

# Heritage Statement



**Proposal:** Alterations and extension to existing dwelling – demolition of existing single storey building section, erection of replacement with modified footprint and roof line to form kitchen and family room, new dormer to existing rear roof slope to form study

**Address:** 24 Milverton Terrace, Leamington Spa CV32 5BA

Applicant: Professor & Doctor Kandola

Date: April 2021

Oakwood Planning Limited

[jayne@oakwoodplanning.co.uk](mailto:jayne@oakwoodplanning.co.uk)

## Proposal

This statement accompanies a planning application for various alterations and extensions to an existing dwelling known as 24 Milverton Terrace, Leamington Spa.

Following the submission of the associated planning application to the Local Planning Authority already (LPA ref. W/20/2051) and its subsequent invalidation by the case officer requesting the submission of a Heritage Statement due to the site's location within a Conservation Area, this statement provides an initial overview of the proposals as well as a heritage assessment of significance and impact.

## Site description

24 Milverton Terrace is one of a pair of semi-detached properties (each pair also linked) located at a prominent corner position where Milverton Terrace in fact fronts Warwick New Road and is positioned near a junction where three separate roads converge. The main road running east - west is Church Hill which runs into Warwick New Road approximately in front of the application site, while just to the east, at the junction, is a cross-roads where Milverton Hill crosses the main road into Milverton Terrace.

The two matching pairs of semi-detached properties, one of which No.24 forms a part, make an important contribution to the street scene at this corner location because the four properties together turn the corner from Warwick New Road, into Milverton Terrace, though they collectively address the junction. No.24 is marked with a red 'X' on the aerial map in Fig.1 below.



*Aerial photograph showing the site (Fig.1) [source: Google maps]*

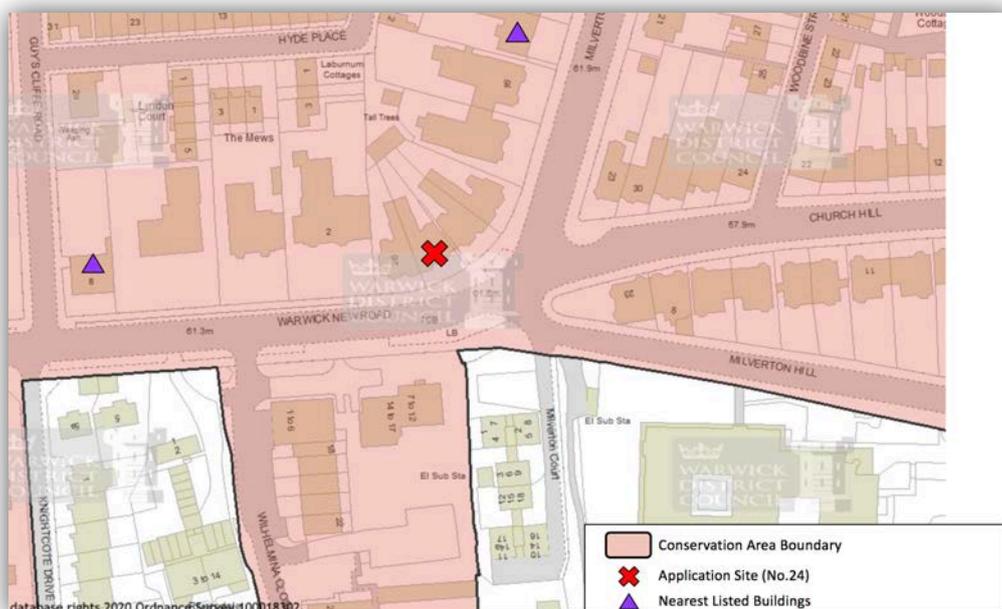
The property is wider at its frontage, than at the rear, where the rear garden tapers almost to a point, in much the same way as Nos. 20 – 26 (the other three properties in the row of four semi-detached buildings).

At the rear of Nos. 20 – 26 Milverton Terrace, is a two storey building, which lies at their rear most northern boundaries. The property is known as ‘Tall Trees’ and is described in a 2012 application, which approved replacement windows and other minor restorative works, as a former coach house. This is accessed via Hyde Place, to the north of Milverton Terrace/Warwick New Road but besides the adjoining property (No.26) and No.22 on the other side, ‘Tall Trees’ is the nearest neighbouring property, though it is noted it has one rear rooflight and no other rear facing windows.

The application site is surrounded entirely by residential development; dwellings surround all sides of the property, with a small number of non-residential and other sites in the vicinity though the immediate area is heavily characterised by its residential nature.

The site is understood to be situated within the New Milverton Article 4 Direction which requires that planning permission is necessary for a variety of stipulated works (which could otherwise be undertaken under permitted development rights) where such works are visible from a public highway.

The site also lies within the Royal Leamington Spa Conservation Area, the boundary of which is shown in Fig.2 below. There are some Grade II listed buildings in the surrounding area (annotated for reference) and the application site is identified with a red ‘X’ for context.



*Royal Leamington Spa CA boundary with nearby listed buildings identified (Fig.2) [source: WDC online map tool]*

The two nearest listed buildings annotated in the image above are 8 Warwick New Road, to the west of the site and Nos. 10, 12 and 14 Milverton Terrace, to the north east of the site.

None of these are considered to be in the setting of the application site given the physical distance from and relationship to the development at No.24 Milverton Terrace and to that end, the impact on the setting of listed buildings is not considered in any substantive detail in the following sections of this Heritage Statement, focussing instead on the impacts of the proposals on the character and appearance on the Royal Leamington Spa Conservation Area, to which the property in question is considered to make an important contribution.

## **Legislative Framework and Policy Requirements**

### Legislation

Where a development has the potential to affect either a designated or a non-designated heritage asset, the relevant legislative framework ensures that proposed works are developed and considered with due regard to their impact on the historic environment.

The basis for this is the relevant primary legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act sets out the special regard that must be had to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act sets out the special attention that shall be paid to the desirability of preserving and enhancing the character or appearance of that area.

### National Planning Policy Framework (NPPF)

The NPPF defines a heritage asset as “*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*” This definition applies to both designated and non-designated heritage assets.

Paragraphs 184 and 185 state that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. To that end, Local Planning Authorities should take into account (amongst other things) the desirability of sustaining and enhancing the significance of heritage assets which echoes the relevant legislative requirements.

Paragraphs 193 – 196 set out the varying degrees of impact a development proposal may have on a heritage asset and the necessary levels of harm to which Local Planning Authorities should have regard, weighing any public benefits against such harm accordingly.

### Development Plan

#### *Warwick District Local Plan 2011-2029*

Warwick District Council’s adopted Local Plan (2011-2029) contains relevant policy HE1, ‘Designated Heritage Assets and their Setting’. This broadly echoes the guidance contained within the NPPF by stating that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found that will enable its conservation; and
- c) conservation by grant funding or charitable or public ownership is not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimal viable use.

Policy HE2 'Conservation Areas' sets out the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area; further, that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the Conservation Area.

It is noted however, that the proposals put forward in this application, whilst involving an element of partial demolition, do not involve total demolition of an unlisted building in a Conservation Area.

Policy HE3 'Locally Listed Historic Assets' states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset, with further guidance in relation to the methods through which change should specifically be undertaken. However, having consulted the Local List of Heritage Assets, the building in question is not locally listed.

#### *Other relevant documents*

Royal Leamington Spa does have a Neighbourhood Development Plan (RLSNBP) June 2020, though it is not yet made. The RLSNDP was amended in line with the recommendations set out in the Examiner's report (received 30<sup>th</sup> March 2020) but this final version has still yet to be subjected to a local referendum, initially delayed in 2020 due to Covid-19. This is now set to proceed on 6<sup>th</sup> May 2021 and a 50% or higher 'yes' vote would result in the neighbourhood plan becoming an adopted part of the Development Plan.

Until that date, and such times as the plan is 'made' the RLSNDP still does not carry full weight, however, given the advanced stage it has reached through the process it is considered that the weight should be afforded to emerging policies with reference to para 48 of the NPPF.

In addition to the RLSNDP, the Royal Leamington Spa Conservation Area is split into numbered/named areas where each 'sub-area' has its own character appraisal within the Urban Conservation Area document. The application site falls into Area 24: Warwick New Road. This is covered in more detail in the following relevant section within this statement.

#### Historic England – Good Practice Advice Notes 1-3 (GPA 1-3)

The most relevant, in this instance, of the GPA Notes is GPA 3 'The Setting of Heritage Assets' (2015) which concentrates on the management of change within the setting of heritage assets.

This document states that the protection of the setting of a heritage asset need not prevent development and that decisions should be based on the nature, extent and level of the significance of a heritage asset, further weighing up the potential public benefits associated with the proposals, in much the same way as set out in the NPPF and Policy CS.8 of the Core Strategy.

Historic England recommend a 5-step process in order to assess the potential effects of a proposed development on the setting and significance of a heritage asset:

1. Identify which heritage assets and their settings are affected
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset
3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance
4. Explore the way to maximise enhancement and avoid or minimise harm
5. Make and document the decision and monitor outcomes

In considering the heritage implications of the proposed development, the Local Planning Authority should therefore have regard to the legislative and policy framework as summarised above together with any other relevant guidance and material considerations.

### **Heritage Significance of the Site**

#### An Appraisal of the Royal Leamington Spa Conservation Area

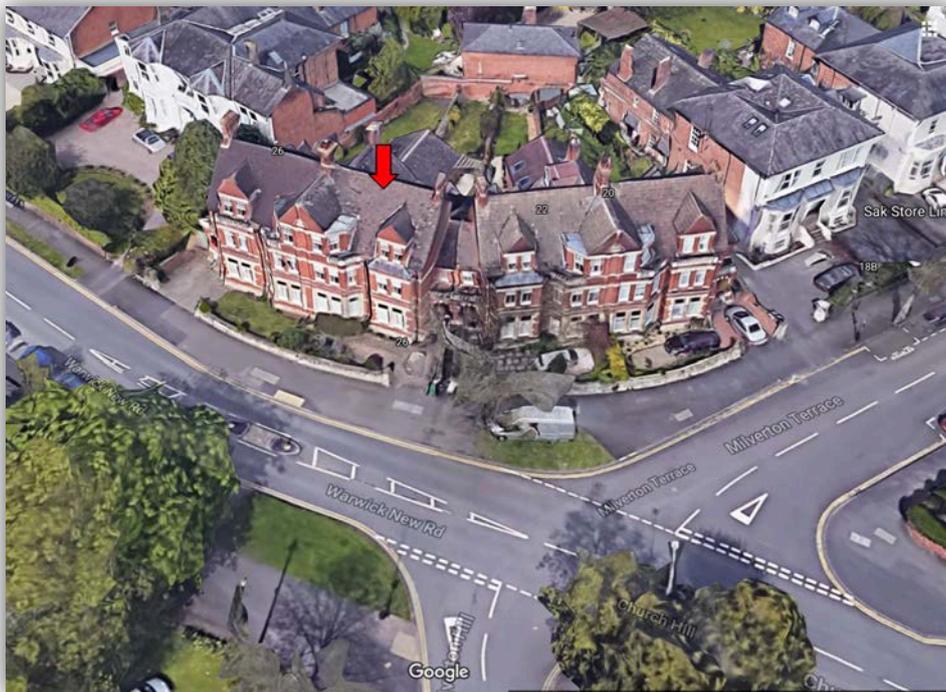
The application site lies within Area 24: Warwick New Road of the Royal Leamington Spa Conservation Area. The Conservation Area was originally designated on 25<sup>th</sup> February 1970.

The boundary of the Royal Leamington Spa Conservation Area runs close to but encompasses the application site and all of Milverton Terrace; not just the row of four identical semi-detached properties that make such an impressive visual contribution to the corner location where four roads meet, but the neighbouring properties on either side that also make up Milverton Terrace, as well as incorporating the properties both directly and obliquely opposite.

Figs. 3 and 4 below show the properties as they are viewed from within Milverton Terrace, and Church Hill/Warwick New Road and Milverton Hill, i.e. on approach from the east and south-east directions. These images provide a sense of the contribution No.24, in its immediate context, make to the Royal Leamington Spa Conservation Area.



*Nos.20-26 Milverton Terrace as viewed from 4-road junction (Fig.3) [source: Google maps]*



*Group (Nos.20-26) from above showing rear gardens and application site (Fig.4) [source: Google maps]*

Area 24 of the CA Appraisal identifies this particular part of the Conservation Area as a mid/late 19<sup>th</sup> Century residential development to the west of the town centre and refers to it as a 'Gateway western approach'. It principally contains villas set in their own grounds with earlier stucco villas to the eastern end (which is where the application site and Milverton Terrace is located). The appraisal refers to the fact there have been some modern infills which

have taken place over time (some in Milverton Terrace); these are nothing detracting but further infill would detract from the area's quality.

At the western end, the northern side has red brick villas with good detailing. Although the application site is not as far west as the western end of the Conservation Area boundary, it is an example of the red brick villa with good detailing that the appraisal refers to here.

The most important reference within the appraisal at Area 24 here, for the purposes of this particular application site is the specific reference to the "striking interface with Milverton Terrace, Church Hill and Milverton Hill" because this is the junction over which the application site presides and therefore shares an important relationship.

Although No.24 and its immediate neighbours are located within Area 24, there is some overlap to be found within Area 30 of the Conservation Area Appraisal. This also refers to various two storey houses, some with good brick detailing, in a mixture of scale and sizes with a predominance of timber sash windows. The presence of mature front gardens, some with good trees, is noted throughout.

All of the above serves to provide a useful context and backdrop against which to consider the heritage implications of the proposed development and its potential impact on the character and appearance of the Conservation Area.

The typical vernacular in this part of the Conservation Area is characterised by a predominance of two and three storey buildings; though the two storey buildings are imposing in scale and nature by virtue of their historic form and proportions; thus larger overall than an average two storey dwelling by today's construction standards. The typical characteristics of the two storey neighbouring buildings are representative of the stuccoed villa with double fronted entrance and symmetrical appearance, while the application site and its three immediate neighbours are examples of more imposing three storey buildings, taller in height and overall scale, and displaying the "good brick detailing" to which the Conservation Area Appraisal refers. These are perhaps slightly later examples of Victorian architecture; with intricately detailed stone surrounds, cills and lintels around every window, tile hung cladding on front facing gables, arched brick detailing above doorways and other fenestration and stone balustrading at first and second floor levels as a decorative feature. Multiple chimney pots also feature across the rooftops of the buildings; another indication of the building's age.

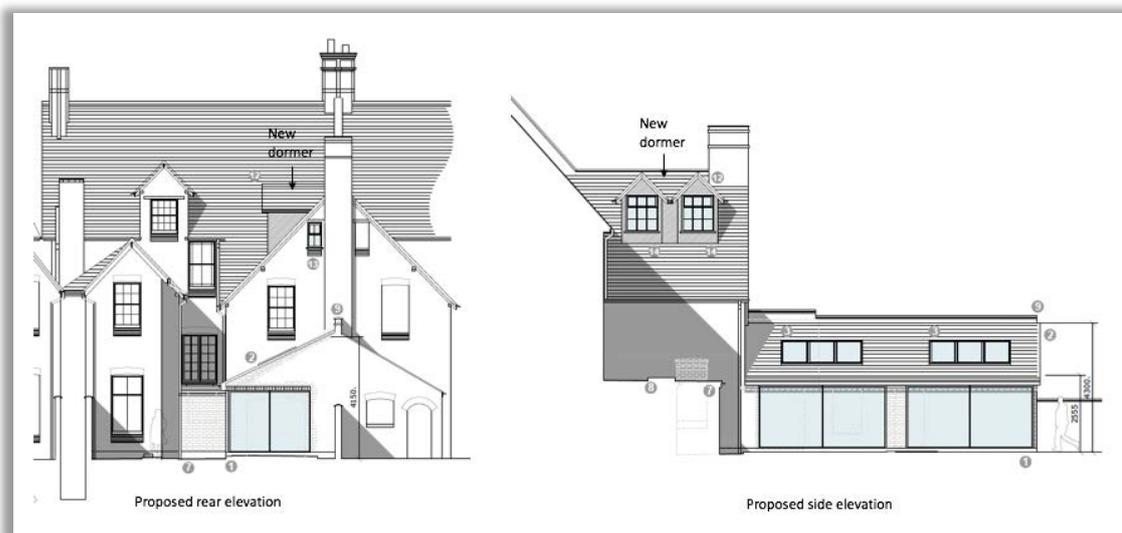
It is acknowledged that the front elevation of the building will not be altered by the proposals, which seek a number of internal alterations as well as an external change that would result in the partial demolition and re-build of the existing single storey extension at the rear. To that end, only the rear elevation is likely to be impacted by the proposals which is considered in the following section of this statement. For the purposes of this section however, it is pertinent to briefly describe the heritage significance of the rear of the site and how this contributes to the character of the Conservation Area.

Owing to the nature of the two pairs of semi-detached properties; their symmetry, uniformity in character, design and plan form and how these buildings are read from the street scene and therefore how they positively contribute to the character of the Conservation Area, it follows

that they make some contribution to the character of the Conservation Area from the rear, albeit public views of the rear elevations and the rear gardens are not so readily available from within the public realm.

### Proposals and Assessment of Impact

Permission is sought for principally, the partial demolition and re-building of the single storey extension at the rear of the property together with the creation of a dormer which, although at the rear would be on a side facing roof slope at the rear of the property. The proposals also seek to modify and extend the existing WC to form an extended family room with new plateau roof light above. (Fig.5)



*Proposed elevations showing new dormer and rebuilt rear extension (Fig.5) (From Hampton Architecture drawings). Not to scale*

The proposed demolition and re-build of the existing extension at the rear is on a slightly modified footprint but will remain broadly the same as what stood originally. The overall height remains largely unaffected although the re-built extension is proposed with 2 larger openings (each divided into 2) to the side elevation. Roof glazing is divided into 2 areas of glazing (each divided into 3) in a conservation style. The end gable, presently containing an open bay with an arched head, will be replaced with a glazed double door, mirroring the two sets of glazed doors on the side facing elevation that inwardly faces towards the garden of the application site. It is noted the neighbouring rear end gable fenestration arrangement differs from that at the application site, so even presently there is not uniformity.

Notwithstanding the fact there are no real public vantage points from which this part of the property can be viewed, especially since the ground floor is completely obscured behind Tall Trees which sits at the rear across all four plots (Nos. 20-26 Milverton Terrace) it is submitted in any case that the proposed glazed doors echo the open aspect feature of the original arched head open bay on the end gable of the extended wing projection and is the most visually appropriate way to design the replacement single storey replacement section without causing harm to the character of the Conservation Area.

The modified and extended WC area is considered to be of a size and scale which is not harmful.

Turning to the new dormer, which is proposed on the north east side facing elevation at the rear of the dwelling; this is not proposed on the main roof slope, but the full height wing that projects off the rear wall of the property and is shared between No.24 and its adjoining neighbour.

It is absolutely pertinent that No.22 has already installed a large dormer with visual double pitch in similar position, which looks towards the application site.

The principle of a dormer in this part of the Conservation Area is therefore established through the approval of planning permission which was given for No.22's dormer, under ref. W/10/1339. The dormer at No 22 is now a feature of the area and in the immediate vicinity of the application site.

The proposed dormer at the application site reflects the dormer approved adjacent. It cannot be said to be out of character with what is immediately next door, which lies on a property of similar status and in the Conservation Area.

In reviewing the Council's considerations of W/10/1339, the officer report states:

Having visited the site I feel this application has special justification to be granted, contrary to the principal architect planner's objection. The location of the proposed box dormer on an inward facing roof elevation at the rear of the premises, ensures that it would only be visible from an acute angle behind the premises. From the north of the property the dormer would be blocked from view by the two storey rear wing of 20 Milverton Terrace. From directly behind the property the box dormer would look similar in design to the existing single dormer windows on the premises, and only the side cheek and pitched roof would be visible. The whole of the box dormer would only be visible when viewed from the northwest, and would not be visible from the public domain.

I am of the opinion that the location and design of the box dormer would ensure minimal disruption of the appearance of the conservation area and would not be contrary to Policy DAP8 of the Warwick District Local Plan.

*Extract from officer report W/10/1339*

Being next door, the above considerations are relevant to apply to the application site at 24 Milverton Terrace. It is important that decisions are taken in a consistent manner.

The below two photographs are taken from Hyde Place showing the limited views of No 22. In the left hand photo the side cheek of the W/10/1339 dormer is visible. It is not considered harmful.



*From Hyde Place looking towards No 22 – part of side of W/10/1339 dormer visible in left photo, but not in right photo. Provided by applicant.*

As is the case with the re-building of the ground floor rear section, public views and vantage points of the rear elevations of these buildings are very limited, and some barely visible due to the presence of vegetation and 'Tall Trees' and while part of the buildings' contribution to the character and appearance of the Conservation Area can be attributed to its rear façade, it is considered that the front façade, with the architectural detailing, features and materials, uniformity and symmetry that provides the overarching and imposing contribution to the character and appearance of the Conservation Area. Additionally, it is the way in which these four buildings are collectively read as a group, which turns the corner of Milverton Terrace, and provides a corner feature that further enhances its prominence within the Conservation Area.

Based on the similarity to the dormer at No 22 adjacent, and the Council's considerations and decision on that dormer, and the above factors, it is reasonable to conclude that the proposed dormer is acceptable.

### **Conclusions**

Having regard to the relevant provisions of the legislative and policy framework, the proposed development, for the above reasons, is considered to preserve the Royal Leamington Spa Conservation Area.

In designing the proposal, the statutory tests of the legislative framework as well as all relevant policy provisions set out within the NPPF and the Development Plan have been considered and it is for the Council to consider and reach a view on the development with regard to relevant policy, the character of the Conservation Area, previous decisions including W/10/1339 and features found in the immediate area.