



COMMITTEE REPORT

Item Number: 3

Application Number: S/19/0147/SASM

Ward: Blunsdon And Highworth

Parish:

Stanton Fitzwarren

Proposal: Erection of 1no. dwelling and associated works.

Site Location: Land To The Rear Of The Rocks, The Avenue, Stanton Fitzwarren

Case Officer: Mrs Sarah Smith

Agent:

Mr Jeremy Flawn
Bluestone Planning
Suite 5 Enterprise Centre
Building 41/42
Shrivenham Hundred Business
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Applicant

Mr Justin Goodheart

C/o Agent.

Officers Report

Background:

Councillor Steve Weisinger and Stanton Fitzwarren Parish Council have asked that this application be brought to Planning Committee if recommended for refusal.

A pre application enquiry was submitted for this proposal. Officers advised that whilst there is no objection in principle to development since it is largely within the settlement boundary the proposal does not 'preserve or enhance' the character and appearance or the significance of the Conservation Area and as such officers were unconvinced that development of a residential dwelling in this location would be appropriate.

Summary of Recommendation:

1 That planning permission be **REFUSED**

The Proposal:

2 It is proposed to demolish an existing outbuilding and develop a site to the rear of 22 The Avenue for an additional four bedroom residential dwelling. The dwelling is of a pseudo contemporary modernist style design with flat roof, chimney, and is of two storeys on a T-shaped footprint. It is proposed that the walls are clad in a mix of render, stone and timber cladding with

the doors being timber and with metal framed windows. Materials for the roof have not been confirmed. A model of the proposal has been submitted with the application.

The Site and Surroundings:

3 The proposed site is currently utilised as garden land which lies to the rear of dwellings and although is largely within the settlement boundary part of the site is within the agricultural field to the east of the village of Stanton Fitzwarren. The access would be provided to the north west of the site which is already used by properties on Trenchard Road including the converted barn – North Farm Barn and then continues as a farm access into agricultural land in a north easterly direction. The plot adjoins residential gardens to the south and west.

Representations:

4 Stanton Fitzwarren Parish Council Comments: The Parish Council supports the application.

5 Neighbours: Letters of support from The Barn, Stanton Court, 21,25,35 Trenchard Road, 6,7,9,10,11,13,16 and 16 The Avenue, Middle Mill, Middle Lane, Oak Springs, The Rookery and Deer House 34A Trenchard Road on some or all of the following grounds:-

Building no detriment to area, strong design, green credentials, minimal impact on neighbours, sympathetic and well planned single development, low in height, use of high quality materials, enhance natural landscape, previously developed land, work done by the applicant always of the highest standard, most of the glazing away from neighbouring properties, contemporary design complements the Conservation Area, in settlement boundary, not visible from public roads in the village, will be reflection of changing architectural design and modern living, positive addition, will provide family home and employment through its construction.

6 Letter of objection from Tithe Barn Cottage on the following grounds:-only neighbour other than Lillybee Cottage affected by the proposal, impact on outlook and privacy, need for boundary hedge, land rises such that the development is higher than our property and grounds, concerned about construction hours, windows facing our property should be obscurely glazed and concerned about impact on our orangery proposal.

Planning Considerations:

7 The main issues to be considered with this application are whether the proposal is acceptable in terms of principle, its impact on the Conservation Area and the setting of listed buildings and its design. Any impact on the residential amenity of nearby dwellings is also relevant.

8 In determining any planning application which affects heritage assets, special attention must be paid to the desirability of preserving Listed Buildings and preserving or enhancing the character or appearance of Conservation Areas as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Regard should also be given the relevant parts of the National Planning Policy Framework 2018 (subsequently abbreviated to NPPF), in particular paragraphs 127 and 184-202.

9 Paragraph 2 of the NPPF requires that 'planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.' The Swindon Borough Local Plan was adopted by Swindon Borough Council 26th March 2015. It contains planning policies controlling development in Swindon Borough over the period to 2026. Therefore it must be considered whether the proposal is compliant with the Swindon Borough Local Plan. Local Plan Policies SD2 (The Sustainable Development Strategy), DE1 (High Quality Design) and TR2 (Transport and Development) are relevant to this particular planning application.

10 In addition to these matters of planning principle, the building is proposed to be located within a Conservation Area and within the setting of Listed Buildings and Local Plan Policy EN10 (Historic Environment & Historic Assets) states Swindon's historic environment shall be sustained and enhanced. Proposals for development affecting heritage assets shall therefore conserve or enhance their significance and setting. Policy EN5 (Landscape Character and Historic Landscape) is also relevant.

11 There are also Supplementary Planning Documents which are relevant to the consideration of this application including the Swindon Residential Design Guide (2016) and Stanton Fitzwarren Conservation Area Appraisal (2009).

Principle of development

12 The majority of the site is situated within the Stanton Fitzwarren settlement boundary although a strip along the eastern boundary is on agricultural land. Nevertheless the proposal is in general accord with Policy SD2 of the Local Plan. The location of the proposed dwelling is therefore principally within an area where development is acceptable, but since the proposal is also situated in the Stanton Fitzwarren Conservation Area it must be determined whether the proposal will preserve and enhance the Conservation Area, and the setting of any buildings of heritage significance.

Heritage Considerations

13 The site is within the Stanton Fitzwarren Conservation Area. The Conservation Area map also shows the subject site is in close proximity to the important junction experienced as part of an area designated as 'an area with distinct identity.' To the north of the site is North Farm Barn, and the Farmhouse, both Grade II listed buildings. Given the relationship of the site to the listed buildings, it is considered that the site will have an impact upon the setting of these listed buildings. To the south of the site is a converted residential barn which fronts Trenchard Road and The Avenue and is considered to be a building of local historic and architectural interest and a non-designated heritage asset.

14 As discussed in Paragraph 127 of the NPPF and Policies DE1, EN5 and EN10 of the Local Plan, when looking to undertake development, one needs to look at a surrounding context, setting, its character and particularly how the proposed works affect the character and appearance of the surrounding heritage assets and how the works reinforce local character and distinctiveness. Furthermore, the Residential Design Guide SPD states that Infill development 'should enhance its surroundings by positively responding to the scale, density, massing, landscape, layout, materials and access of its neighbouring properties. This is important in order to reinforce local context and ensure the character of the street is not adversely affected. Where development is proposed within the setting of a heritage asset, the impact of the proposal on the significance of the heritage asset must be positive.'

15 Although references are made within the submitted Heritage Statement to the heritage values contained within the Conservation Principles, Policies and Guidance, developed by English Heritage (now Historic England) as determinants of significance, the report predominantly focusses on inter-visibility and views. Whilst the Borough's Conservation Officer has acknowledged these as important considerations to determine harm, an assessment of views alone does not go far enough in applying a 'holistic approach' to assessing harm to designated or non-designated heritage assets. Harm is based upon the 'experience' of those assets and their setting and which covers both intangible and tangible elements. There are also several references in the Heritage Statement to fly-tipping which implies a poor appearance, however the condition or deteriorated nature of the site caused by neglect is not a determinant which should be factored into a decision as made clear in Paragraph 191 of the NPPF since the appearance could be improved without involving the development of the site.

16 The Conservation Area Appraisal highlights that in this particular area, the dwellings which make up the settlement front the roadside, continuing a strong linear pattern of development with agricultural buildings and long gardens to the rear which create the distinct identity of the area. In this particular location this identity is largely authentic to the settlement's historic layout and origins.

17 Whilst it is argued in the application documents that the subject site forms a residential garden, rather than part of the greater farm, the openness and historic setting to the rear of properties is still maintained today including this site. Whilst there is some later development and barn conversions nearby, the buildings within this context do maintain the historic pattern of linear development. They are also predominantly detached with visual gaps in between which contributes to the spacious and open appearance to the rear of the properties. The site also forms the backdrop of an important junction of Stanton Fitzwarren at the corner of The Avenue, Church Lane and Trenchard Road - the 'area of distinct identity.'

18 Whilst the site is accessed from an agricultural track it is experienced as a backland development. The Conservation Officer considers that if built, it would introduce a negative visual intrusion to the experience of the linear settlement which would negatively affect the openness and the linear nature of the settlement. Notwithstanding this, there is also the intensification of use of the site which will result in a much larger building than the small outbuilding that it replaces. Whilst it would appear that an amount of screening is to be proposed, this does little but attempt to hide elements of the development, where the significance is more fundamentally related to maintaining openness to the rear of sites. Furthermore this is compounded by the topography of the site which rises from the street level to the proposed location of the building. Although officers do appreciate the design has attempted to provide a lower scale building, it is still large, and would create a domineering appearance and awkward juxtaposition to the rear of the existing buildings.

19 In relation to the two nearby listed buildings of North Farmhouse and the North Barn, their significance lies in their construction, their historic form and their function and relationship to the greater farm area, and the historic context and openness to the rear which the application site forms a part of.

20 It is appreciated that the application site now has boundary walls and would appear to be more residential in character than agricultural, however, this does not alter the experience of the site as part of the agricultural setting which includes historic farm buildings and the main farmhouse. The openness to the rear remains a key component of the setting of these historic buildings and includes the application site as part of that experience. The height and massing of the proposed dwelling would also appear quite overbearing to the more functional and historic vernacular of the barn buildings, having a domineering appearance creating a stark juxtaposition that is not a positive response to the historic environment since it has no relationship to the context of the surrounding farm buildings.

21 The site also lies behind a converted barn which once formed part of the larger agricultural form and function. Whilst an amount of new development, including some unsympathetic changes to the barn itself have been undertaken, the barn continues to function as a key component to the area of distinct identity as well as its setting being influenced by the strong linear built up frontage with open fields to the rear. As described above, there is harm caused to the openness and agrarian nature of the rear of the properties which would also affect the setting and significance of this non-designated heritage asset, and how it is experienced within the historic context of the Conservation Area.

Design of the building

22 The Conservation Officer is primarily concerned about the proposal in relation to the

Conservation Area and setting of the listed buildings although he does have some concerns about the design of the building.

23 Officers consider that the proposal constitutes a pseudo-contemporary modernist design. There are similarities to a number of 20th century modernist dwellings, albeit the design differs in the complexity of the proposed material pallet and visual massing. Modernism remains a style that is popular and not considered 'pastiche' when replicated. The methods of construction, whilst in modern times much improved, remain similar in means and technique. The proposed architectural style notwithstanding, the proposal in itself is well proportioned, visually rhythmical and demonstrates a balanced horizontal/vertical emphasis in panel arrangement. The proposal, therefore, in isolation is well designed.

24 Where the issue lies is therefore in the site location, positioning and impact of the building on the surrounding setting, character and listed buildings. It is clear to officers that the proposal will constitute a rather visible addition to its environment and will therefore have a significant impact. Given the sensible proportioning and somewhat reflective material choices, officers do not believe on balance that the design heightens this impact any more than arises by introducing any 2 storey dwelling into this area. Regarding character, the proposal is clearly of a differing character to neighbouring dwellings and that of the wider character. Contemporary design can be used to accent historic environments, but should be done with due care and consideration to the existing character it will sit within. Some evidence of this is present in the design documents put forward but we agree with the Conservation Officer's comments set out above in both this matter and the matter of setting. The question in design terms is specifically that of location appropriateness and sensitivity.

Impact on residential amenity

25 Given the distances involved it is not considered that the proposal would have an adverse impact on the outlook of the neighbouring dwellings and in any event conditions could be used to prevent any impact on privacy from first floor windows.

Access

26 The access already exists in relation to the rear of the site although its original function would have been solely an agricultural access. The Highways Officer has no objections on access or road safety grounds subject to conditions.

The planning balance

27 The starting point for dealing with applications which affect heritage assets is the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) of the Act says that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act sets out that in the exercise of planning functions 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.

28 Paragraph 193 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm is assessed as amounting to substantial harm, total loss or less than substantial harm to this significance. Harm to the significance of a designated heritage asset can arise from its alteration, destruction, or from development within its setting. Any harm should require clear and convincing justification.

29 It is considered that the proposal would cause harm to the significance of the Conservation Area, which is predominantly related to its historic, evidential and aesthetic values. This harm occurs as a result of a visual intrusion which adversely impacts the openness to the rear of properties along Trenchard Road. In addition there is harm caused through the proposal of this size, massing and design being located behind the main frontage of development. Whilst it is considered that this harm is 'less than substantial' this is in our view near the top of that range.

30 Similarly it is assessed that the impact of the proposal on the two nearby listed buildings of North Farmhouse and the North Barn, would create 'less than substantial harm' to the setting of these buildings. This is predominantly due to the evidential, historic and aesthetic values determined from the design, massing and positioning of the new building which causes harm to the rural context and agrarian setting of these historic buildings.

31 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. When weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. As noted above the site lies behind a converted barn which once formed part of the larger agricultural form and function. Whilst an amount of new development, including some unsympathetic changes to the barn itself have been undertaken, the barn is a key component to the area of distinct identity as well as its setting being influenced by the strong linear built up frontage with open fields to the rear, of which the application site is part. As described previously, there is clear harm caused to the openness and agrarian nature of the rear of the properties, which would also affect the setting and significance of this non-designated heritage asset, and how it is experienced within this historic context. It is considered that harm to the setting of this non-designated heritage asset is significant and should be weighed in the balance when determining this application.

32 The height and massing of the building would also appear quite overbearing to the more functional and historic vernacular of the barns, having a domineering appearance which creates a stark juxtaposition. In addition it would create a divide between the listed and unlisted agricultural buildings from each other and would appear incongruous and have no relationship to the context of the surrounding farm buildings.

33 Paragraph 194 of the NPPF requires 'clear and convincing' justification for any harm caused with great weight given to the asset's conservation.

34 The heritage assessment provided by the applicant states that there is 'no harm'. This does not appear credible to officers since in our view the proposal would be experienced as a discordant backland development not in keeping with the surrounding rural setting. The applicant's heritage assessment has placed significant weight on inter-visibility and the condition of an 'unkempt' site, rather than the experience of the asset which can be from both a public and private realm. The heritage assessment also makes no reference to the linear nature of the village, to openness, or visual gaps which are an important part of the significance of the Conservation Area. This is a rural farm setting, not an urbanised residential environment and a dwelling here would appear an alien feature. In this context the heritage assessment is not considered robust.

35 Paragraph 196 of the NPPF states that where there is 'less than substantial harm,' the public benefits of the development are to be weighed against that harm, including the optimum use of the site.

36 Whilst the application described benefits such as planting of trees and the construction of another dwelling, which it is accepted will contribute in a small way to meeting Swindon's housing need, in the officer's opinion, it is not considered that these 'benefits' are sufficiently strong or

compelling to outweigh the clear and permanent harm caused to both the Conservation Area and the setting of the Listed Buildings.

37 The footprint of the proposed dwelling itself is quite large, and excessively so and given its position on an elevated parcel of land will provide a domineering appearance which is of stark contrast to the surrounding development. The footprint of the building would appear much larger than the development surrounding it and would provide an awkward juxtaposition and alien appearance which does not embrace local character or local distinctiveness.

38 However whilst officers do not see the 'truly outstanding and exceptional' design quality which is quoted by the applicant neither do we consider that the application can be recommended for refusal on the proposed design per se, which could possibly be considered acceptable in a different context and a different location.

39 Overall taking the above into account, the scheme would cause 'less than substantial harm' to the Conservation Area and the setting of listed buildings and result in an unnecessary visual intrusion which would fail to reinforce local character and local distinctiveness and therefore would be contrary to Policies DE1, EN5 and EN10 of the Local Plan and Paragraphs 122 and 127 of the NPPF.

Concluding Comments:

40 A Conservation Area is 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' (Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990). When considering applications for development within a Conservation Area or which affect a Conservation Area 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The proposal would neither preserve nor enhance the character or appearance of the Conservation Area and would be harmful to the setting of the nearby listed buildings which gives rise to a strong presumption against planning permission being granted. This presumption is a statutory one. It can be outweighed by material considerations powerful enough to do so yet there are none in this case. Furthermore permission for this development could make it difficult to resist similar development within the Conservation Area behind the main frontage built form, the repetition of which would be very damaging to the character and appearance of the area.

Recommendation

41 That planning permission be **REFUSED**

Reason

1. The proposed scheme, as a result of the design, visual massing and siting would result in an incongruous, prominent form of new development that has an unacceptable appearance which causes harm to the character and appearance of the Conservation Area and the setting of the adjacent listed buildings. The proposal would, therefore, fail to preserve the traditional and agricultural character of the area and fail to make a positive contribution to the locality. The proposal is, therefore, contrary to Policies DE1, EN5 and EN10 of the Local Plan and the NPPF.

Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk . To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:
https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.
2. This decision is in respect of Site Location Plan at scales 1:1250 and 1:500 and Drawing Number 1841.106 at scales 1:100 and 1:50 received by the Local Planning Authority 30th January 2019.

End of Report