Planning Committee: 29 March 2016 **Item Number:** **9**

Application No: W 16 / 0018

Registration Date: 08/01/16
Town/Parish Council: Kenilworth **Expiry Date:** 04/03/16
Case Officer: Liam D'Onofrio
01926 456527 liam.donofrio@warwickdc.gov.uk

1 Castle Hill, Kenilworth, CV8 1NB
Conversion of existing house into 2 apartments. FOR Turlington (International) Ltd

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This application is being presented to Planning Committee due to the amount of local support for the application and it is recommended for refusal.

RECOMMENDATION

Members are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed conversion of the single dwellinghouse into two apartments, with associated alterations, to be achieved through horizontal sub-division of the property.

The applicant's supporting Design and Access Statement states that "*The rationale behind the proposal is that the existing house is large and was designed for an extended family of occupants and their resident servants. It has been established, by consideration of the appeal decisions in 2012 and the Inspector's comments, that the house could easily be divided into two separate apartments using minimalist intervention policies, and causing no demonstrable harm to the Listed Building or the Conservation area setting. For a long period of its life the occupants of the house have not been its owners and as a consequence the property has fallen into a considerable state of disrepair. There is a Repairs and Maintenance Schedule accompanying this application, which does not include an internal schedule, as no in depth investigative report had been undertaken until recently. It is apparent that there is dry and wet rot in areas of the property. The NPPF para 130 states: 'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.' It is clear that there is no evidence of any 'deliberate' neglect or damage to the property by any of its owners and this application seeks to also remedy the historic neglect that has occurred over the years by previous owners*".

The applicant proposes to:
- Divide and restore the property internally into two apartments (subject to minimal intervention).
- Restore the property externally to its original 1901 form with no structural alterations.

The submitted Design and Access Statement details how the internal sub-division of the property will be undertaken to create two apartments:

Ground Floor

The open porch is retained externally giving the simple yet effective covered way to the front door leading to the ante lobby and on to the main internal hall and main stairs. Here two doors access a W.C. from each hall. These will be carefully removed intact and reused with all the joinery and fittings. Existing joinery stored on site will provide matching skirting to line with existing. This room will then form a bathroom.

The leaded glass at high level to the existing lounge will be retained to face the hall as it exists with pyrostop glass used to the rear to form the fire barrier without loss of this feature, and be visibly intact from the hallway area for both apartments. Where the new door breaks into the hall from the lounge, an existing door will be reused and there is sufficient space for this without affecting any of the features of the room. Again the closing off of the hall from the utilitarian side will be to match the existing.

The former scheme looked to amend the kitchen significantly. This has been reduced to retain the existing internal windows and only a small area of new wall is required with an original door to form the rear access through its rear lobby.

The home office and part of bedroom 2 is in the former utility end where the parlour and pantries were. Here the spaces have no real fabric but painted brick and quarry tile floors. However, the floor will need raising in one area as it is partially low and the walls need plastering to at least give some acceptable finish. Again all joinery is to be used as stored on site by the owner.

The bathroom is in the position of the existing with a small length of internal partition being removed to allow the addition of a W.C. not currently present. The ceiling will be painted with Envirograph Paint specially formulated for listed Buildings to provide the required fire resistance. Thus all cornices and ceiling details can be safely retained.

First Floor

The main staircase affords access as exists and it is intended to provide a glazed screen across the top of the landing at the back of the balustrade with pyrostop glass and to form a new door entrance at the top. This will allow the existing feature mirror to be retained and viewed.

Changes at this level are limited and rooms are designed to be as best as possible as they stand. A new stair is proposed to be added to the location on the west side to the landing space where an original stair led to the west attic space. This is to be replica of the existing main stairs but subsidiary to it in size.

To the east end in 2012 the plaster and lath was we believe in a very poor state as were the roof timbers to the ceiling. It was with good intent (not malicious or deliberate) that this was removed and stud battens used on the internal wall face to add rigid insulation. Upon hearing this work may or may not require approval the work ceased and has stood ever since. It is proposed as this is the east/north side and being cold whilst it may not be ideal this is completed by

plasterboard in this area. It would appear pointless to remove it all to put new lath and plaster that clearly was not original for the sake of it.

In this eastern end there was a stair that went to the attic space presumably for servants. Again this was removed some 50+ years ago. It is proposed to add a simple dog leg stair to access this space to be used as perhaps a home office. It is not suitable for gallery sleeping due to distances for fire escape.

The floor under building control requires a sound insulant and it is possible to add the required insulant and joist strengthening within the floor space. The floor boards at this stage can be reused although a few will need replacement by reclaimed timbers. It can be assessed when the works are underway.

THE SITE AND ITS LOCATION

The Wantage (No. 1 Castle Hill) is a large detached house set in large gardens which fronts the south side of Castle Hill. There are two road junctions 35 metres apart on the north side of Castle Hill opposite the site – High Street and Malthouse Lane. The house and gardens (listed as a locally important park and garden) stand on a sloping site which forms the northern ridge enclosing the valley of the Finham Brook. The rear garden boundary adjoins the northern part of Abbey Field a public open space straddling both sides of the Finham Brook. Abbey Fields is also a scheduled ancient monument associated with the site of Kenilworth Abbey.

The house dates from 1901 and both the house and garden are a fine and well preserved example of an arts and crafts house which have been in single ownership since built. The house has windows in all elevations taking advantage of an outlook across gardens to the rear, side and front. The listing description makes references to the floor plan of the principal rooms around the stair hall to the west, and a service room to the east with specific external and internal detailing including the windows and chimney pieces.

The site and its surroundings are all set within the large Kenilworth Conservation Area, the focal points of which include Kenilworth Castle, Castle Hill, Abbey Fields and High Street. The Conservation Area statement for Castle Hill and Little Virginia (Area 9) describes Castle Hill and High Street as an east/west route from the castle. There is a specific reference to The Wantage as large arts and crafts house in its own grounds. It is highlighted that it is an important grade II listed building with gardens and boundary treatments which add to the character and appearance of the house.

PLANNING HISTORY

W/16/0019/LB Conversion of existing house into two apartments: Refused 03/03/16

W/11/0236 conversion of house into four apartments: Refused 07/06/12. Appeal dismissed 03/09/13.

W/11/0237/LB Works to facilitate the conversion of existing house into four apartments: Refused 06/06/12. Appeal dismissed 03/09/13.

W/11/0424 and W/11/0287LB Appeals against refusals of planning permission and listed building consent for the erection of a new dwelling and the demolition the existing garage were dismissed.

W/04/0508 & 0510LB – Planning permission refused for erection of a 2.5 storey detached dwelling and formation of access through existing boundary wall.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE5 - Locally Listed Historic Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection. "Members are very concerned about the continuing deterioration of this important Grade II listed house in a sensitive site and look forward to a suitable solution. Members commented that whilst they had no reason to object, they were concerned that this was a limited proposal which did not deal with the whole of the site. They remained cautious about further development. Members felt that any consideration of this property should include the whole curtilage of the house and garden, in keeping with its listing. In particular, Members commented that the scale and variety of the grounds as a spacious setting for the house have become an integral part of the identity of this heritage asset. Conditions should be applied to ensure that the gardens are conserved as such".

WCC Highways: No objection.

WCC Ecology: No objection.

WCC Archaeology: No objection, as the scheme is unlikely to have a significant archaeological impact.

CAF: The conclusions of the Planning Inspector who dismissed a recent appeal to subdivide this listed building (Appeal Ref: APP/T3725/A/12/2183667, APP/T3725/E/12/2183686, APP/T3725/A/12/2185335) were supported by CAF and it is recommended that the house and garden should not be subdivided, but should remain in their optimum use as a single family dwelling house set within a locally listed historic park and garden.

Warwickshire Gardens Trust (formerly The Garden History Society): Objection.

- The previous Inspector's decision should be noted.
- The garden of this property is included on the LPA's Local List, indicating that it is acknowledged to have historic and aesthetic significance. Houses and gardens such as Wantage, which were influenced by the design philosophy of the Arts and Crafts movement show a strong, intimate relationship between the design of each element. It is clear that detrimental change in one part of the historic and aesthetic entity will diminish the overall significance of the heritage asset which comprises both Listed house and its consciously designed garden setting. The garden fully merits national designation on the Register of Parks and Gardens, this view has been made known to Historic England [who are currently assessing the designation of the house and gardens] and suggest it would be premature for the LPA to determine this application before the outcome of such an assessment by Historic England is known. The Wantage is a rare and intact example of a house and garden ensemble designed for a comfortably-off client with advanced aesthetic

tastes. Few examples of such ensembles designed by architects of national standing have survived in the Birmingham, Sutton Coldfield and Warwickshire area; and as such it is advised that particular sensitivity should be given to the future management and conservation of Wantage. When weighing the harm (all be it less than substantial harm) caused by the proposed division against public benefit, as required by NPPF, the scheme is seriously deficient. The optimum solution for this nationally significant site is a return to single domestic occupation. Such an outcome is not unrealistic.

Public Response:

Seven supporting e-mails have been received raising the following:
- The application makes good use of the property.
- Retaining the house as one family residence is too restrictive.
- It would be a shame to reject the application and miss the opportunity to restore the building.
- Scheme will allow people to down-size.
- Building is hardly indicative of current house sizes/multi-occupancy makes good sense.
- Based on fact property is in need of repair/no change to the exterior there is no reason why this application should not go ahead.
- Property has fallen into disrepair, largely due to delay in granting planning permission.

One objection has been received on the basis that the proposal does not overcome the Inspector's reasons for dismissing the previous appeal.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The principle of the development;
- The impact upon the character and appearance of the area/heritage asset;
- The impact upon the living conditions of nearby dwellings;
- Car parking/highway safety;
- Flood risk;
- Renewable energy;
- Ecological impact;
- Health and Wellbeing

Background

The previous scheme to convert the house into four apartments was refused and dismissed at appeal in September 2013. In the appeal decision the Inspector noted that the ambition of the design and the largely unaltered quality and consistency of its execution mark the building out as a notable example of its type and as an illustration of the type of residence favoured at the time by a comfortably-off family of advanced taste.

The Inspector considered that the proposed sub-division of the house would be inherently harmful to the integrity of the listed building. The optimum use of the building remains that for which it was originally designed, which is as a family

house. The Inspector reasoned that the vertical and horizontal division of the house (to create four apartments) would significantly affect the experience of the building by its users and the houses essential value as a coherent domestic design would be reduced. The Inspector concluded that the harm to the significance of the heritage asset would not be outweighed by public benefits (NPPF paragraph 134) and the scheme was contrary to Policies DAP4, DAP8 and DAP11.

The current scheme is less intensive with two apartments proposed, however the scheme must overcome the previous refusal reasons and Inspector's decision, which is a material consideration.

The Principle of the Development

Policy UAP1 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. However, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot currently demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

In this case the proposed development is considered to be contrary to other sections of the NPPF that relate to conserving and enhancing the historic environment and Local Plan Policy DAP4 (non-housing supply), which is considered to be consistent with the aims and objectives of the NPPF.

The impact on the Character and Appearance of the Area/Heritage Asset

<u>House</u>
The proposed horizontal sub-division of the house into two apartments, whilst less intrusive and intensive that the previous scheme is still considered to result in material harm to the listed building.

The sub-division will require several doors to be removed or sealed shut with other new doorways created and works to seal off the main stairwell currently open to the landing, with a glazed screen. The utilitarian 'service area' to the eastern side of the house will be completely lost with the removal of painted brickwork walls including cambered arch detailing, timber doors and what is believed to be a larder room with a sunken floor and vented door. The whole flow and original domestic layout of the property with the grand residential western side and eastern service side with tradesman's entrance, etc. would be lost to the detriment of the integrity of the listed building.

The applicant has provided details for how soundproofing would be achieved between the apartments to meet Building Regulations, however, further technical detailing would be required to ensure that this can be achieved without harm to the fabric of the listed building.

The harm is considered less than substantial and Paragraph 134 of the NPPF states that 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 securing its optimum viable use. Whilst some individual elements of the scheme may be appropriate the overall scale and nature of the works proposed to facilitate the sub-division of the property into two apartments is considered to be inherently harmful to the integrity of the listed building due to the loss of the original domestic layout of the single family home.

The best use is considered to be the original and intended use as a single family dwellinghouse and the size of the property is not considered to be of such a scale that it is unmanageable as a family home. There is therefore no reasonable reason why the applicant cannot still seek to remedy the 'historic neglect that has occurred over the years by previous owners' and the successful refurbishment of the house is not therefore considered to be dependent on the approval of proposed apartment scheme. It is therefore concluded that it has not been shown that the harm to the significance of the heritage asset would be outweighed by public benefits or that the previous refusal reason/Inspector's decision has been overcome. The scheme is therefore contrary to the aims and objectives of the NPPF and Local Plan Policy DAP4.

Garden

The application site edged red does not include the whole of the property's garden area (which is within the locally important park and garden list) and flanking strips of land are edged in blue, also within the ownership of the applicant but not forming part of this application site. These separate areas are understood to relate to the original historic demarcation of plots, however, the Inspector has previously stated that this does not provide justification for the re-subdivision of the grounds into separate entities and that the *whole* plot forms part of the listing. In terms of assessing the current proposal the garden area is not affected and conditions could be imposed to avoid inappropriate sub-division of the space to form private plots for each of the apartments.

The scheme is considered to have limited visual impact upon the existing building and is not therefore considered to affect the visual amenity of the streetscene or setting of the Conservation Area in accordance with Policy DAP8.

The impact on the living conditions of nearby dwellings

The proposed conversion of the single dwellinghouse into two apartments is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Car Parking and Highway Safety

The Highway Authority note that the proposed vehicular access arrangements from the public highway (Castle Hill) are sub-standard both in terms of width and the position of gates, and may therefore result in the obstruction of highway while gates are opened or closed, or vehicles reversing into the highway at times of conflict between a vehicle entering the site and exiting the site. The Highway Authority note that these access arrangements were considered by a Planning Inspector in the determination of the previous appeal for the conversion of the application site into four apartments. The Inspector concluded that the access arrangements would not be detrimental to highway safety. As the current application proposes fewer apartments than the previous application, and it is not apparent that any material considerations related to access have changed, the Highway Authority on balance sees no reason to dispute this conclusion and raise no objection.

There is sufficient space within the grounds to accommodate off-street parking in accordance with the Council's Vehicle Parking Standards SPD.

Flood Risk

The site is within flood zone 1 and as such no flood risk issues are raised.

Renewable Energy

The applicant has considered and discounted a number of renewable technology options due to the sensitive nature of the site. The applicant concludes that the most suitable option would be an air source heat pump, which could be housed at lower levels to be hidden from view externally and could work efficiently for two dwellings as apartments without much noise disturbance to the occupants.

The applicant suggests that alternatively the provision of secondary glazing of a type appropriate to the dwelling would give great benefit to energy use and also to sound protection. The existing roof space could also benefit by rigid or additional loose insulation. The provision of renewable technology, improved insulation or a mixture of both could be secured by condition to ensure compliance with the Policy DP13 and the associated SPD.

Ecological Impact

County Ecology have raised no objection as there are no external changes proposed to the building that would affect protected species.

Health and Wellbeing

No issues of health or well-being are raised.

Other Matters

The scheme would trigger an open space contribution, which can be secured by condition.

SUMMARY/CONCLUSION

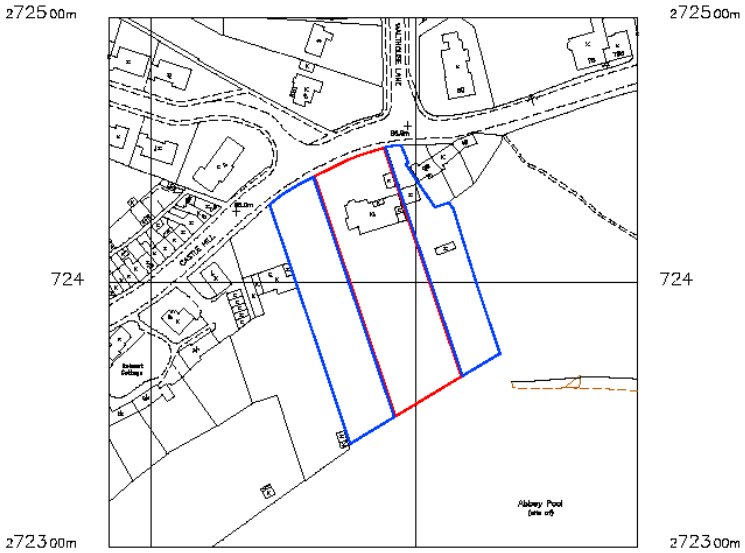
In the opinion of the Local Planning Authority, the proposed horizontal sub-division of the single dwellinghouse to create two apartments is considered to be inherently harmful to the integrity of the listed building and the scheme is therefore considered to be contrary to the policies listed.

REFUSAL REASONS

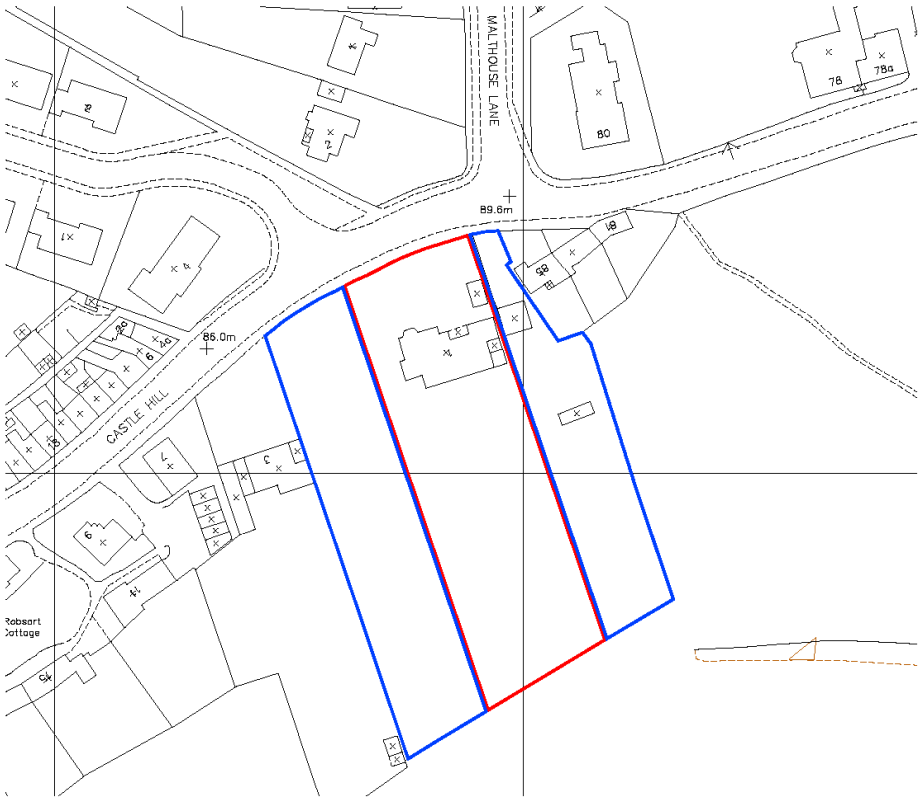
1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Policy DAP5 states that changes of use from their original use will only be permitted where the original use has been demonstrated to be no longer appropriate/ viable and the proposed use is sympathetic to the special architectural or historic interest and setting of the listed building. National Planning Policy Framework (NPPF), paragraph 134 advises that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposals, which are required to facilitate the conversion of the listed building from a single dwellinghouse into two apartments, would involve horizontal subdivision including internal works which collectively and individually harm the integrity and fabric of the listed building. This harm includes the removal or sealing shut with original doorways (with new doorways created), works to seal off the main stairwell currently open to the landing, with a glazed screen and the loss of the utilitarian 'service area' to the eastern side of the house to the detriment of the integrity of the listed building. In terms of NPPF paragraph 134 it is not considered that the harm to the significance of the heritage asset would be outweighed by public benefits.

The proposal is thereby considered to be contrary to the aforementioned policies.



Based on OS survey by others. *Drawings Copyright of Michael Ramus Architects and not to be passed to any other party without written consent.*	Proposed 2No apartments to Castle Hill, Kenilworth	Location Plan	**Michael Ramus Architects** **76 Priory Road, Kenilworth,** **Warwickshire, CV8 1LQ** **01926 512 400** **info@ramus-architects.co.uk**
	Mr C Edwards Turlington (International) Ltd	1: 1250 @ A3	
	1411-Location Plan_A	*For Approval*	



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Proposed 2No apartments to Castle Hill, Kenilworth	Block Plan
Mr C Edwards Turlington (International) Ltd	1: 500 @ A2
1411-Block Plan_A	For Approval

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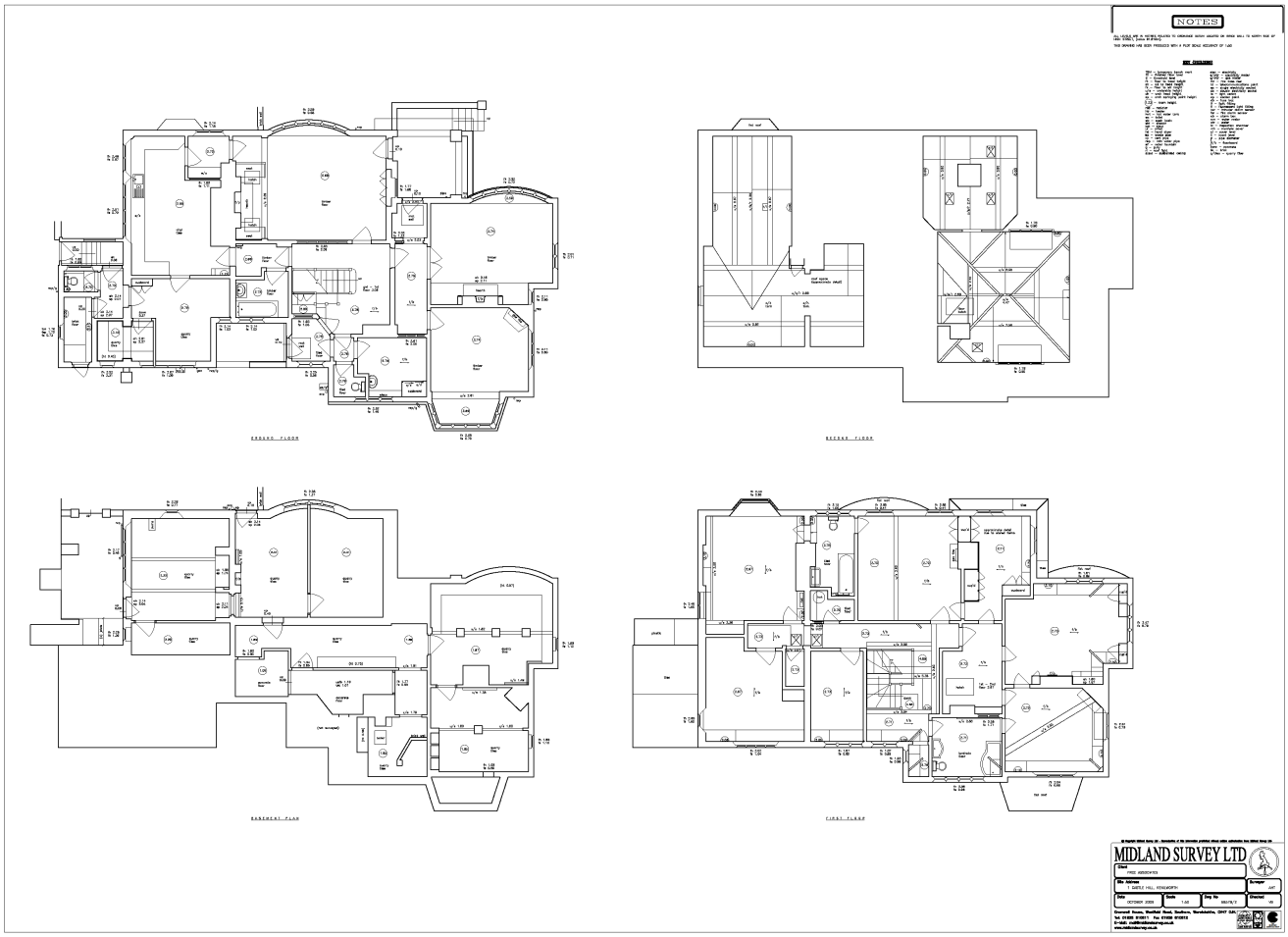
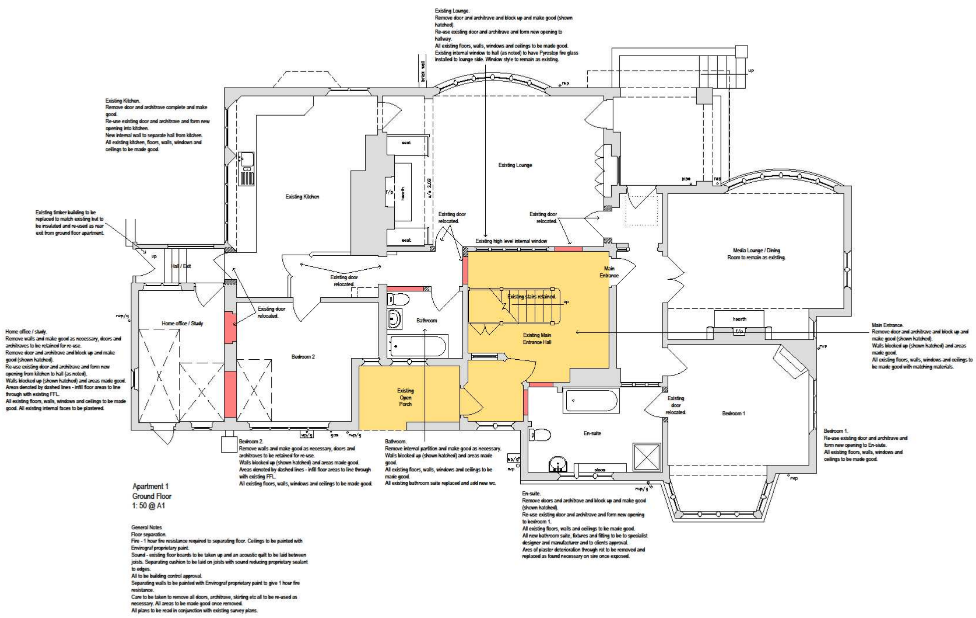
NOTES
ALL LEVELS ARE IN METRES RELATED TO ORDNANCE DATUM LOCATED ON BRICK WALL TO NORTH SIDE OF HIGH STREET. (value 91.618m).
THIS DRAWING HAS BEEN PRODUCED WITH A PLOT SCALE ACCURACY OF 1:50
Datum 88.00m
NORTH ELEVATION
WEST ELEVATION
SOUTH ELEVATION
EAST ELEVATION
R1 – ELEVATION ADDED & ORIGINAL ELEVATIONS ADJUSTED ON COMPLETION OF FLOORPLANS
MIDLAND SURVEY LTD
Client
FREE ASSOCIATES
Site Address
1 CASTLE HILL, KENILWORTH
Surveyor
AHT
Date
OCTOBER 2009
Scale
1:50
Dwg No
8837B/3/R1
Checked
DCJ
Cromwell House, Westfield Road, Southam, Warwickshire, CV47 0JH.
Tel: 01926 810811 Fax: 01926 810812
E-Mail: mail@midlandsurvey.co.uk
www.midlandsurvey.co.uk

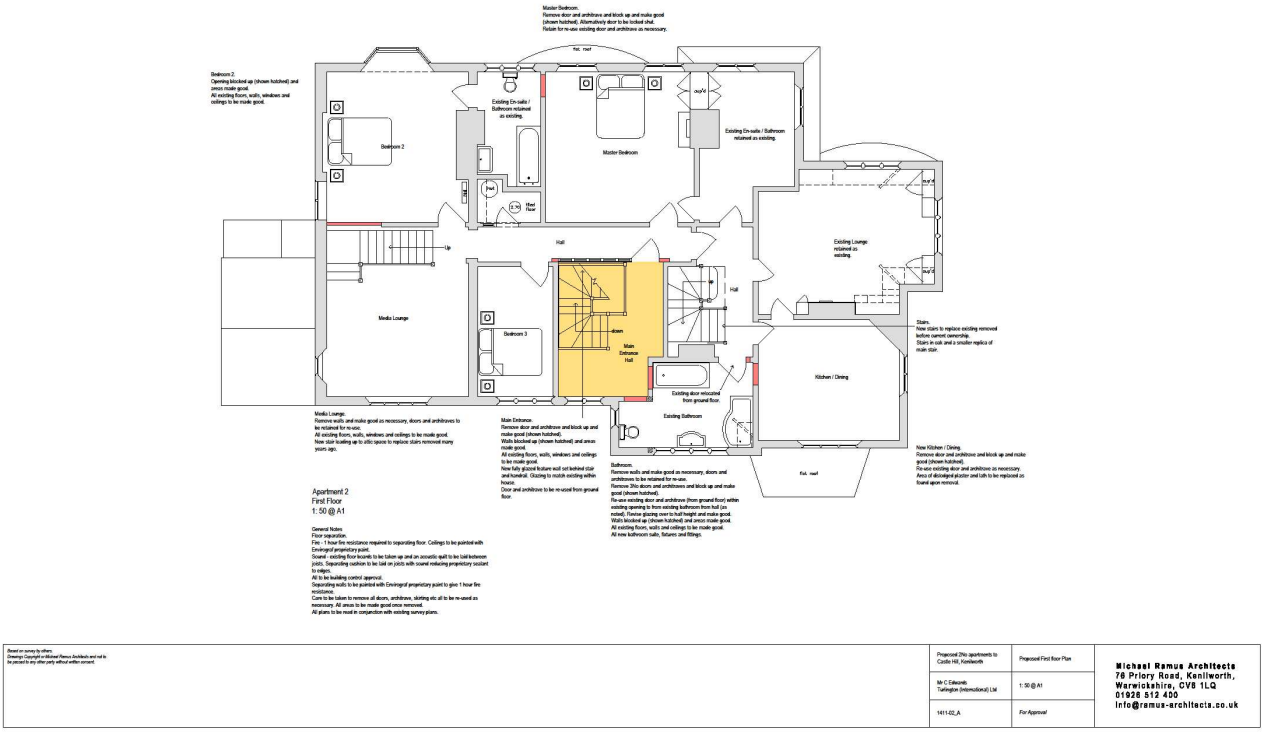


Existing floor plan

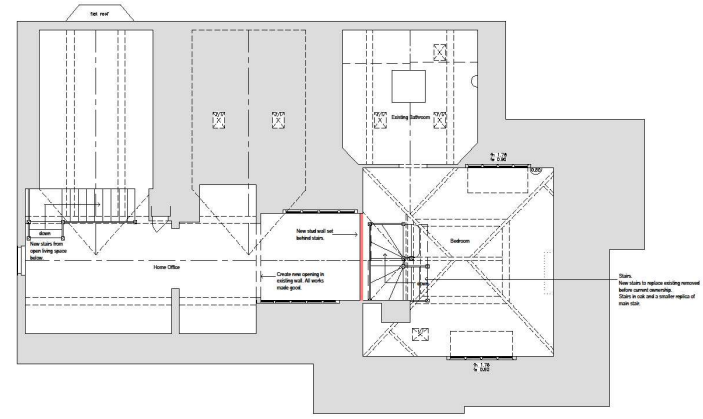


Based on survey by others. Drawings Copyright or Michael Ramus Architects and not to be passed to any other party without written consent.	Proposed 2No apartments to Castle Hill, Kenilworth	Proposed Ground floor Plan	Michael Ramus Architects 76 Priory Road, Kenilworth, Warwickshire, CV8 1LQ 01926 512 400 info@ramus-architects.co.uk
	Mr C Edwards Turlington (International) Ltd	1: 50 @ A1	
	1411-01_A	For Approval	

Proposed ground floor plan



Proposed first floor plan



Apartment 2
Second Floor
1: 50 @ A1

General Notes
Floor separation.
Fire - 1 hour fire resistance required to separating floor. Ceilings to be painted with Envirograf proprietary paint.
Sound - existing floor boards to be taken up and an acoustic quilt to be laid between joists. Separating cushion to be laid on joists with sound reducing proprietary sealant to edges.
All to be building control approval.
Separating walls to be painted with Envirograf proprietary paint to give 1 hour fire resistance.
Care to be taken to remove all doors, architraves, skirting etc all to be re-used as necessary. All areas to be made good once removed.
All plans to be read in conjunction with existing survey plans.

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Proposed 2No. apartments to Castle Hill, Kenilworth	Proposed Second floor Plan	Michael Ramus Architects 78 Priory Road, Kenilworth, Warwickshire, CV8 1LQ 01926 512 400 info@ramus-architects.co.uk
Mr C Edwards Turlington (Intercolocal) Ltd	1: 50 @ A1	
1411-03_A	For Approval	

Proposed second floor plan