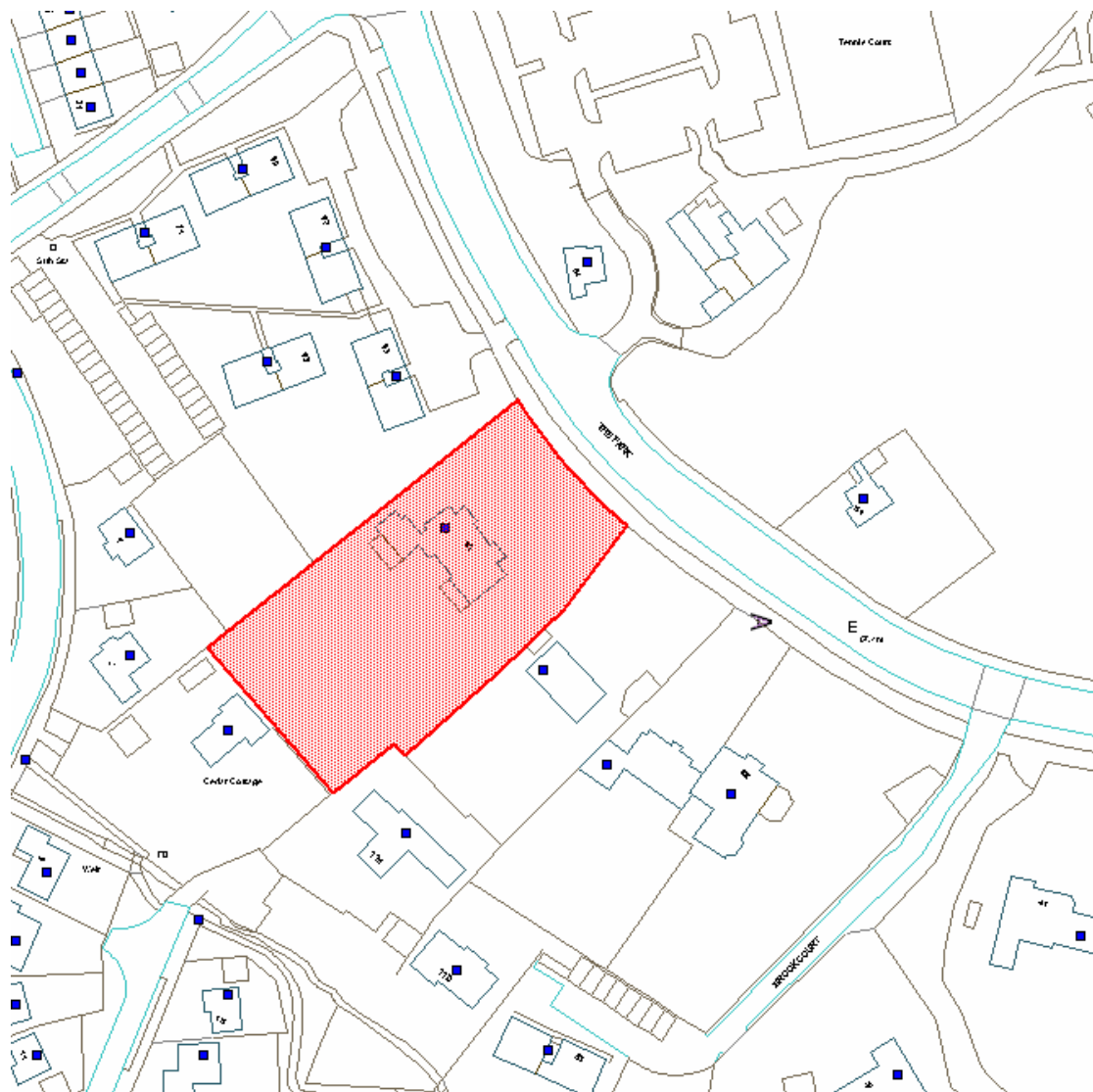


APPLICATION NO: 13/00934/FUL & 13/00934/LBC	OFFICER: Mr Ian Crohill
DATE REGISTERED: 25th June 2013	DATE OF EXPIRY: 20th August 2013
WARD: Park	PARISH: None
APPLICANT:	Mr & Mrs M Blanchfield
AGENT:	Mrs Diana Jones
LOCATION:	Chalfont House, 61 The Park, Cheltenham
PROPOSAL:	Proposed extension of existing single storey rear kitchen extension

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applications relate to a proposed extension to an existing single storey rear kitchen extension constructed relatively recently. The report relates to both the application for planning permission and the application for listed building consent submitted. In addition to these applications, the applicant has submitted a further pair of applications relating to an alternative form of extension. Those applications are to be considered under reference 13/00936/FUL and 13/00936/LBC and follow this report within the committee schedule.
- 1.2 All 4 applications are brought before Committee for determination at the request of Councillor Garnham who has asked if the application(s) is to be recommended for refusal that the matter be debated in Committee.
- 1.3 The application site is a substantial, detached, two storeys, over basement, grade II listed Regency villa, constructed 1833-50, with stucco over brick facing walls and a hipped slate roof. The property lies within the established residential area of The Park and the Cheltenham Central conservation area. It has been subject to some alteration in the past but despite this it has retained its original plot and historic character.
- 1.4 The current proposal is to extend further an existing rear kitchen extension granted planning permission and listed building consent in 2009 (see planning history and officer comments below) by a further 2 metres.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

Conservation Area
Listed Buildings Grade 2

Relevant Planning History

81/01043/PF 3rd March 1981 PER

Replacement of unsound entrance to portico

90/01011/PF 22nd November 1990 REF

Erection Of Single Storey Detached Double Garage

90/01134/LA 13th December 1990 REF

Demolition Of Existing Garden Wall

03/00754/FUL 13th March 2006 PER

Part demolition of lean to shed to existing listed building to allow access to site and construction of proposed new dwelling

03/00755/LBC 30th June 2003 GRANT

Demolition of lean to shed to listed building to allow access to and construction of 1 no. dwelling (renewal of LBC ref 03/00755/LBC)

08/00630/LBC 19th June 2008 GRANT

Demolition of lean-to shed and part demolition of conservatory to allow access to a construction of single dwelling

08/01543/LBC 24th December 2008 GRANT

Refurbishment and minor internal alterations

08/01657/FUL 25th March 2009 PER

Erection of a single storey rear extension following removal of existing sun room

08/01658/LBC 25th March 2009 GRANT

Erection of a single storey rear extension following removal of existing sun room

10/00714/FUL 1st July 2010 PER

Erection of gates, gate piers and railings

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Central conservation area

National Guidance

National Planning Policy Framework

Other

Planning (Listed Buildings o& Conservation Areas) Act 1990

4. CONSULTATIONS

Heritage and Conservation

20th August 2013

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1. This is a large detached property set in large grounds. It appears to have been owned by the same people for a number of years. From investigating the planning history on the site, the current owners (ie Mr & Mrs Blanchfield) applied for planning permission and listed building consent (applications 08/01657/FUL, 08/01658/LBC) for the current existing ground floor kitchen extension. This extension was approved on 25th March 2009. These approved drawings show an extension with a building footprint of 5m long and 5.5m wide and this approved extension replaced a poor quality conservatory with a building footprint of 2.5m long and 6.9m wide. The approved extension was to be roofed with a copper roof.
2. However the extension which was constructed was not built in accordance with the approved drawings. Instead of being built with a footprint of 5m long x 5.5m wide, it has been built 6.4m long x 5.5m wide, and it does not have a copper roof but has a ply membrane roof. In addition no information has been submitted to discharge either the planning or listed building consent conditions, and these conditions remain un-discharged. The principle that the applicants have built an extension without being in accordance with the approved planning permission or listed building consent drawings is of concern, and is potentially a criminal offence.
3. However notwithstanding my concerns about the planning history of this site, the proposed extension is now being proposed with a footprint of 8.5m long x 5.5m wide. It is noted that this application for an increased sized extension does not result in any loss of historic fabric but neither is there any heritage gain for the historic building. However the extension is now of such a length and significantly projects from the main rear elevation that it is –
 - a. visually challenging to the side elevation of the main historic house

- b. of a size, form and mass that is visually challenging to the main historic house from the rear of the site and is not subservient to the main house
 - c. of a size, form, mass and that its contrasting architectural style will become visually challenging to the classical proportions and classical architecture of the main historic house
 - d. proportionally poor, especially the side elevations of the new extension
 - e. creating a proposed footprint which is a non-historic and alien plan form to the overall building footprint
 - f. adversely affecting the setting of the historic building
4. Therefore in my opinion this proposed extension does not preserve the listed building or its setting, and is considered to be harmful. Although I consider this harm to be less than substantial, the proposals do not provide any public benefits to the proposals. Under the NPPF it is possible to consider the less than substantial harm against the gain of any public benefits. However with this application it is not possible to make that judgement, because there are no public benefits. In addition the NPPF requires clear and convincing justifications for the impact of a proposed development on a listed building. From the submitted Design and Access Statement the justification given by the applications is because the current extension fails due to its size to function as a kitchen and family room, restricting informal family meals and children's messy activities. I do not consider such justifications to be sufficiently convincing or robust.

CONCLUSION: the applications should be refused for the following reason:

Chalfont House is a grade II listed building of architectural and historic importance. The proposed alterations and extension, by virtue of the size, footprint, form, mass, proportions, and visual impact of the extension would harm the character, appearance and setting of the listed building. Accordingly, the proposals are contrary to sections 16(2) and of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and policies BE9 and CP7 of the Adopted Cheltenham Borough Local plan.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A total of 10 letters were sent out to neighbouring occupiers informing them of the receipt of the applications. In addition the application was advertised in accordance with normal Conservation Area/Listed Building practice.
- 5.2 No letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The main considerations with this application are the impact of the proposed extension upon the historic fabric and character of this important grade II listed building. The comments of the Heritage and Conservation Officer are therefore paramount in this case.
- 6.1.2 A planning permission and listed building consent to extend the kitchen were both granted in 2009. As part of the process in determining those permissions (08/01657/FUL and 08/01658/LBC) the scheme at the time was reduced in size to lessen its impact on the listed building.

- 6.1.3** At that time the Heritage and Conservation Officer, whilst stating that she was happy with the principle of a single storey extension with a simple projecting roof shape, had expressed concern about the size of the extension in relation to the width of the existing building and had also expressed the view that the extension should not project out beyond the line of the existing rear two storey garage/bedroom accommodation. The extension was originally shown as having a depth of 6.4m. It was suggested that this should be reduced to a maximum depth of 5m to meet the above requirement. Revised plans were submitted showing the depth of the extension reduced to 5m, though the projecting copper clad roof projected a further 0.6m. This was then to the satisfaction of the Conservation Officer and permission and Listed Building Consent were subsequently granted on 25 March 2009 on the basis of the revised drawings.
- 6.1.4** Despite this, the extension would appear to have been constructed with a depth of 6.4m (as per the original submission) and the depth of the projecting roof has also been increased from 0.6m to 1.0m. Overall therefore the extension, as now existing, has, according to the drawings submitted with this application, a total depth of some 7.4m when the drawings that were approved for the extension showed a depth of 5.6m including the roof projection. Added to this, the copper clad roof shown on the approved drawings has been substituted by one in the form of a ply membrane. The copper clad roof was seen as a quality contemporary element that made a significant contribution to the overall design; the ply membrane roof unfortunately is a cheaper alternative that fails to make any such contribution.
- 6.1.5** The current proposal maintains the width of the extension at 5.5m (same as that approved in 2009 and the same as existing) the depth however is now shown to be increased to some 8.5m to which should be added the projecting roof of 1m giving a total depth of new structure of 9.5. This is even significantly greater in depth over that considered unacceptable in 2009.
- 6.1.6** The Conservation Officer concludes that in terms of the impact that the proposed extension would have upon the historic fabric and character of this grade II listed building in her opinion the extension, as now proposed, would :
- a. be visually challenging to the side elevation of the main historic house
 - b. be of a size, form and mass that is visually challenging to the main historic house from the rear of the site and is not subservient to the main house
 - c. by virtue of the size, form and mass of an extension of such contrasting architectural style become visually challenging to the classical proportions and classical architecture of the main historic house
 - d. be proportionally poor, especially the side elevations of the new extension
 - e. create a proposed footprint which is a non-historic and alien plan form to the overall building footprint
 - f. adversely affect the setting of the historic building
- 6.1.7** She is strongly of the opinion that the proposed extension does not preserve the listed building or its setting, and is considered to be harmful.

Paragraph 133 of the National Planning Policy Framework states:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”,

and paragraph 134 states

“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.”

- 6.1.8** In this case the Conservation Officer considers the harm she has identified to be less than substantial. It is clear that in terms of the NPPF provisions it is possible to accept a scheme exhibiting “less than substantial harm” when weighed against the gain of any public benefits that the scheme would possess. However with this application it is not possible to make that judgement, because there are no public benefits. In addition the NPPF requires clear and convincing justifications for the impact of a proposed development on a listed building. From the submitted Design and Access Statement the justification given on behalf of the applicant is simply because the current extension fails, due to its size, to function in a way they would like as a kitchen and family room, restricting informal family meals and children's messy activities. It is considered that such justification, based on the personal preference of the owner and not based on an objective assessment of the residential function of the building is not sufficiently convincing or robust.

7. CONCLUSION AND RECOMMENDATION

- 7.1** It is considered that the extension proposed principally by virtue of its size would harm the character and appearance of this listed building. This harm cannot be weighed against the public benefits of the scheme as there simply are none. Furthermore the justification for the extension is not convincing being based simply on personal preference.
- 7.2** It is recommended, therefore, that both planning permission and listed building consent be refused for the following reason.

8. REFUSAL REASON

- 1** Chalfont House is a grade II listed building of architectural and historic importance. The proposed alterations and extension, by virtue of the size, footprint, form, mass, proportions, and visual impact of the extension would harm the character, appearance and setting of the listed building. Accordingly, the proposals are contrary to sections 16(2) and of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and policies BE9 and CP7 of the Adopted Cheltenham Borough Local plan.