

Application No: W 11 / 0527

Town/Parish Council: Bishops Tachbrook
Case Officer: Sandip Sahota

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17 Church Hill, Bishops Tachbrook, Leamington Spa, CV33 9RJ

Erection of garage with ancillary living accommodation over after demolition of existing single storey garage. FOR Mr G Hoyle

This application is being presented to Committee as it raises issues that in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: The Parish Council supports the applicant & the objectives to provide extra accommodation for a growing family and to replace the existing garage which is in poor condition. However, we OBJECT to the current proposal because the design does not maintain the integrity of the conservation area, being too tall and too large on plan. It will have an overbearing relationship to Church Hill. We are also concerned that the proposed design and orientation does not relate well to the listed buildings close by. Detailed comments:

1. The site is within the Bishops Tachbrook Conservation area boundary and designated area policies DAP6, 8-10 apply. DAP8 requires development to preserve or enhance the conservation area and respect the setting of the conservation area.
2. The proposal is to demolish a single storey precast concrete garage of 23.54m² in dilapidated condition with a height of about 2.3m, cut into a rising ground level of over 2m from front to back of the garage and to replace it with a 2 storey, 48m² footprint building, giving a total of 96m² plus a roofed external staircase of 3.63m² to the Family Room side door. This is located between the line of the front elevation of the existing listed house and the back of pavement of Church Hill.
3. The existing garage is mostly hidden because it is flat roofed and tucked into the steeply rising ground to the south of it. The Parish council is of the opinion that the proposal, of a scale similar to a small 2 storey family house, will have a significant adverse impact on the character of Church Hill as well as the views south from the church and north from Kingsley Road. The wall forming the west elevation of the new building is shown as 100mm from the gate post to the southern access gates to the property and the height of the new building is 7m to the main east-west ridge. From the south side, the building is single storey but with a ridge height of 4.7m. This proposal would result in an overbearing relationship to Church Hill because it will be very visually prominent over the existing gates and hedge from the road side.
4. The existing garden to the side of the garage has a retaining wall to the back of pavement to Church Hill with a Leylandii hedge behind, currently clipped to about 3m high. The Parish council is concerned that excavations to foundations for the building are likely to substantially damage the roots and cause die back,

exposing the whole of the west elevation to the road.

5. The existing house, comprising of numbers 15 & 17, is listed and is timber framed with rendered infills with a thatched roof. Approximate date is 17th Century. It is part of a group of thatched roof village buildings with no. 18 Church Hill being at right angles to it on the west side of Church Hill. The proposed building will adversely affect that relationship. By contrast, the proposed materials for the new building are facing brick to the ground floor, horizontal boarding of a type and finish unspecified to the 1st floor and unspecified tiles to the roof.

Conclusion: The Parish Council considers that the current proposal would therefore contravene DAP8 by adversely affecting the setting of the Conservation Area, impacting on important views and groups of buildings from inside and outside the boundary (Local Plan paragraph 9.34 refers) and unsympathetically affecting the garden that adds to the historic appearance and interest of the conservation area, which should be protected from inappropriate development (paragraph 9.35 refers).

superseded by the following comments in response to amended scheme:

"The Parish Council is pleased that the amended plans have reduced the plan size of the original proposal by about 15%, relocated the position of the building about 1.5 metres away from the back of pavement and lowered the floor level of the garage by about 1 metre, thereby reducing the height of the roof so that its impact on the conservation area is reduced. However, the drawing does not show the position of adjacent properties and we are concerned at the possible impact this may have on number 19. From the original application, the corner of 19, Church Hill is 7 m from southern east boundary of no 17 and if this is correct, the south eastern corner of the proposed new building will only be about 3 m away from the corner of the house at no 19. The foundations for the new building will be at least 4m below the ground floor level of no 19 and it is probable that the Party Wall Act will apply. We would like to see a condition to ensure that adequate temporary protection and structurally sound construction of the new building is compliant with the Party Wall Act, whether or not it technically applies in this case, to ensure that no 19 is not affected by this development. In addition, the revised proposal makes no changes to the materials that are proposed to be used and their compatibility with the existing 17th century timber frame with rendered panels and thatch roof house. The materials for the new building are described as tile roof, horizontal boarding to the 1st floor and facing brick to the ground floor. Horizontal boarding could be anything from white plastic to stained timbers with board sizes that alter the visual impact of the new building significantly. This is a very significant application given its position in the conservation area. Given this, the Parish Council is still of the opinion that further consideration needs to be given to the choice of materials before the application proceeds to approval and would welcome the opportunity to resolve this matter with the applicant and the conservation officer. If agreement to more compatible elevations can be obtained then the Parish Council would support the application subject to the following conditions 1. the additional accommodation shall be used only as an ancillary to the main dwelling. 2. that, during construction of the foundations of the new building, adequate temporary protection will be provided and structurally sound construction of the new building is compliant with the Party Wall Act, whether or not it technically applies in this case, to ensure that no 19 is not affected by this development".

Policy, Projects & Conservation: OBJECT "A structure sitting in front of the listed dwelling would somewhat visually dominate (especially if it is two-storeys). Interesting design, but if the "structure" is not to be made much lower

(i.e. single storey) then perhaps the whole "assembly" should sit further back into the site".

superseded by the following comments in response to amended scheme:

OBJECT "Whilst the development has been set back into the site I remain concerned in respect of the overall height. No problem with a pitched roof garage but we should be looking at no more than one and a half storeys. English Heritage view is that screening should not be regarded as a substitute for well designed development within the setting of a heritage asset. So concern over overall bulk remains".

Public Response: 3 letters of objection have been received from the occupiers of the neighbouring properties at 19 and 21 Church Hill and 26 Oakley Wood Road on the following grounds: visible from public vantage points and a new modern build out of keeping with and harmful to the character of the conservation area; overlooking and loss of privacy; detrimental to the setting of the 2 adjacent thatched cottages; possibility of ground disturbance and impact on structural stability of 19 and 21 Church Hill. 1 letter of comment has been received from the occupiers of 18 Church Hill requesting that height should not be excessive, there should be no windows on the roadside and that conservation guidelines should be adhered to.

Neighbours were reconsulted on the amended scheme. Nos. 17 and 19 Church Hill maintain their objection and also highlight their concerns relating to subsidence given that the proposed building is moved closer to their properties. The ground level between their properties and the application site falls away significantly and the proposal will require excavation work.

WCC Archaeology: "The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Bishops Tachbrook (Warwickshire Historic Environment Record MWA 9502). There is a potential for the proposed development to disturb archaeological deposits, including structural remains, associated with the medieval and later occupation of this area. Without prejudice to the Conservation Officer's comments on the appropriateness of this proposed development, I would recommend that, should you be minded to grant consent for this scheme some archaeological work should be required. I would therefore recommend that, should you be minded to grant consent, a condition such as the following should be attached to the consent (as recommended in PPG 16 paragraph 30 circular 11/95 paragraph 81 and Model Condition 55): No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. I would envisage this work taking a phased approach, the first element of which would include trial trenching in advance of any development on the site. This recommendation conforms with the approach suggested in the PPS 5: Planning for the Historic Environment. I would be happy to advise further on the arrangements for such work, and will forward a brief on request".

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- Vehicle Parking Standards (Supplementary Planning Document)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Planning permission (ref: 6144) for the existing garage and access was granted in 1967.

KEY ISSUES

The Site and its Location

The application site relates to a 16th Century Grade II Listed timber-framed thatched cottage situated on the east side of Church Hill within the Bishops Tachbrook Conservation Area. The application site includes a 1960's detached single prefabricated concrete garage situated approximately 4.5 metres to the south west of the main cottage, accessed via a dropped kerb opening onto Church Hill enclosed by timber gates. Due to its small scale the existing garage is an inconspicuous feature which is not readily visible within the streetscene. The existing garage is in poor condition and is coming towards the end of its structural lifetime. The application site is partially enclosed by a tall Leylandi hedge on its boundary with Church Hill. The neighbouring property at no.15 is also a listed building as is the property across the road at number 18. The Grade I listed St Chads Church is located approximately 70 metres to the north of the application site. The neighbouring properties at nos. 19 and 21 Church Hill are twentieth century additions which are sited to the south east of the application site at an elevated level due to their position higher up the hill and are orientated such that they back onto the application property. No. 19 shares its side and rear boundary with the application site.

Details of the Development

This application is for planning permission for the erection of a replacement garage with ancillary living accommodation over.

The proposed building is located between the Listed Building and the back of the Church Hill Pavement. The proposed building is set at a slight angle such that the east (rear) elevation of the building is set between 1.8 and 2.3 metres back from the front building line of the Listed Building. The closest corner of the building is approximately 6.5 metres away from the Listed Building. The building would be set between 2.5 and 3.5 metres away from the back edge of the Church Hill pavement. The overall impression therefore would be of a 2 storey building set forward of the Listed Building. The design of the proposed building is of a style that might be expected of a traditional barn with a 'draw through' emphasised to the front elevation. The ground floor is accessed via a doorway on the north elevation fronting onto the drive and the first floor is accessed via an external staircase on the east elevation. The materials proposed are reclaimed bricks and natural boarding to all elevations with natural tile roofs and timber windows and doors.

The height of the proposed building extends to 3.7 metres to the eaves and 6.5 metres to the ridge. The footprint of the building is approximately 46 square metres. The footprint of the existing garage is approximately 23 square metres.

Assessment

The main considerations in the determination of this application are:

- The effect of the proposed development on the setting of the Listed Building and whether it would preserve or enhance the special architectural and historic interest and appearance of the Conservation Area.
1. The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties.
 2. Renewables.
 3. Parking.

listed building/ conservation:

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a Listed Building. Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

Planning Policy Statement 5 *Planning for the Historic Environment* states that Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. The accompanying Practice Guide refers to 'setting' as the surroundings in which an asset is experienced and makes it clear that although views of an asset will play an important part, it is also influenced by spatial associations.

Bishops Tachbrook is a village which was extended significantly in the 1960's and 1970's and the Conservation Area gives protection to the core of the original village. It is characterised by a number of road junctions at which there are significant groups of buildings. The Bishops Tachbrook Conservation Area leaflet produced by the Council states that it is important for the maintenance of the character of Bishops Tachbrook Conservation Area that the quality of the various road junctions is maintained and wherever possible, enhanced in order to maintain and strengthen the unity of this part of the village which is distinctively different from the twentieth century additions to the village.

The scale of the proposed building does not maintain the integrity of the Conservation Area, being too tall and having an overbearing relationship to Church Hill. The proposed building will partially obscure the views of the side elevation of the Listed Building when viewed from the southwest and will be visible over and above the existing boundary hedge and also through the vehicular access to the site. The proposed building will therefore harm the character and appearance of the Conservation Area by introducing built form that detracts from the current open setting from the southwest and creates a prominent and overbearing relationship to Church Hill.

The proposed building is considered to be harmful to the setting of the Listed Building by reason of its excessive height and its siting set predominantly in

front of the building line of the Listed Building and in close proximity to the road frontage such that it would both compete for attention with and detract from the prominence of the Listed Building and the setting that it deserves and where it would also partially obscure views of the Listed Building, particularly from the southwest.

It is accepted that the existing garage has no architectural merit and does not make a positive contribution to the character and appearance of the conservation area or the setting of the listed building. However, the existing garage is a very discreet structure not readily visible in the streetscene or in the context of the setting of the Listed Building and is coming to the end of its structural lifetime. It is therefore not considered that the removal of this structure justifies the erection of a building which is considered to harm the setting of the Listed Building and the character and appearance of the Conservation Area.

The applicant has argued with respect to the existing hedge and screening, however, the hedge could be removed or die at any time and in any case the advice provided by English Heritage is that screening should not be regarded as a substitute for well designed development within the setting of a heritage asset.

I note the objections raised by neighbours and the Parish Council with reference to the design of the proposed building not being in keeping with the Conservation Area and the Listed Building. The applicant has considered the possibility of thatching the roof but decided against it as it would increase the height by at least half a metre and cost considerably more than a plain tiled roof as proposed. However, as the Conservation Architect has not raised objection on the design I do not consider that a refusal on this basis could be justified.

In conclusion, the proposed building would detract from the setting of the Listed Building and fail to preserve or enhance the special character and appearance of the Conservation Area by reason of its excessive height and siting set predominantly in front of the building line of the Listed Building and close to the road frontage.

living conditions:

I note the concerns of the neighbours in terms of potential overlooking and loss of privacy. Whilst the first floor "family room" would have a pair of glazed doors with sidelights on its southern elevation onto the garden together with an external staircase on its eastern elevation, I am of the view that the relatively elevated position of the neighbouring property at no. 19 Church Hill taken together the 2 metre high boundary fence with additional trellis above would ensure that the proposed development did not result in any unreasonable loss of privacy or overlooking. I am therefore of the view that the proposed building would not result in material harm to the living conditions of the occupiers of the neighbouring properties.

I note the concerns raised by neighbours in terms of the affect of the proposal on the structural stability of their properties and agree that it is a legitimate concern. However, this is not a material planning consideration and is a matter to be dealt with through other legislation. Building Control have confirmed that the proposed development would require Building Regulations approval for which the applicant would need to engage a structural engineer to devise an engineering solution to the satisfaction of Building Control.

renewables:

The proposed development is considered to be of sufficient scale to require renewables in accordance with Local Plan Policy DP13 and the Sustainable Buildings SPD. No details have been submitted with the application, but this requirement can be secured by condition.

parking:

The proposed building does not have an opening to enable cars to be parked inside it, however, there is sufficient capacity on the existing driveway to accommodate the two parking spaces required to comply with the Council's Vehicle Parking Standards SPD.

RECOMMENDATION

REFUSE, for the following reasons:

REFUSAL REASONS

- 1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a Listed Building. Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

In the opinion of the District Planning Authority the proposed building would be harmful to the setting of the Listed Building and the character and appearance of the Conservation Area by reason of its excessive height and its siting set predominantly in front of the building line of the Listed Building and in close proximity to the road frontage where it would dominate, compete for attention with an obscure views of the Listed Building and detract from the current open setting from the southwest and create a prominent and overbearing relationship to Church Hill.

The proposed development would therefore be contrary to the objectives of the aforementioned policies.
