic form and values have not been seriously eroded by unsympathetic alterations.

6.2.8 The Conservation Officer went on to state that;

Having carefully considered this checklist in appendix 2 again in relation to this building, it is apparent that the application building does fulfil a significant number of the criteria for being a positive building.

The applicants argue that because the building has been subjected to a number of inappropriate alterations in the more recent past, such as the front porch, rendering, rear extension and concrete roofing tiles, it should therefore be acceptable to demolish it. However on the 1884 map the building is shown with a front porch and rear extension, (albeit with a smaller rear extension and front porch footprint) and as stated above there are a number of other buildings in the conservation area including listed buildings which are rendered. So I do not agree with the applicants that the building should be demolished because of its front porch, rear extension or rendered exterior. However whilst I agree with the applicants that the concrete roof tiles are not appropriate, roof tiles can easily be changed without demolishing the whole building and replacing it.

In summary, factors such as the building's age, plan form, relationship to the road, mass, scale, site location and internal features like the size and mass of the central chimney breasts, are all factors which combine to make it a positive building. In addition, other factors such as the age, scale and site location of this building in relation to other adjacent listed buildings (ie Stables House and Lake House on south side of Lake Street), and its historic plot size in relation to Prestbury's other burgage plots, are also factors to make this a positive buildings in the conservation area appraisal.

In addition, the factors of the application building's age, scale and site location in relation to other adjacent listed buildings help to enhance and preserve their setting.

6.2.9 In light of these comments, it is quite clear that the Conservation Officer considers the building to be correctly identified as a positive building within the conservation area. As outlined above, the designation complies with a number of English Heritage criteria and whilst the applicant contests this conclusion, it is apparent that the advice provided by English Heritage supports the view of the conservation officer.

6.2.10 Whilst PPG15 suggested that the demolition of a building which makes a positive impact to a conservation area should be assessed against the same broad criteria of demolishing a listed building, PPS5 is less unequivocal in its advice. The application therefore has to be determined on its merits and with this in mind, and in light of the details submitted with the application, officers are unsatisfied that the building has been marketed appropriately to present a robust case for demolition of this heritage asset.

6.2.11 The information provided by the applicant suggests that if the existing building were to be refurbished and extended, the value of the property would still be significantly less than the cost involved in the building works and the amount paid for the property in 2006. Of interest, however, and a matter which does not appear to be factored into these figures, is that planning permission has been granted for a new dwelling on the land to the rear of the property. Officers consider that this is a significant material consideration in the determination of this application and that the value generated by this permission holds weight when considering the costs of refurbishing the new dwelling. The fact that this has not been considered by the applicant is therefore a flaw in the justification of the demolition.

6.2.12 In light of the comments provided by the Conservation Officer and the argument advanced by the applicant, officers remain unconvinced that an adequate case for demolition has been presented and are therefore not in a position to recommend the loss of this heritage asset for approval.

6.3. Design and layout

6.3.1 Regarding the proposed replacement building, members will be aware that Local Plan Policy CP7 requires development to be of a high standard of architectural design. Officers

accept that the proposed replacement dwelling is of an appropriate scale and mass and if the demolition of the existing building was considered to be appropriate, the replacement structure would be acceptable.

6.3.2 Notwithstanding these comments, the building has rightly been identified as a positive building within the conservation area; a designation that is more than adequately supported when assessed against English Heritage criteria. The applicant has failed to provide a satisfactory case for the demolition of the existing building and the architectural merit of the replacement scheme certainly does not outweigh the loss of the building.

6.3.3 In addition to being located within the Prestbury Conservation Area, the application site is also located within the Green Belt. Policy CO7 (rebuilding or replacement of dwellings in the Green Belt) suggests that such development will only be permitted where;

- a) the number of replacement dwellings is no greater than the number to be demolished;
- b) the volume of the original building is not exceeded by more than 15% of 70 cubic metres (whichever is the greater); and
- c) there is no harm to the openness and visual amenity of, or encroachment upon, the Green Belt.

6.3.4 Officers are satisfied that the proposed development complies with the requirements of this policy. The volume of the existing building is approximately 667 cubic metres, whereas the volume of the proposed structure is approximately 748 cubic metres; within the 15% increase allowed by policy. Further to this, officers are satisfied that the proposed development would not harm the openness of the Green Belt.

6.3.5 In light of the above considerations, it is evident that the proposed replacement dwelling cannot be supported. The layout and scale of the proposed building are appropriate for the site, but the application fails to adequately justify the demolition of the existing positive building in light of the guidance set out within PPS5.

6.4. Impact on neighbouring property

6.4.1 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality. When assessing the scheme in terms of potential loss of light, officers are satisfied that the proposal is acceptable. The proposed building is sited in such a position that neighbouring properties will not experience a noticeable loss of light.

6.4.2 With regard to potential loss of privacy, again no concerns are raised by officers. The previous application was amended to remove a bedroom window and this scheme also includes this amendment. There are no other windows that will cause an unacceptable loss of privacy to surrounding dwellings.

6.5. Access and highway issues

6.5.1 Members will note from the County Council comments set out above that no objection is raised subject to suitable conditions. This is consistent with their advice provided for the previous application and therefore no objection is raised to the proposal on highway safety grounds.

6.6. Sustainability

6.6.1 Local Plan Policy CP1 advises that development will be permitted only where it considers the principles of sustainable development. The application is very light when considering sustainable development with no reference to design or construction features that would reduce the carbon footprint of the proposed dwelling. This is particularly disappointing given the waste created by the proposed demolition for a single replacement dwelling.

6.6.2 Unfortunately, members will be aware of recent appeal decisions which have deemed it unreasonable for the authority to impose conditions requiring specific code levels of the Code for Sustainable Homes to be achieved. Notwithstanding that the application cannot be supported for reasons already identified in this report, should members resolve to grant planning permission, officers would suggest that a condition relating to the provision of water butts is necessary and reasonable. This will help to reduce surface water run-off whilst also harvesting rain water for future use.

6.7 Enforcement action

6.7.1 Members will recall that at the previous committee meeting, it was requested that the Council's enforcement officers contact the owner of the property with the view of improving the external appearance of the building.

6.7.2 Following a site visit, it was requested that the land owner connect/re-connect the down pipes to the existing guttering on all roof slopes and remove/cut back overgrown shrubs/vegetation fronting the property. It is understood that this work has now taken place and therefore the enforcement officer no longer has any concern with the site.

7. **Conclusion and recommendation**

7.1 To conclude, it is quite clear from the comments provided by the Conservation and Heritage Manager that the recently published guidance within PPS5 continues to support the view that the demolition of Sandford Dene should not be supported. The building is identified as a positive building within the Prestbury Conservation Area and in this respect is a Heritage Asset. The building has been assessed against English Heritage criteria and officers are satisfied that the building is rightly identified as a positive building.

7.2 The application fails to include clear justification for the demolition of the building. Whilst the costs involved with potential refurbishment and extending the dwelling may exceed the value of the resultant property, this has to be balanced against the planning approval already granted on the land to the rear of this dwelling. Given that the justification for demolishing this building primarily appears to be for financial reasons, officers consider that the approved dwelling to the rear of the site is a material consideration in this instance.

7.3 It is recommended that the application for Conservation Area Consent and the application for Planning Permission be refused for the reasons suggested below.

Refusal reason: 10/00620/FUL

The erection of a replacement dwelling in this location would require the demolition of the existing dwelling on the site; a building that is identified within the Prestbury Conservation Area Character Appraisal and Management Plan (Adopted 2009) as a building which makes a positive contribution to the character and appearance of the conservation area.

This positive contribution is by virtue of the buildings age, evidenced by its plan form, relationship to the road, mass, scale, site location and internal features, specifically the size and mass of the central chimney breasts. Furthermore, the building has a positive relationship with nearby listed buildings, and its historic plot size in relation to other burgage plots within Prestbury is of historic interest. In accordance with the advice contained within PPS5, the building is therefore rightly defined as a Heritage Asset.

The application fails to include any compelling evidence to justify the demolition of this Heritage Asset and it is considered that the proposed demolition of the building would harm the character and appearance of the conservation area, a designated heritage asset, by virtue of the loss of a positive historic building and would fail to preserve the setting of nearby listed buildings.

The proposal to erect a replacement dwelling is therefore contrary to the guidance set out within Policies HE8 and HE9 of PPS5 and policy BE3 of the Cheltenham Borough Local Plan (Adopted 2006).

Refusal reason: 10/00621/CAC

Sandford Dene is identified within the Prestbury Conservation Area Character Appraisal and Management Plan (Adopted 2009) as a building which makes a positive contribution to the character and appearance of the conservation area. This positive contribution is by virtue of the building's age, evidenced by its plan form, relationship to the road, mass, scale, site location and internal features, specifically the size and mass of the central chimney breasts. Furthermore, the building has a positive relationship with nearby listed buildings, and its historic plot size in relation to other burgage plots within Prestbury is of historic interest. In accordance with the advice contained within PPS5, the building is therefore rightly defined as a Heritage Asset.

The application fails to include any compelling evidence to justify the demolition of this Heritage Asset and it is considered that the proposed demolition of the building would harm the character and appearance of the conservation area, a designated heritage asset, by virtue of the loss of a positive historic building and would fail to preserve the setting of nearby listed buildings.

Accordingly, the proposals are contrary to sections 66(1) and 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, policies HE8 and HE9 of PPS5 and policy BE3 of the Cheltenham Borough Local Plan (Adopted 2006).