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Town and Country Planning Act 1990 (as amended)  
Submission of an application for Planning Permission (Householder) and Listed Building Consent  
The Old Rectory, Withington, Cheltenham, GL54 4BG

We write on behalf of our client, Christopher Daniels, to submit a householder and listed building application to Cotswold District Council ("the Council") in relation to the proposed restoration, extension and enhancement of The Old Rectory, Withington.

#### Background to The Old Rectory and Current Proposals

The Old Rectory is a privately-owned house located within the Cotswold countryside. It is situated approximately 10km to the south-east of Cheltenham.

The Old Rectory is a multi-phased building with its origins in the 14<sup>th</sup> century west wing but was substantially altered in the 18<sup>th</sup> century creating the present, formal southern frontage. In the 19<sup>th</sup> century the house was extended to the north, with both domestic and service accommodation, all of which was subsequently demolished, and the interior of the house refurbished in the 20<sup>th</sup> century.

In 2022, planning permission and listed building consent (refs. 21/04373/LBC and 21/04372/FUL) were approved for the sensitive extension of the listed building to enable the house to function as a family home, the use for which it was intended. The proposal sought to make the house more suitable for modern living by a young family and ensure that these adaptations could be achieved with minimal impact upon historic fabric, through the provision of a two-storey extension on the north elevation of the house.

Following the approval of these applications, the current proposals now focus on the sensitive adaption, repair and upgrade of the building fabric to address several existing constraints, led principally by the poor thermal insulation and energy efficiency and general building condition attributed to the building's age. The design approach has been led by the analysis of the historic fabric of the house and its history as set out in Justin Ayton's Statement of Significance.

#### The Site

The Application site comprises the Old Rectory, a privately-owned house located within the Cotswold countryside. The building is formed by three wings around a south-facing forecourt, comprises two storeys and

is set within the private garden grounds. The property has an annex attached known as the “cottage” and several other ancillary buildings are located on site.

Located in Withington, the house is Grade II\* listed and is located within the setting of the Grade I listed St Michaels Church, two Grade II listed churchyard monuments and the Grade II listed ha-ha footbridges to the south of the building. The current building on the site was constructed in the 14<sup>th</sup> century that was extensively rebuilt in the 18<sup>th</sup> century. The building has also been subsequently extended and refurbished in the 19<sup>th</sup> and 20<sup>th</sup> century.

The site is located within the Withington Conservation Area and Cotswold Area of Outstanding Natural Beauty (AONB). The property is located within Flood Zone 1, indicating a very low probability of flooding from rivers and the sea and from surface water.

In addition, the site is located outside of, and is not adjacent to any designated SSSI, SAC, SPA or Ramsar Site.

### Planning History

We have undertaken a review of the relevant planning history information available online on the Cotswold District Council website relating to The Old Rectory. The applications considered to be of most relevance to this planning application include:

- Ref. 21/04373/LBC : “Erection of two-storey extension to the north elevation and associated works.” Application permitted 27 May 2022.
- Ref. 21/04372/FUL : “Erection of two-storey extension to the north elevation and associated works.” Application permitted 27 May 2022.

From the planning history records available online it is clear that there have been several internal and external alterations previously made to the property. Details of the full planning history available on the Planning Register can be found within the ‘Planning History Schedule’ provided as an appendix to this letter (Appendix 1) and the Design and Access Statement.

### Proposal

This application seeks planning permission and listed building consent for a series of sensitive alterations to the existing building. The rationale for the proposals is led by the Applicant’s desire to improve the existing thermal, sound and energy performance of the building, which, presently, is very poor.

Accordingly, the proposed description of development is as follows:

“Erection of single storey lean-to structure to rear northern elevation, internal and external repairs and alterations including repair and remedial work to copings and guttering; partial removal and replacement of existing rooflights; removal of modern dormers; part replacement, part repair and alteration to windows, insertion of secondary glazing; insertion of insulation and ceiling works to snug and studio; insertion of new door to first floor dressing room, and relocation of modern internal stud wall to first floor Cloakroom 3 and associated works.”

A summary of the key elements of the proposals is set out below:

#### Internal Work

1. Installation of thermal insulation to the Studio;
2. Installation of soundproofing to basement plant area and “snug”;
3. Upgrade to the floor structure to the “snug” area; and
4. Minor reordering of internal layout at first floor to main house comprising:
  - a. Enlargement of studio bathroom (Cloakroom 3)
  - b. Rationalisation of the bathrooms and creation of Master dressing room; and
  - c. Creation of laundry room;

#### External Work

5. Upgrade of existing single-glazed windows with the addition of secondary glazing (retaining existing single glazing where possible) on windows located on north and west elevations;
6. Replacement of 10 modern leaded lights with new single-glazed flat iron leaded lights on north, west and east elevations;
7. Replacement of basement single glazed windows with double glazed bronze casements on the south elevation;
8. Removal of two modern dormers and four modern rooflights to the cottage;
9. Erection of single storey open-sided structure to facilitate creation of outdoor kitchen;
10. Replacement of three modern rooflights with three conservation rooflights on main house roof.
11. External repair work to existing copings to the western and eastern parapet and their associated gutters to main house; and
12. Repair to two stone mullions on the west wing of the building.

Full details of the proposals are set out within the accompanying Design and Access statement.

#### Planning Policy

##### Legislative Requirements

The Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”) places a duty upon the local planning authority to determine applications affecting listed buildings and pay special regard to the desirability of preserving the building or its setting.

Sections 16, 66 and 72 of the Act imposes statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to 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”. In respect of conservation areas, it is required that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

For the purposes of the Act, decisions should be made in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act (2004), in so far applying relevant policies set out within the development plan, unless material considerations indicate otherwise. In this instance, the development plan comprises the Cotswold District Local Plan 2011 to 2031 which was adopted on 3 August 2018

The National Planning Policy Framework (‘NPPF’) was published in February 2019 (amended July 2021) and sets out the Government’s economic, environment and social planning policies for England, summarising all previous national planning policy advice in a single document.

#### Planning Policy Assessment

## Design and Heritage

Section 16 of the National Planning Policy Framework (NPPF) states that historical assets “are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

Paragraph 202 of the NPPF states, “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use.”

Policy EN1 of the Cotswold Local Plan states that new development will, where appropriate, promote the protection, conservation, and enhancement of the historic and natural environment by ensuring the protection and enhancement of existing natural and historic environmental assets and their setting, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

Then Policy EN2 of the adopted Cotswold Local Plan refers to the design of the built and natural environment. The policy sets out that development must accord with the Cotswold Design Code and respect the character and distinctive appearance of the locality.

Local Plan Policy EN4 refers to the wider and historic landscape, stipulating that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape of Cotswold District.

Policy EN5 of the Cotswold Local Plan goes on to state that in considering proposal that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and the more important the asset, the greater the weight should be. Development proposals that sustain and enhance the character, appearance, and significance of a designated heritage assets (and their setting), and put them to viable uses, consistent with their conservation, will be permitted. Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification or public benefit can be demonstrated to outweigh that harm.

Cotswold Local Plan Policy EN8 states that development will be permitted that conserves and enhance biodiversity and geodiversity. Development proposals with a detrimental impact on other protected species will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.

Policy EN10 of the Local Plan states that in considering proposal that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and the more important the asset, the greater the weight should be. Development proposals that sustain and enhance the character, appearance, and significance of a designated heritage assets (and their setting), and put them to viable uses, consistent with their conservation, will be permitted. Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification or public benefit can be demonstrated to outweigh that harm.

Policy EN11 sets out that development proposals that would affect conservation area and their settings will be permitted provided they: preserve and where appropriate enhance the special character and appearance of the conservation area, in terms of siting, scale, form, proportions, design, materials and retention of positive features

## Assessment

## Design

As set out within the Design and Access Statement prepared by Craig Hamilton Architects, the proposals have been carefully considered to ensure that the integrity of the listed building stays intact. The design comprises high-quality materials which are in keeping with the existing house, proposing changes that are principally necessitated to repair and upgrade the property to ensure it can best accommodate the modern-day requirements of the family.

Accordingly, in accordance with Local Plan Policy EN1 this application will deliver sensitive repairs and building upgrades that will protect and enhance this heritage asset, By virtue of this, the scheme will deliver a high-quality design that will also compliment the character of the wider area

Detailed consideration has been given to the principles set out in the Cotswold Design Code to ensure that the scheme respects the character and distinctive appearance of the locality. As such, the scheme is also in accordance with Local Plan Policy EN4.

Given the above, the scheme is considered to deliver a high-quality scheme, using appropriate materials in accordance with the NPPF, Policies EN1, EN4 EN2 of the Cotswold District Local Plan.

## Heritage

As set out within the Impact Assessment prepared by Justin Ayton, the proposals have been carefully designed to minimise impact upon the heritage value or significance of the rear of the Old Rectory, or upon the listed building as a whole. They have also been designed to have no harmful impact upon either the character, appearance & significance of the Withington Conservation Area, or upon the setting & significance of the Church of Saint Michael. Consequently, the Assessment concludes that the proposal would preserve the special interest of The Old Rectory as a listed building, thereby sustaining its significance as a designated heritage asset.

Given the above, it is considered that the proposal accords with national policy and policies EN1, EN2, EN4, EN10 and EN11 of the Cotswold Local Plan.

## Other Considerations

### Ecology

The nature of the building means there is a likelihood of protected species and habitats being present. As such, the Applicant has instructed Allied Ecology to undertake a series of investigations into the building.

A Bat Roost Survey was undertaken in August 2023 comprising an internal and external visual inspection of all relevant accessible features, to establish the presence / likely absence status of roosting bats. This survey identified evidence of roosting bat presence within the roof void, confirming the building's status as an active bat roost. A Preliminary Bat Root Assessment was subsequently prepared and is submitted alongside this application.

Further surveys were undertaken in September 2023 and a Final Bat Survey Report was produced. The Report confirms provides an appraisal of the likely ecological effects with suitable mitigation measures to ensure that any bat species present are fully safeguarded under the proposals. The Report advises that a Natural England mitigation license will be obtained and proportionate mitigation measures will be implemented.

The Report concludes that subject to implementing the recommended mitigation and safeguarding measures, it is anticipated that the proposals will not result in any adverse impacts on bats, or other protected faunal species.

Given the above, the proposals accord with national policy and policy EN8 of the Cotswold Local Plan, which confirms development will be permitted that conserves and enhances biodiversity.

### **Archaeology**

The NPPF requires LPAs to identify and assess the significance of any heritage assets that may be affected. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, LPAs should require an appropriate desk-based assessment and, where necessary, a field evaluation (Paragraph 194).

Most of the scope of works contained within the proposals, by virtue of their location above ground, will have no impact on the existing archaeological condition on site. The proposed ground floor lean-to extension on the north side of the property, adjacent to the recently approved extension to the northern wing of the building, is not considered to cause any archaeological harm, being located within an area previously assessed to have low archaeological potential. By virtue of its design, very little ground excavation is required, further preventing ground disturbance in this location.

### **Application Documentation**

In line with the validation requirements set out within Cotswolds District Council Validation Checklist, the following documents have been submitted in support of this planning application:

- Planning Application form;
- CIL form;
- Site Location Plan;
- Drawings prepared by Craig Hamilton Architects Ltd;
- Design and Access Statement prepared by Craig Hamilton Architects Ltd;
- Heritage Impact Assessment prepared by Justin Ayton Ltd;
- Preliminary Bat Roost Assessment, prepared by Allied Ecology (dated August 2023);
- Bat Survey Report, prepared by Allied Ecology (dated October 2023);

The requisite planning application fee has been paid via Planning Portal. We trust this is sufficient to validate this application. If you have any queries, please contact Sophie King (07825965755) of this office.

Yours sincerely



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