

APPLICATION NO: 17/00017/FUL and LBC	OFFICER: Miss Chloe Smart
DATE REGISTERED: 5th January 2017	DATE OF EXPIRY: 2nd March 2017
WARD: College	PARISH:
APPLICANT:	Mr Peter Pritchard
AGENT:	John T Ladley Architect
LOCATION:	Shoreline Cottage, Back Montpellier Terrace, Cheltenham
PROPOSAL:	Proposed removal of a modern lean-to on the rear of number 8 suffolk Square, erection of a two-storey rear infill extension to Shoreline Cottage.

RECOMMENDATION: Refuse (FUL) and Refuse (LBC)



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a modern 'coach house' style property known as Shoreline Cottage which is located to the rear of no. 8 Suffolk Square, which is a grade II* listed building which is also within the applicant's ownership. Shoreline Cottage is a separate dwelling and has an access onto Back Montpellier Terrace.
- 1.2 The dwelling to which this application relates was approved in 2012 (planning ref: 12/00060/FUL) following lengthy discussions and three withdrawn applications. Both planning permission and listed building consent is now sought for the erection of a two storey rear infill extension and the removal of an existing lean to addition to the rear of no. 8 Suffolk Square.
- 1.3 The application has been called to planning committee by Councillor Sudbury should the recommendation be to refuse, in order to allow the committee to consider whether or not there is a harmful impact to the listed building and the conservation area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

09/00101/PREAPP CLO

Proposed coach house to the rear of 8 Suffolk Square

09/00732/PREAPP CLO

Proposed coach house dwelling to the rear of 8 Suffolk Square.

11/00564/PREAPP 4th October 2012 CLO

Dwelling at the rear of 8 Suffolk Square

16/00889/PREAPP 29th June 2016 CLO

Two storey infill extension

09/01291/FUL 30th November 2009 WDN

One bedroom coach house dwelling at the rear of No.8

09/01292/LBC 30th November 2009 WDN

One bedroom coach house dwelling at the rear of No.8

11/00051/FUL 9th March 2011 WDN

Erection of a detached "coach house" style dwelling

11/00052/LBC 9th March 2011 WDN

Erection of a detached coach house style dwelling

12/00060/FUL 19th April 2012 PER

Erection of one no self-contained dwelling to rear of 8 Suffolk Square

15/00488/DISCON 18th June 2015 DISCHA

Discharge of conditions 3, 4, 5, 6, 7, 8, 9, 11 (see attached letter for details) on planning permission 12/00060/FUL

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Central conservation area: Suffolk Square Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Heritage and Conservation

1st February 2017

The key consideration in relation to these comments is the impact of the works on the listed building and the conservation. Sections 16 (2) and 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses, whilst section 72 (1) requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The Site and its Context

Shoreline Cottage is a modest modern property recently constructed in a 'coach house' style to designs that were given consent in 2012. It is situated on the Back Montpellier Terrace, to the rear of 8 Suffolk Square, part of a grade II* terrace constructed in the first half of the 19th century.

The proposals contained in this application are for the construction of a two storey extension that would link Shoreline Cottage to 8 Suffolk Square

Comments

The following comments were made in response to a pre-application:

There are a number of concerns with this proposal, both in terms of the principle of linking it to the grade II listed building, as well as issues with the design of what is proposed.*

- 1. There have been a number of pre-apps/applications related to the back of 8 Suffolk Square, the final one of which was in 2012 when consent was given for the erection of a self-contained property.*
- 2. Although the construction of a new property was permitted in 2012, an examination of the comments related to the earlier pre-apps and applications reveals a number of references to the size and scale of the proposed dwelling, as well as its design.*
- 3. A response from the LPA to a 2009 pre-app for a 'Proposed coach house dwelling to the rear of 8 Suffolk Square stated that 'Although the principle of a dwelling in this location is acceptable, the building should be an ancillary building which is small in scale to resemble the character of a traditional coach house'.*

4. *Comments from Historic England (English Heritage) that same year on the construction of a one bedroom coach house stated that they did not object to the erection of some form of 'modestly sized structure'.*
5. *Comments from the Conservation and Heritage Manager in 2012, in response to the proposals that were subsequently approved, was that the proposed modest development, in terms of size, form and mass, was 'entirely appropriate'.*
6. *It is therefore of some concern that this current pre-app is for the proposal of a two storey infill extension, which would attach Shoreline Cottage to the rear of the grade II* listed 8 Suffolk Square, creating a substantial modern extension to the rear of listed building, and changing its character, appearance and setting.*
7. *This substantial modern structure would no longer be the modest traditional building that has been emphasised in the earlier pre-apps and applications, it would be their antithesis; a large, unwieldy addition of a disjointed design which would have little relationship to the grade II* building to which it would be attached.*
8. *By extending the existing modern coach house, the setting of the listed building would be changed, with the density of the site substantially altered. Although it could be argued that the extension is not in itself vast, it is still substantial when compared to the 'coach house' of which it is meant to be a part; as such it is not subservient, which is a point of LPA guidance on the addition of extensions. More importantly, however, is the cumulative effect of this proposed development. By adding this substantial extension, the setting of the grade II* listed building would change, becoming increasingly cramped and constricted, a situation not helped by the somewhat unusual design of the extension and its fenestration, which is in itself a cause for concern.*
9. *The nature of the fenestration, with its asymmetrical mix of different sized sash windows, is at odds with the both the coach house elevation and the service wing of the grade II* listed building, whilst the attempt to fit a doorway into this restricted space, increases the feeling of density and constraint already been referred to.*

Conclusion

Whilst the creation of the modest 'Shoreline Cottage' was deemed acceptable, to add a substantial two storey extension which would link it to the grade II listed building is not. The impact of this infill extension on the appearance, character and setting of the grade II* listed building, as well as on the conservation area, would be considerable and detrimental. As such the proposals are not ones I could support.*

Comments on current application:

An application has now been received for the construction of a two storey infill extension to Shoreline Cottage. Although there have been some modification to the proposed plans that have been submitted, there still remains a great deal in common with the plans that were submitted at pre-app stage. As such, many of the concerns expressed at pre-app are still valid.

The proposed extension to Shoreline Cottage is a two storey recessed infill which would attach the Cottage to the rear of the grade II* listed 8 Suffolk Square. In common with the drawings submitted at pre-app, the proposed extension itself is not vast; however it is still substantial when compared to the 'coach house' of which it is meant to be a part. In addition despite the 'recessing' of the proposed extension, because of its height and mass, it is still not subservient to Shoreline Cottage. In addition in 2012 the approved

proposals for Shoreline Cottage were described by the officer as being of a size, form and mass that was 'entirely appropriate', but if the current proposals are accepted this would no longer be the case: the character of Shoreline Cottage would have fundamentally changed. Indeed Historic England states that the proposed work would transform the size and mass of the coach house 'beyond the scope of that perceived to be acceptable'; a transformation which would impact on the setting of the grade II* listed building as well as the conservation area.

The 'setting' of a heritage asset is defined by the NPPF as 'the surroundings in which a heritage asset is experienced.' The extent of the setting is not fixed and it may change as the asset and its surroundings evolve. In addition elements of a setting may make a positive or negative contribution to the significance of an asset and they may affect the ability to appreciate that significance or may be neutral.

If the proposed infill extension to Shoreline Cottage were permitted, then the setting of the grade II* listed building would undoubtedly be detrimentally changed. It would no longer be the location of the 'entirely appropriate' modest development, but rather the site of a building transformed 'beyond the scope of that perceived to be acceptable'. It would also fail to preserve or enhance the character or appearance of this part of the conservation area. As such the proposals in this application are difficult to support.

Historic England

16th January 2017

Thank you for your letter of 5 January 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application:

Historic England Advice

The northern flank of Suffolk Square is a terrace of 12 houses with attached railings that are Grade II* listed. It was built against an earlier house, now called Willoughby. The terrace is attributed to J. B. Papworth; however the listing description states that it was probably more likely to have been the work of Edward Jenkins and built between 1832 and 1848. The external façade of the building, designed in a typical Regency Classical style (Corinthian columns, end pavilions with pediments etc.) holds a great deal of heritage value and contributes heavily to the significance of this formally laid out square. This furthermore sits within the Suffolk Square Character Area of the Central Cheltenham Conservation Area. The application site forms part of the rear of no. 8 Suffolk Square, and is accessed from Back Montpellier Terrace; a narrow carriageway tightly sandwiched between the rears of Montpellier Terrace and Suffolk Square. This is an archetypal area of grand terrace back-land historically associated with the servicing of these high status residences, and provides evidential value of this hierarchical relationship. It is characteristically constructed in un-rendered red brick and is of a lower two-storey mews form (although larger scale haphazard additions have occurred).

This proposal seeks the joining of a recently constructed two-storey coach house dwelling (Shoreline Cottage) to the rear of the principal listed terrace, effectively filling a void that presently separates the two entities. We acknowledge written communication between the applicants and the council has taken place referring to the design and function of this infill, and has been provided within the submission.

Central to our advice to the local authority is the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) in which "the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest", as well as section 72 (1) "with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". In line with the National Planning Policy Framework 2012, planning authorities should look for opportunities for proposals within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. 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 (para. 134). Only proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 137).

Whilst we consider the infill to have limited impact on the listed building, we draw attention to the determination of the recent (2012) Shoreline Cottage dwelling having been considered acceptable due to its scale and function as a distinctly separated coach house typically expected along the rear of a grand terrace. The officer report judges the scheme to be 'of an entirely appropriate size, form and mass'. Whilst the current work proposed is minimal, it will manifestly change the character of the detached coach house, transforming this aforementioned size and mass beyond the scope of that perceived to be acceptable. If the proposal can be amended to step down perceptibly so it is viewed deferentially to Shoreline Cottage, we would not see any reason to object.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 134 and 137 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Cheltenham Civic Society

13th January 2017

No comment.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	39
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1** Thirty nine letters have been sent to neighbouring properties and no responses have been received. A site notice has also been displayed at the site and an advertisement placed within a local newspaper.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key consideration in relation to this application is the impact of the works on the listed building and the conservation area. In addition, the impact of the proposal on the amenity of adjoining occupiers is also relevant.

6.3 Listed building and conservation area

6.4 Sections 16 (2) and 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses, whilst section 72 (1) requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Local Plan Policy CP7 also requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

6.5 Due to the nature of the application and in order to fully consider the above, the Council's Conservation Officer has been consulted. Historic England is also a statutory consultee for this application due to the grade II* listing of the terrace and has provided a detailed consultation response.

6.6 The applicant engaged in a pre-application with the Council to establish the acceptability of a two storey extension to the rear of Shoreline Cottage. Members will note from the Conservation Officer's consultation response that concerns were raised at this stage. In summary, it was considered that whilst the creation of the modest 'Shoreline Cottage' was deemed acceptable, to add a substantial two storey extension which would link it to the grade II* listed building is not. The impact of this infill extension on the appearance, character and setting of the grade II* listed building, as well as on the conservation area, would be considerable and detrimental.

6.7 Following this advice, the applicant sought further advice from officers as to acceptable proposals at this site and a further site visit followed to consider this. Officers fully endorsed the comments of the Conservation Officer, but advised that if additional floorspace was required, that a single storey addition of a suitable design might be something that officers could support.

6.8 This however is not the proposal that has been submitted as part of this application and the acceptability of the current proposal must be considered. The applicant has submitted a detailed design and access statement in which aspects of the previous comments have been discussed and a case put forward as to why the proposal is acceptable.

6.9 The Conservation Officer has provided additional comments beyond the initial pre-application report, which respond to some amendments which have been made to the fenestration and also matters raised within the Design and Access Statement. It should be noted at this stage that the applicant has referred to neighbouring examples of extensions to the rear range of the listed terraces and submitted photographs of these examples to accompany the application.

6.10 As with all applications, each proposal must be judged on its individual merits. In providing the pre-application response, officers were mindful of neighbouring development and reviewed the historic maps within the area. This demonstrated that the footprint of the examples provided for the fully extended rear ranges appears to have been in situ historically and certainly prior to the listing of the terraced properties. Whilst officers acknowledge there are examples of coach house properties attached to the rear of the

listed building, given these are historic and given the legislative considerations as set out in relation to listed buildings, it is not considered that those examples would justify a harmful form of development.

- 6.11** Both the Conservation Officer and Historic England's comments draw attention to the 2012 approval for the coach house in which the officer report describes this new dwelling as being acceptable due to its size, form and mass, which would function as a distinctly separate coach house along the rear of a grand terrace.
- 6.12** The current proposal would fully infill this gap between the coach house and the terrace at two storey scale. As such, the character of Shoreline Cottage would fundamentally change. Historic England states that the proposed work would transform the size and mass of the coach house 'beyond the scope of that perceived to be acceptable'; a transformation which would impact on the setting of the grade II* listed building as well as the conservation area.
- 6.13** In terms of the design of the extension, the Supplementary Planning Document: Residential Alterations and Extensions requires extensions to be subservient additions to parent dwellings. The proposal is set back from the principal elevation of the dwelling which provides some distinction between the parent dwelling and the extension. In this instance, the issue is the infilling of the existing gap between Shoreline Cottage and no.8, the combination of this and the fact that the ridge height remains the same as the existing cottage results in an extension which overall lacks subservience. In extending the coach house property in this manner, the setting of the grade II* listed building would be detrimentally altered. The coach house would no longer read as an appropriately scaled and modest coach house development to the rear of the listed building and in doing so would fail to preserve or enhance the character and appearance of the listed building and the conservation area.
- 6.14** As alluded to earlier in this report, officers may be in a position to support an appropriately scaled and designed single storey extension to provide additional floorspace, but given the concerns raised by the Council's Conservation Officer and Historic England, the current two storey proposal is considered unacceptable in terms of its impact on the original coach house, the listed building and the conservation area.
- 6.15 Impact on neighbouring property**
- 6.16** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.17** There have been no letters of objection received in relation to this application. A site visit has been carried out and the proposal is not considered to impact negatively on the amenity of surrounding properties. There will be no unacceptable loss of light, loss of privacy or overbearing impact as a result of the extension. The proposal therefore meets the requirements of Local Plan Policy CP4.

7. CONCLUSION AND RECOMMENDATION

- 7.1** As set out, the key considerations in relation to this application is the impact of the proposal on the character and appearance of the listed building and the conservation area. The legislative context is clear in that local planning authorities have a duty to ensure that in assessing proposals special regard is paid to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. In the case of conservation areas, local authorities must pay special attention

to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 7.2** The proposal has been assessed with this legislative and policy framework in mind. The advice from both Historic England and the Council's Conservation Officer is that this proposal would be harmful in terms of its impact on the character, appearance and setting of the listed building and the conservation area. The character of Shoreline Cottage would fundamentally change beyond a size and mass that is considered acceptable.
- 7.3** Whilst the applicant has drawn the local planning authority's attention to neighbouring development examples, having reviewed the historic maps, it would appear that historically, the properties referred to had a deeper footprint. Notwithstanding this, the scheme has to be treated on its individual merits and in accordance with the requirements of the current development plan and all other material considerations, and having done this, the proposal is considered unacceptable for the reasons set out above.
- 7.4** In light of all of the above, the recommendation is to refuse both planning permission and listed building consent for the refusal reason set out below.

8. REFUSAL REASONS

17/00017/FUL and LBC

- 1 The proposed two storey extension to the property known as Shoreline Cottage is considered unacceptable by virtue of its scale and mass, together with the resultant loss of the existing gap in between Shoreline Cottage and no.8 Suffolk Square which is a grade II* listed building.

In extending Shoreline Cottage in this manner, the character and appearance of the existing coach house would fundamentally change and as a result, the proposal would impact negatively on the character and appearance of the listed building and its setting, together with the character and appearance of the conservation area.

For these reasons, the proposal is contrary to Sections 16 (2), 66 (1) and 72 (1) of the Planning (Listed Building and Conservation Areas), Local Plan Policy CP7 and the Supplementary Planning Document Residential Alterations and Extensions (Adopted 2008).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm to the listed building and the conservation area.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.