

Combroke Parish Council

Consultation for Planning Application 18/02374/FUL

Proposal: Retrospective application for the construction of an ancillary domestic building
at: 14 Combrook CV35 9HP.

Representation

The Parish Council is objecting to this retrospective application on the following grounds:

- the constructed building is intrusive and harmful to the setting of the Listed Building, and character and appearance of the Conservation Area (Core Strategy: CS8);
- resembling a 'holiday chalet', disguised behind a facade pretending to be a garage, this development does not improve the quality of the public realm or enhance the sense of place. It does not reflect the character and distinctiveness of the historic setting or the locality (CS9);
- the unauthorised construction of this building is substituted for the permitted replacement, under 15/00443/FUL, of a late 19th century timber barn for use as a garage /workshop by varying the approved design, including some significant changes, to make it useable for a different planning purpose. The result is an insensitive, low quality design, in the wrong place in a highly sensitive and prominent setting. It neither responds to its unique context, nor the existing built form (CS9);
- the development is detrimental to the amenity of adjacent neighbours with regard to the overall massing and overlooking from first floor windows of the outbuilding (CS9 & CS20);
- there are inaccuracies in both the drawings and the supporting statement submitted.

NOTE The Parish Council's Representation at 1.5 makes no attempt to explain how or why there are significant flaws in the Delegated Report 17/01463/FUL, on which this application relies.

In Detail

1. Introduction

- 1.1. The Supporting Statement for this application relies upon the approval of the original application 15/00443/FUL and the Delegated Report for 17/01463/FUL, which was refused.
- 1.2. The approval of 15/00443/FUL required a listed building consent, 15/00446/LBC, to demolish a C19 timber barn used as a garage/workshop in the curtilage of No 14 and replace it with an outbuilding in a similar style and dimensions and for the same purpose, relocated into the side garden land by 4.5m.
- 1.3. For the above reason the Parish Council is requesting that the Planning Authority invite Historic England to advise on the Heritage Impact for this application. Historic England was a required consultee for 15/00446/LBC. If permission had been sought before this completely different development was begun it would have required the LBC for the demolition and replacement of the C19 timber barn.
- 1.4. Also, the Parish Council is of the view that Historic England's advice is necessary to provide an external appraisal since there appears to be differences of opinion expressed between some Planning Officers and the Conservation Officer. The Authority's Conservation Officer quite clearly stated in July 2017 that the additional height, and massing, of this building as constructed is harmful to the adjacent Listed Properties and Conservation Area and it is unacceptable.

- 1.5. With regard to the Delegated Report for 17/01463/FUL there are substantial errors in some of the statements made in the Report. The Parish Council raised the matter with the Authority soon after the Report was published. The response was that the errors did not relate to or affect the reasoning for the decision to refuse. And that these incorrect statements and flawed conclusions made in a Delegated Report carried no legal status.
- 1.6. The Delegated Report does not provide tacit approval for this application. Flaws in the Report relate to size, dimension, scale and external appearance, based on the use of incorrect drawings and permissions. This had led to unjustified conclusions including the wrongful dismissal of the Conservation Officer's judgements in the Delegated Report.
- 1.7. The Supporting Statement for this application refers to the refusal of 17/01463/FUL as a decision of the Authority's Planning Committee. This is not the case, the Delegated Report was not presented for approval by a Planning Committee and statements made within the Report were opinions of the Case Officer at that time.

2. The Approved Plans and the Constructed Building

- 2.1. In supporting the approval for 15/00443/FUL and 15/00446/LBC the then Case Officer and the Authority's Conservation Officer had specifically constrained the dimensions of the proposed outbuilding. In particular, the height to the eaves of the front facing gable elevation was kept the same as that of the C19 barn. A little leeway was allowed on the length and width of the new building and the ridge height above the eaves line. The Conservation Officer also stipulated the need for the garage doors to be solid timber boarded reflecting the style of the C19 barn and the C17 period of the cottage.
- 2.2. The approved drawing (ref 358 /10D dated 01/04/2015) shows
 - the height to the eaves of the proposed garage exactly the same as the height to the eaves of the C19 timber barn to be demolished (taking a midpoint measure);
 - the garage doors as close boarded timber to match the style of the C19 barn; and
 - the timber boarding to both sides is fixed vertically to match the style of the barn;
 - the two roof lights in the storage loft over the garage at the same low level as the other two south-facing roof lights;
 - the headroom in the loft over the garage is relatively shallow ~unsuitable as habitable space; and
 - access in to the loft over the workshop is by use of a loft hatch and ladder.
- 2.3. The approved drawings for 15/00443/FUL and 15/00446/LBC depict a single storey garage and workshop.
- 2.4. Instead the applicant constructed a spacious two storey dwelling with two bedrooms, a bathroom, a living room and separate kitchen area. The living area was concealed behind a facade with false garage doors to maintain the deception that this was the garage/workshop as approved. This deception was maintained through four further applications in which the drawings depicted a car in the garage. It was not until the Summer of 2017 that the applicant submitted drawings showing the living accommodation and a bathroom making it impossible for the grange space to contain a car.
- 2.5. The constructed 2-storey unit with its front gable elevation facing the street is shown in the attached photograph (Appendix fig 1). The photo clearly shows a significant increase in height to the eaves and the ridge in relation to the approved 15/00443/FUL. Also attached (fig 2) is the "as built " drawing for the elevation submitted for this retrospective application. This drawing does not match what has been built .

- 2.6. The Supporting Statement (page 4 paragraph 2) claims that since the 15/00443/FUL was approved the only external change to the building constructed has been two additional windows which were permitted by 15/03913/AMD. This is clearly incorrect,
- the height of the building to the eaves and ridge has been increased;
 - the ground level has been lowered by one third of a metre;
 - the 'garage doors' now include C20 style glazing panels instead of the closed boarded timber, reflecting the C19 barn; and
 - the side timber cladding is horizontal, instead of the original vertical boards.
 - as a result of the increases in heights there is a significant increase in the built mass of this building,

For the above reasons the Parish Council is of the view that, had accurate plans for the constructed building been presented in 2015 alongside the LBC for the demolition and replacement of the C19 barn, then this application would not have gained approval.

- 2.7. There has been no change in relevant policy to suggest it be given approval now.

3. Historic Environment

The Core Strategy Historic Environment (CS8) extract:

Proposals will be high quality, sensitively designed and integrated with the historic context. The design and layout of development proposals will be informed by an understanding of the significance of the historic asset and environment. Creative and innovative design and architecture that helps to secure the conservation of heritage assets and integrates new development into the historic environment will be encouraged where it is sympathetic to the character of the local area.

- *Applicants must demonstrate through their supporting documents how the proposed development would preserve and where appropriate enhance heritage assets.*

- 3.1. In the context of this curtilage and setting of the C17 listed property, as well as the adjacent listed properties and the Conservation Area, the submitted Supporting Statement on heritage is extremely limited. It assumes the approved permission for 15/00443/FUL and the Delegated Report for 17/01463/FUL bestows heritage approval for this unauthorised construction. They do not.

- 3.2. It is clear that 15/00443/FUL does not support this application (refer to section 2) and as for 15/00446/LBC, it is an offence to demolish the C19 timber barn and fail to erect the replacement in line with the conditions.

- 3.3. With regard to the Delegated Report for 17/01463/FUL, the heritage arguments therein are flawed. Reference to a report, dated 14 July 2017, submitted under consultation by the Conservation Officer will reveal that he raised concerns, specifically he wrote,

'The drawings show the height of the garage raised. The design was originally kept as low as possible to reduce the building's impact on the street scene. In relative terms the mass of the outbuilding was considered to be significant. Increasing the height is not acceptable in my view.'

There is no evidence that the Conservation Officer made 'no objection', as is suggested in the Delegated Report.

- 3.4. The permission had been for a single storey garage and workshop. The approved drawings reflected the C19 barn, including the original closed boarded design for the doors. This design and position within the site was acceptable for the *proposed use* as garage /workshop had it been implemented as shown in the approved drawings.

- 3.5. The heritage statement for this application neither provides clear explanation of how the design meets the stringent requirements for the replacement of the C19 barn in this curtilage of a C17 listed building nor how the design is *'informed by an understanding of the significance of the historic asset and environment.'*
- 3.6. It is a requirement of the core strategy (CS8) that the use of additional living accommodation through the retention of this building must respect the historic environment. It is difficult to imagine how this application for the use and retention of this unauthorised building meets the criteria for CS8 -refer extract above at 3.
- 3.7. The design of this living accommodation is based on that of a holiday chalet disguised as a garage with false garage doors on the gable end facing the street. The extra height and mass has a significant harmful impact. The design of the timber doors with C20 style glazing panels do not even reflect the historic context. It is a joke, which does n't work well in the curtilage of one of our oldest building at this prominent location in the village.
- 3.8. The Planning Authority's Conservation Area Study for Combrook (1994) describes *'Combrook is a secluded former estate village, which has suffered in parts from some modern insensitive development, but nevertheless retains a significant amount of its original character'*, it adds, *'The area of the main street around and south of the Church forms the most significant part of the village scene'*
And its advice for the twenty-first century: *'Continuing implementation of conservation area values should help to retain this character'*.

The Parish Council believes that approval of this retrospective application will be a substantial degradation in the Planning Authority's stewardship of the Conservation Area.

4. The Planning History and the Construction /Design Story

- 4.1. The supporting statement for this application provides an explanation describing the Applicant's actions. The story given has ignored the Applicant's earlier applications which were withdrawn as a result of clear appraisals from Historic England and the Authority's Conservation Officer, the Parish Council also concurred with their views.
- 4.2. The first application, 14/ 01098/FUL and LBC included the demolition of the timber barn and erection of a detached 2 storey double garage/workshop /office building. The planned building was significantly larger than the C19 barn and, although described as a garage and workshop, was more than sufficient to provide 2 storey living accommodation. Historic England commented that, *"the large size of the proposed garage and workshop will cause harm to the significance of the historic building. It needs to be scaled-down in order to lessen its impact upon the significance of the historic building (which includes its setting) ' .*
- 4.3. Next, the application 14/ 02268/FUL & LBC included replacement of the outbuilding with a garage/workshop/office plus 'studio annexe', yet again two storey. This time to be attached via further linking accommodation to the main cottage. The comments of Historic England were again clear. The application was withdrawn and Applicant and Architect engaged with the Authority's Conservation Officer to discuss their plans.
- 4.4. Application 15/00443/FUL and accompanying LBC for the single storey garage and workshop then came forward, this time the proposals were on a scale similar to the C19 barn. The Parish Council was not opposed to this application, with some reservations raised for Officers to consider, including a condition to prevent use as a separate dwelling.

- 4.5. Regrettably the approved plans for 15/00443/FUL were not adhered to from the very beginning of construction. Prefabricated panel construction methods were used which meant that all dimensions were fixed at the design stage. So all variations from the approved plans were deliberate and pre-meditated. The changes were not introduced during construction or made by alteration having first built to the approved plans. In order to provide extra headroom at second floor level the height to the eaves was increased and the ground level was reduced by one third of a metre. The ground to ridge height was also increased.
- 4.6. This changed design specifically ignored the constraints agreed in gaining the approval for 15/00443/FUL & LBC. It is clear that this permission for a single storey replacement garage and workshop has never been implemented. It has never been possible to park a car in this building, as completed in December 2015. The applicant has confirmed this "as constructed" building was completed on 31/12/2015 at part 4 of the application form. The permission for 15/00443/FUL is now lost.
- 4.7. The supporting statement is inaccurate. The applicant's Agent appears to have missed the plot that the constructed building is not in line with approved 15/00443/FUL & 15/00446/LBC and the fact that there were clear flaws in much of the Delegated Report for 17/01463/FUL. The supporting statement makes no fresh case for why this unauthorised building and its intended use should be retrospectively permitted in relation to the crucial matters of the Historic Environment and Design and Distinctiveness in this setting at this location.

5. Design and Distinctiveness

Core Strategy Design and Distinctiveness (CS9) extract:

A. Ensuring Local Distinctiveness

All forms of development will improve the quality of the public realm and enhance the sense of place, reflecting the character and distinctiveness of the locality.....Where required as part of a planning application, Design and Access Statements will set out how new development responds to its unique context and enhances local distinctiveness.

B. Ensuring High Quality Design

High quality design will be achieved by ensuring that all development is:

***Attractive:** Proposals will be of a high quality architectural design.....*

***Sensitive:** Proposals, including layout and orientation, will be sensitive to the setting, existing built form, landscape character and topography of the site and locality. Proposals will reflect the context of the locality, ensuring a continuity of key design features that establishes the identity of the place, making best use of ... public views and vistas and not harming existing ones...*

C. Design Innovation

.....Where such an approach is appropriate it should be based on the characteristics of the built environment in the local area and have a beneficial purpose.

- 5.1. The permitted design 15/00443/FUL was approved to suit its use as a garage/workshop. The quality of design and proposed materials to suit that purpose, and in this setting, was tolerable had it been implemented to the correct standard. It was not implemented at all.
- 5.2. The applicant has tampered with the design to make it fit the new planning purpose. In changing the design the applicant should have ensured that the necessary design standards were met. The core strategy, CS9 design and distinctiveness should have been applied.

- 5.3. Core Strategy CS9 has not been followed. The result is the quality of the design has suffered irrevocably -it is no longer fit for the approved purpose 15/00443/FUL and was never right for the use that is now admitted in this setting and position within the curtilage of a C17 cottage. The planning purpose intended all along, can be identified in the two original attempts to include additional and substantial living accommodation integral with the garaging arrangements as described in the brief planning history at section 4 above.
- 5.4. The design we are left with: a holiday chalet for living accommodation prominent in the curtilage of a listed property and bearing no design relationship with the host dwelling or immediate locality. Also boasting the design of the times: fake garage doors. The reason for the glazing in those doors was to provide more light into a living area hidden behind the facade of a garage.
- 5.5. The design does not ensure local distinctiveness. The design is neither attractive nor sensitive to its setting. Nor is it based on the characteristics of the local built environment. The choice of materials bears little relationship with the C17 cottage. It was never high quality design for purpose and context. If approved it will remain forever the subject of an already common question from observant visitors, 'who allowed that ?'

6. Other Matters

- 6.1. **Inaccurate Plans.** There appear to be irregularities with the submitted plans. Refer to comments at 2.5 and see the Appendix & 6.2 below.
- 6.2. **One Bedroom or Two.** The application describes the unit as having 1 bedroom and a 'storage loft'. The 'as built' plans for 17/01463/FUL show a generous loft area, which is reported to be fitted out as a bedroom complete with cupboard/fitted wardrobe. The current as-built plans showing the cross sections are incorrect. See Appendix fig. 3 & 4.
- 6.3. **Subservient/Subordinate** No 14, as remodelled includes 2 bedrooms. This proposed building as constructed has 2 loft areas as suitable spaces for 2 bedrooms. The ground floor living areas of the cottage and this building are similar in measurement. The floor area of this building is 80% of the total floor area of the cottage -as it was in 2014 and including its attic space; The floor area of this building is considerably more than that of the original C17 element of the cottage. It is neither subservient nor subordinate for ancillary living use.
- 6.4. **Shared Drives and Separation Distance.** There are examples of independently owned properties in Combrook with a single drive and separation distance less than 6m.
- 6.5. **Removal of 2 Kitchen Appliances.** Residents are expressing lack of confidence in a Planning System which rules that a 2 storey detached dwelling, disguised as a garage, can become acceptable as ancillary accommodation by the removal of two appliances from a kitchen which retains all other fittings to permit easy replacement. Approximately one third of the properties in Combrook have detached outbuildings which could become detached dwellings following the precedent set by this case.
- 6.6. **The Value of the Applicant's 'Investment',** in constructing this unauthorised building, is not a material matter for consideration.

Conclusion.

For all of the policy and planning reasons described in this Representation the Parish Council is of the opinion that this application cannot be approved.

17 September 2018

Appendix 1

Figure 1 Photograph taken from the road shows,

- the substantial increase in height to the eaves; and
- the false garage doors' complete with windows.

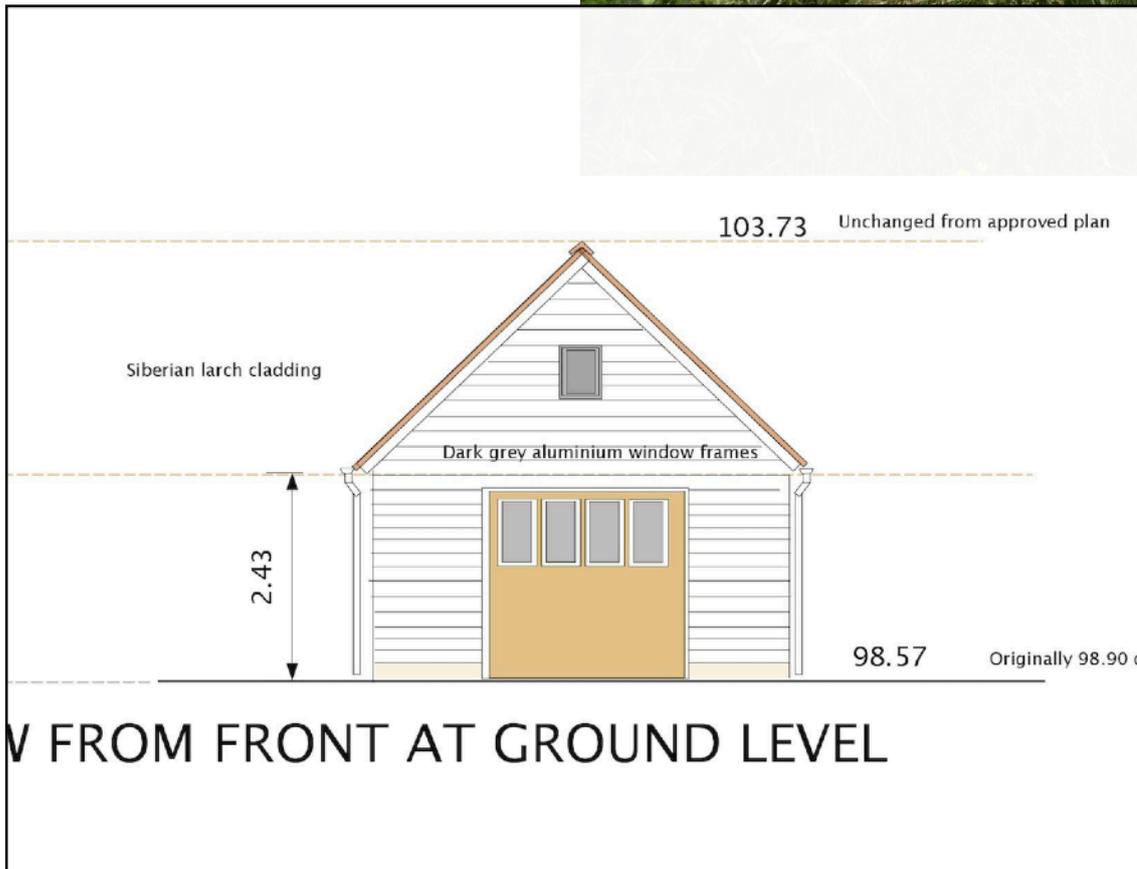


Figure 2 Extract from submitted plan ref 358/10G 10/07/2018

This plan does not appear to be an accurate depiction of the constructed outbuilding,

- the false 'garage door frame' is depicted much closer to the line to the eaves; and
- the glazing is also inaccurate

Figure 3.

Cross section from Drawing No 358/10G submitted August 2018

'PROPOSED/BUILT' submitted for 18/02374/FUL

This depicts a shallow 'storage loft'.

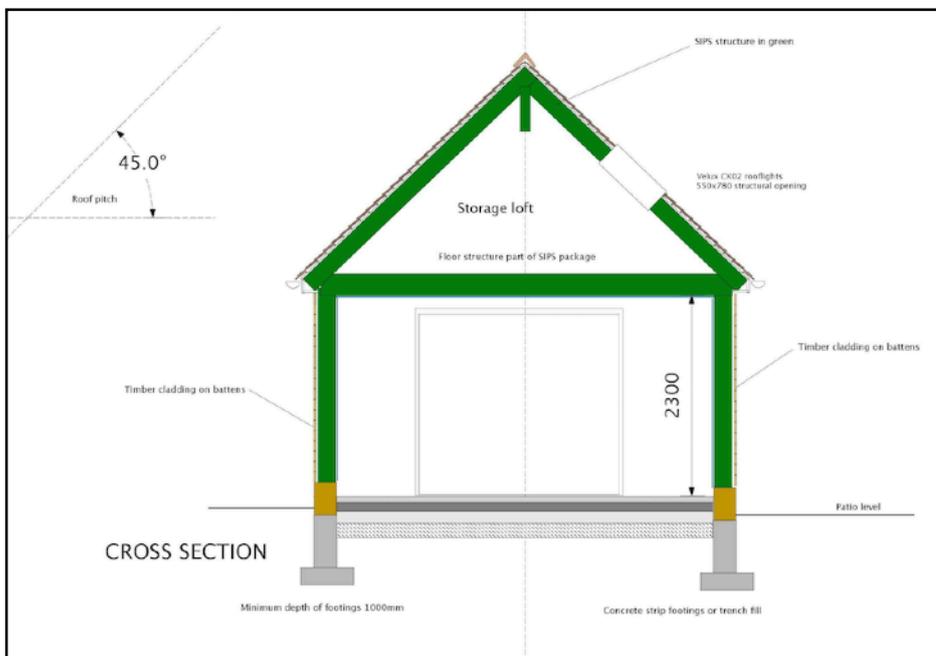
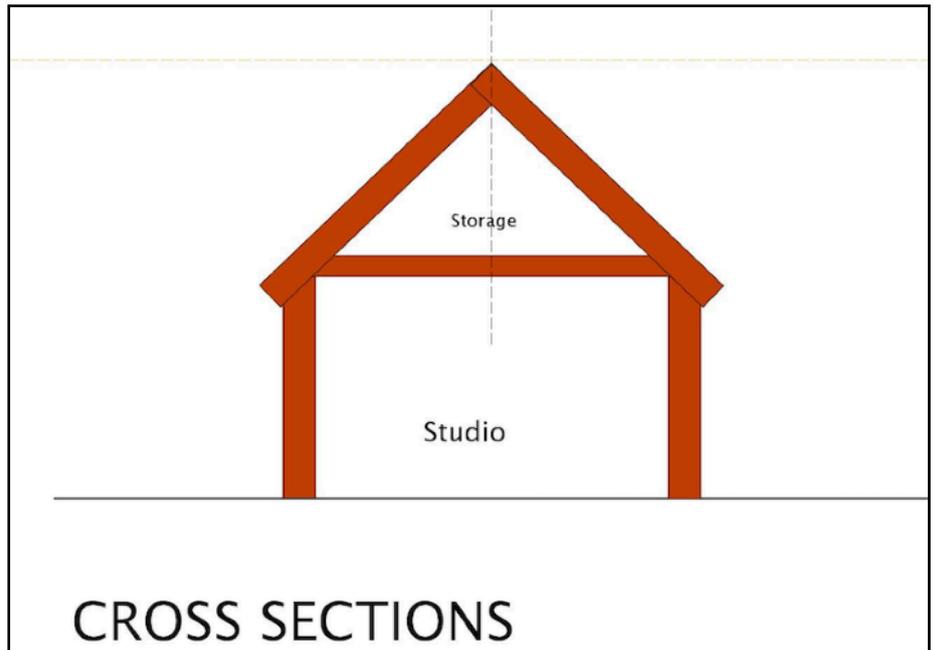


Figure 4. Cross section from Drawing No 358/29B 02/09/2016

"AS BUILT " Submitted for 17/01463/FUL

This drawing states it represents the SIPs design for the prefabricated construction of the building. This shows a much more generous loft, highly usable as a spacious bedroom it also incorporates 3 windows