

EDGARS

Planning Department
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

Planning Portal Reference: PP-12582175

Edgars Reference: 3865

Date: 19th January 2024

Dear Sir / Madam,

SECTION 73 APPLICATION TO VARY CONDITIONS 2 (DRAWINGS), 3 (MATERIALS) AND 4 (DETAILED DRAWINGS) OF APPLICATION REF. 22/00562/FUL TO ALLOW FOR DESIGN CHANGES (PART RETROSPECTIVE) AT ELISHAS COTTAGE, CHURCH WESTCOTE, CHIPPING NORTON, GLOUCESTERSHIRE OX7 6SF

Edgars are submitting this application on behalf of Mr and Mrs Taylor, henceforth referred to as “the applicant”, in relation to planning permission 22/00562/FUL at Elishas Cottage, Church Westcote OX7 6SF.

Planning permission was granted on 11th July 2022 under reference 22/00562/FUL, which was for:

“First floor extension to rear, replacement roof to existing dwelling, new windows and altered openings to rear”

The applicant wishes to vary the approved plans listed in condition 2 of 22/00562/FUL, as well as submit details for the discharge of conditions 3 and 4, under Section 73 of the Town and Country Planning Act 1990 (i.e. the submission applies to vary the wording of conditions 3 and 4 to allow for the application to be implemented in accordance with the details submitted as part of this application). This application to vary these conditions has been made via the Planning Portal under reference PP-12582175.

The purpose of this letter is to concisely outline the details of the application and the associated planning merits. We trust that the information provided is sufficient to enable the validation of the application. Should you have any questions or require further information, please do not hesitate to contact me.

Context

The applicant begun the works as permitted by application ref. 22/00562/FUL. At the time of writing, the roof of the building has been fully stripped ready for replacement, and only the external walls of the rear extension have been constructed with the entire building being protected from the elements by a scaffolded roof.

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During the construction process of construction, it has come to light that the approved drawings (compiled by a fully qualified architect) do not fully translate to the detailed design; the pitch of the rear gable is so shallow that internally the eaves are very low, reducing the usable space on the already modest footprint, as well as cutting through the doorways and providing insufficient space for the lintel above the rear casement window. This application seeks to make minor alterations to the approved scheme to ensure that a high quality dwellinghouse is achievable.

Proposal

For the avoidance of doubt, the proposed alterations to the approved development are as follows:

- Increasing the roof pitch on the main dwelling to 38 degrees (currently 37 degrees or 33.5 degrees depending on which gable is measured).
- Increasing the roof pitch on the rear elevation to 27.5 degrees (up from the previously approved 24 degrees).
- Changing the lintels on the rear extension from stone to oak.

This application also seeks to discharge conditions 3 and 4 through the submission of the necessary information.

Pre-application Engagement

Prior to the submission of this application, a pre-application meeting (ref. 23/03308/PAYPRE) was held on site with the Council's Conservation Officer on the 7th November 2023 to discuss the options for resolving the above issue, and the subsequent email correspondence between Edgars and the Conservation Officer has informed this submission.

A summary of this correspondence is provided below:

- The Conservation Officer suggested that dropping the floor heights could be a suitable alternative to increasing the roof pitch. However, the applicant's structural engineer has stated that the dropping of the floor heights would result in massive structural instability to the frontage range during the course of the project, the rear wall has been rebuilt and supported from the ground up with new RSJ's inserted as lintels over the openings. To be able to drop floor levels, the existing floor joist would have to be removed (cut and therefore not suitable for reuse) and supported whilst the openings are reinstated in a lower position. Without the tie in of the roof structure, there is an increased risk of structural collapse. This would also result in practical issues which include the levels of the damp courses, and also the change of level within a compact building would result in a loss of usable floor space and unsatisfactory changes in floor levels.
- The Conservation Officer suggested that internal reconfigurations could be a suitable alternative to increasing the roof pitch. There is no scope for the stair to be repositioned within the building due to the diminutive scale of the property and its existing layout. The central chimney stack prevents a straight run of the stair on the right-hand side of the front door; and the existing doorways and windows prevent moving the stair to the left within the dining hall or the right to the sitting room. Reversing the wind of the stair provides no further flexibility of the floor plan. Entirely repositioning the stair within either the left- or right-hand bay (rather than in its historic location) would also significantly reduce the scale and the quality of the living accommodation on the ground floor within the cottage. As there is no scope to change the position of the staircase, there is no opportunity change the access to the bathroom to a more central position as was suggested by the Conservation Officer.



- Edgars raised concerns that the extent of the structural alterations necessary for the internal alterations that were suggested by the Conservation Officer would also be financially prohibitive, and disproportionate to the significance of the non-designated heritage asset. The applicant has already invested heavily in ensuring that the building is sympathetically renovated to ensure its continued use as a residential cottage – the optimum viable use of the property. However, the majority of the works undertaken to date, should the recommendation of officers be undertaken, would become abortive and would require a high level of additional costs necessary to facilitate the changes and complete the renovation of the project. These costs have been estimated by the applicant’s construction team, and would result in the scheme being financially unviable. This would force the applicant to cease all construction and mothball the site – which will leave a derelict building within the conservation area for the foreseeable future.
- Edgars outlined that the proposed works would not cause harm or loss to the non-designated heritage asset, as per paragraph 209 of the NPPF and would preserve the character and appearance of the conservation area. These arguments will be outlined in greater detail later in this report.

Conditions Varied as Part of this Application

The table below outlines each of the conditions to which this application seeks to vary, and the information that has been submitted in relation to these conditions.

Table 1: Condition wording and submitted information.	
Condition Wording	Information Submitted for Variation of Condition
Condition 2 – Approved Plans	
The development hereby approved shall be carried out in accordance with the drawing numbers 06B and 07B (received by the Local Planning Authority on 14th February 2022) and 08C (received by the Local Planning Authority on 8th May 2022).	Proposed First Floor Plan (drawing ref. Proposed First Floor Plan-P1) Existing Elevations (drawing ref. Existing Elevations-P4) Proposed Elevations (drawing ref. Proposed Elevations-P5)
Condition 3 – Materials	
Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.	Material Details (drawing ref. HH/PL/DC02)
Condition 4 – Detailed Drawings	



<p>No doors or windows shall be installed / inserted / constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.</p>	Section details
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Planning Policy

The planning policy context is comprised of the following relevant documents and policies / paragraphs:

Table 2: Relevant Planning Policy	
Document	Relevant Policy / Paragraph / Section
Cotswold District Local Plan 2011 - 2031	Policies EN2, EN11 and EN12
National Planning Policy Framework	Paragraphs 195, 200, 205, 208 & 212

Planning Considerations

This section provides a review of the submitted technical documentation and explains how it accords with the relevant planning policies of the Local Plan, and other material considerations.

Condition 2 – Approved Plans

Condition 2 relates to the approved plans for the development. The reason for condition 2 was listed as follows:

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

It should be noted that in preparing this Section 73 application, a revised set of existing elevations were prepared to better reflect the existing gable ends. These revised elevations show that the roof, as it currently is, is uneven – with the southern gable having a pitch of 33.5 degrees and the norther gable having a pitch of 37 degrees.

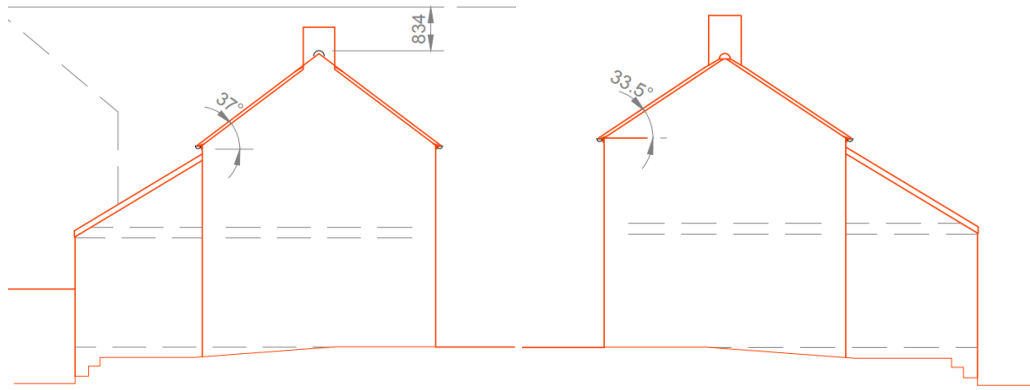


Figure 1: Existing north (left) and south (right) elevations showing the different pitches

Policy EN2 (Design of the Built and Natural Environment) outlines that development will be permitted where it accords with the Cotswold Design Code, and that development should be of a design quality that respects the character and distinctive appearance of the locality.

Policy EN11 (Historic Environment: Designated Heritage Assets – Conservation Areas) outlines the criteria for development proposals that would affect conservation areas and their setting – including the need to preserve and, where appropriate, enhance the special character and appearance of the conservation area.

Policy EN12 (Historic Environment: Non-Designated Heritage Assets) outlines that development affecting a non-designated heritage asset will be permitted where it is designed sympathetically having regard to the significance of the asset, its features, character and setting. It goes on to comment that, where possible, development will seek to enhance the character of the non-designated heritage asset.

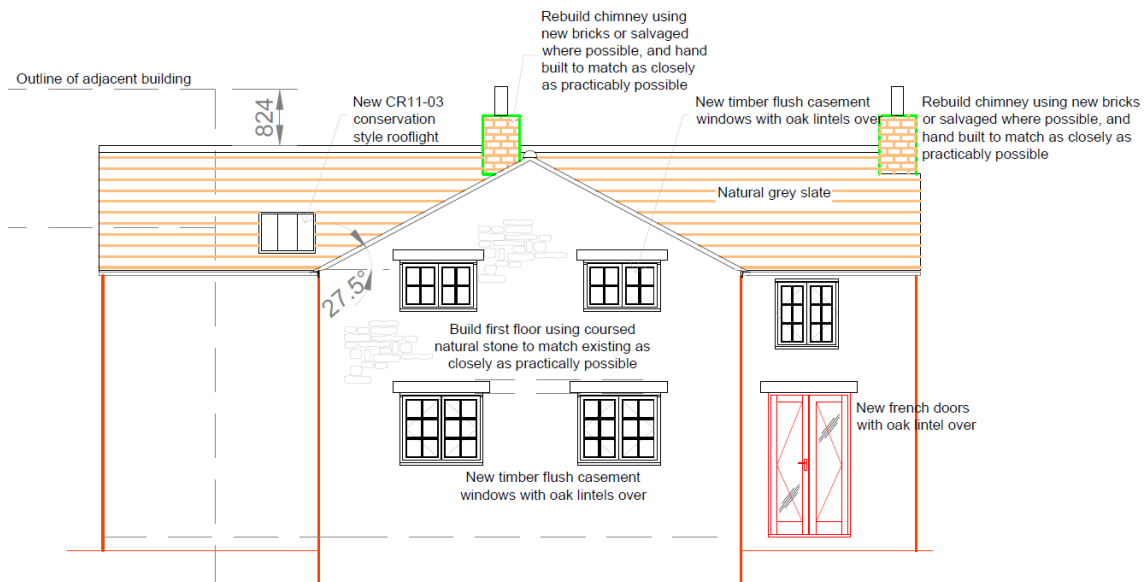


Figure 2: Revised Proposed East Elevation

Having regard to the impact on Elishas Cottage, which is a non-designated heritage asset, paragraph 209 of the NPPF outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In 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.



Edgars agree with the Council's Conservation Officer that the significance of Elishas Cottage is derived from its "*architectural interest, historic interest, age, aesthetic merits and group value.*" However, the only architectural interest of the building which would be affected by the proposal is the roof – all other elements will be preserved as existing. The degree of change would be largely imperceptible once constructed, as the roof pitch at 38 degrees falls within the usual parameters of a vernacular building of this age and type. As such, the architectural character of the non-designated heritage asset is preserved.

It should be noted that if the applicant had repaired the roof of Elishas Cottage, it would have been normal to assume that, as part of that process, they would regularise the roof line so it is even. As such, the increase to 38 degrees would only result in a 1 degree increase to the aforementioned regularised roof line.

The proposed alterations will not change the front elevation of the building, its fenestration or detailing. There will be no change to the materiality of the building as whole as the existing slates will be re-used where possible, or matched preserve the materiality of the building – please refer to the information submitted in relation to condition 3 for further details. The removal of the cement render on the southern gable end and the repointing of the limestone that will be revealed as a result is considered to be a heritage benefit to both the non-designated heritage asset and the character and appearance of the conservation area. As such, it is considered that the low degree of change that is being proposed does not constitute harm.

Having regard to the impact upon the Church Westcote Conservation Area, whilst it is considered that 19th Century buildings with shallow pitched, slated roofs are a recognised typology, it is not necessarily a form which is a prevalent building type within the Church Westcote Conservation Area. The Church Westcote Conservation Area was designated on 21st March 1989 however, there is not an adopted or draft conservation area character appraisal which provides analysis of the historic and architectural characteristics of the conservation area.

It has been noted that within the Church Westcote conservation area, the historic properties (pre-war) which make a positive contribution to the character and appearance of the area have a wide range of pitches. Having regard to these buildings, there is a predominance of two storey, rectilinear ranges with pitched roofs. They are constructed of coursed rubble limestone with stone tile slates with simple timber casement windows. Elishas Cottage and the School House are the only properties within the conservation area which have a natural slate roof. As such, as the range in pitches is as a result of the depth of the floor plan of each individual building.

Using the scaled drawings from a small number of planning and listed building applications within the vicinity of Elishas Cottage, the following roof pitches have been identified:

- 1 The Convent: side gable pitch 39.4 degrees
- Stable Buildings, The Manor House: 42 degrees
- The Manor House: 40 degrees
- No.1 Manor House Cottages: 42 degrees
- The Close: 51 degrees

This demonstrates that the proposed increase in the pitch of the roof would be consistent with character and appearance of other vernacular buildings within the conservation area.

It is considered that the increase in the pitch of the roof of Elishas Cottage, to 38 degrees, would have a neutral impact on the significance of the conservation area, as it would fall within the parameters of the range of roof pitches of vernacular properties which are predominant within the conservation area. Furthermore, paragraph D.45 of the Cotswold Design Code discusses the use of alternative roofing materials, including Welsh slates – whilst it notes that roof pitches do not need to be as steep as when using Cotswold stone



slates, the typical pitch Welsh slate roofs are between 27.5 to 40 degrees. It also comments that, from the nineteenth century onwards there is more use of blue-grey Welsh slate, for re-roofing, and often for lean-tos and outhouses, town houses and agricultural buildings. As such, the proposed roof pitch is within that range. Overall, it is considered that the character and appearance of the conservation area would be preserved.

Having regard to the above, it is considered that the proposed alterations to the development permitted under application ref. 22/00562/FUL would be in accordance with policies EN2 and EN11 of the adopted Local Plan as well as Chapter 16 of the NPPF as the proposed alterations would not harm the significance of the non-designated heritage asset and preserve the character and appearance of the Church Westcote conservation area.

Condition 3 – Materials

Condition 3 relates to the provision of samples of the proposed walling and roofing materials. The reason for condition 3 was listed as follows:

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Policy EN2 (Design of the Built and Natural Environment) outlines that development will be permitted where it accords with the Cotswold Design Code, and that development should be of a design quality that respects the character and distinctive appearance of the locality. Policy EN11 (Historic Environment: Designated Heritage Assets – Conservation Areas) outlines the criteria for development proposals that would affect conservation areas and their setting – including the need to preserve and, where appropriate, enhance the special character and appearance of the conservation area.

A drawing (ref. HH/PL/DC02) containing images of the proposed materials and their specifics has been submitted as part of this application. The walls will be constructed from natural Cotswold stone to match the existing house, with the roof tiles being natural slate grey roof tiles to match the existing. The chimney will be constructed from red and blue perforated engineering bricks to match what was previously on the dwelling, prior to them being removed due to health and safety concerns during the construction process.

Having regard to the submitted information, it is considered that the proposed materials are in accordance with policies EN2 and EN11 of the adopted Local Plan as they are appropriate for the site and the surrounding area, matching the existing dwelling as far as possible to preserve the character of both the dwelling and the wider conservation area.

Condition 4 – Detailed Drawings

Condition 4 relates to the provision of detailed drawings for the doors and windows. The reason for condition 4 was listed as follows:

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN11.

Policy EN2 (Design of the Built and Natural Environment) outlines that development will be permitted where it accords with the Cotswold Design Code, and that development should be of a design quality that respects the character and distinctive appearance of the locality. Policy EN11 (Historic Environment: Designated Heritage Assets – Conservation Areas) outlines the criteria for development proposals that would affect conservation areas and their setting – including the need to preserve and, where appropriate, enhance the special character and appearance of the conservation area.



Having regard to the submitted details, it is considered that they are in accordance with policies EN2 and EN11 of the adopted Local Plan as the doors and windows will have an appearance and be completed in a manner sympathetic to the site and the surrounding area through their considerate and appropriate design.

Conclusion

This applications seeks to vary the wording of conditions 2, 3 and 4 attached to planning permission ref. 22/00562/FUL. The revised drawings submitted for the variation of condition 2 would increase the roof pitch of the main dwellinghouse to 38 degrees and the rear extension to 27.5 degrees.

With regards to the variation of condition 2, it is considered that the proposed change to the pitch of the roof would not cause harm to the significance of the non-designated heritage asset. Only the roof pitch and ridge height would be altered from existing; there would be no change in the form of the roof, the materiality of the cottage or any other element of the building which contributes to the architectural aesthetic. It is considered that the significance of the asset of a mid-19th Century vernacular cottage would be preserved. It is also considered that the scale of change to the pitch would be consistent with the range of roof pitches of vernacular properties within the conservation area. As there are no other material changes to form, or materiality of the building, its relationship to the public realm and adjacent buildings in terms of scale and composition of views it is considered that the proposal would preserve the character of the Church Westcote Conservation Area.

With regards to conditions 3 and 4, this application seeks to discharge the conditions through the submission of the necessary documentation. For condition 3, a drawing detailing the proposed materials for the walling and roofing has been provided. For condition 4, detailed drawings for the windows and door have been provided. As such, it is considered that the requirements for these conditions have been met and they can be discharged.

We trust that the above contains all the necessary information for the variation of the aforementioned conditions but if any further information is required, please do not hesitate to contact me.

Yours sincerely,

Samuel Biles

Planner
Edgars Limited