

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Oliver 'A'	New dementia care extension to existing care home including Listed Building alterations to existing car park - The Lawns Residential Home, LB School Lane, Alvechurch, B48 7SB	RES CA LB	11/1037-DK 31.01.2012

Councillor R. Hollingworth has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that Planning Permission be **REFUSED**.

Consultations

WH	Consulted: 13.12.2011. Response received: 19.12.2011. No objection.
Alvechurch PC	Consulted: 13.12.2011. Response received: 04.01.2012. Same comments as previous; no objections; however there were concerns over parking facilities, it would seem insufficient for staff and visitors.
WCC(CA)	Consulted: 13.12.2011. Response received: 03.01.2012. No objection subject to a condition requiring a programme of archaeological work to be carried out.
WCC(PROW)	Consulted: 13.12.2011. No response received.
RA	Consulted: 13.12.2011. No response received.
ENG	Consulted: 13.12.2011. Response received 11.01.2012. No objection subject to conditions.
EDO	Consulted: 13.12.2011. No response received.
CO	Consulted: 13.12.2011. Response received: 19.12.2011.

I note that these applications would be appear to be identical to the previously submitted application, 11/0697 to which I objected. I therefore stand by my previous objection which is as follows:

The Lawns comprises a large detached former rectory, now a nursing home, constructed in 1855-6 to designs by William Butterfield and listed Grade II. It is typical of Butterfield's domestic work being constructed in a robust asymmetrical style. When the building was originally constructed it sat within extensive gardens with views across to the Church of St. Lawrence, listed Grade II*, for which it was built. Large areas of the garden have been sold off over a number of years and more modern houses built on various plots, although these later houses

are reasonably well screened from the listed building. The Lawns, although not in the Alvechurch Conservation Area, is located immediately adjacent to it.

The Lawns is considered particularly significant architecturally. Butterfield was influenced by A.W.N. Pugin in expressing the importance of rooms externally. At The Lawns, on the south elevation, the functions of the main rooms were expressed by varying the designs of the vertical bays on the exterior beneath a continuous ridge. The bays increase in massiveness from west to east, from the library, via the drawing room to the dining room, although this is now partially hidden by the uPVC conservatory. Butterfield's 'L'-shaped plan at The Lawns is considered to have influenced later architects and the plan and other details from The Lawns were used by Philip Webb when designing Red House in Kent for William Morris.

In 2005 permission was granted for a large, poor quality, pastiche extension to be constructed, attached to the service wing of the house, despite objections from the then Conservation Officer and English Heritage. Permission was also granted for some detached apartments to the rear (east side) of the building. Both extensions have negatively impacted on the setting and character of the listed building and in particular the service wing extension, has obscured the link the house had with the neighbouring church.

Policy HE 9.1 of PPS5 states that there should be 'a presumption in favour of heritage assets', and then further states that 'significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting'. In addition HE10.1 states when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserves those elements of the setting that make a positive contribution to or better reveal the significance of the asset'.

In considering the importance of the setting to the significance of the Heritage asset, guidance is provided by the recently published English Heritage document, 'The Setting of Heritage Assets'.

The setting of this house has already been compromised by the poor extension to the north, severing the old rectory from the church for which it was built, exacerbated by the poor quality of the design. In addition its sizeable gardens have also been lost to later 20th century housing. However in terms of setting The Lawns still benefits from views of the entrance and the 'L'-shaped plan when one approaches along the driveway, which is enhanced by the space at the west end which gives an indication of the original spacious setting of the property. The garden wall also clearly separates the entrance and service wing from the private areas beyond. Equally the views of the south elevation remain largely intact despite the addition of the poor quality uPVC conservatory.

The proposed extension is sited too close to the existing building compromising not only the view of the original building from the drive, but Butterfield's distinctive and influential 'L'-shaped plan which will be altered completely, by the creation of a courtyard arrangement. The proposal would therefore alter the character and significance of the listed building.

In terms of the impact on the south elevation, as mentioned above the building when originally constructed had clearly articulated service and garden frontages. The garden wall running from the south west corner of the house provides a distinctive feature clearly separating these two areas, the public and the private. The proposed extension will bridge this divide, replacing the simple garden wall with a complex mass of building. The result will be to blur the architectural 'lines of separation' between the public and private spaces as well as overwhelming the original domestic scale of the property. Again this will cause harm to the character and significance of the listed building.

In respect of the south elevation, not only will the distinctive garden wall be lost but the views of the south elevation from the garden will also be further compromised.

I would accept that the recent modern extension to the service wing and the conservatory on the south front have damaged the significance and character of the listed building. However sufficient survives of the 'L'-shaped plan form and the elevational composition to make the original design legible in key views from the driveway and the garden to the south side. The latest proposed extensions will damage the surviving character and significance of this listed building's special architectural and historic interest, including its significance contrary to the guidance in PPS 5. Being sited immediately adjacent to the Conservation Area it would also have a negative impact on the character of the Conservation Area, contrary to S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition I note from looking at the plans, although I could not see an existing drawing for the ground floor that it would appear that the link from the old building to the new is through the existing fireplace / chimney. This would result in the non reversible unacceptable loss of original historic fabric to which I must also object.

I would therefore have to object to these applications most strongly.

Tree Officer

Consulted: 13.12.2011. Response received 25.01.2012, as follows:

Although the Trees and Hedge line on the boundary with "The Cedars" are not worthy of protection, they do offer valuable screening to this property and the development work is likely to have a detrimental effect on the health of the hedge due to expected excessive root damage caused.

VS

Consulted: 13.12.2011. Response received 19.12.2011.

The Lawns (Listed Grade II) was designed by Butterfield at the same time as his rebuilding of St. Laurence's Church (Listed Grade II*) in 1858. They made an important group but The Lawns already has large extensions which detract from the setting of the two buildings. These 2005 extensions are on three sides of the house.

The proposal to build another large unit on the only open side of the house would be unacceptable, being too large and too close, and would damage even more the setting of the two listed buildings. The Victorian Society therefore objects to this application.

EH

Consulted 13.12.2011. Response received: 17.01.2012.

The current submission does not appear to differ from that to which we objected in our letter to your council dated 8th November 2011. The response is as follows:

Summary

English Heritage objects to this proposal which will be harmful to the setting of the grade II listed building and cause harm to its significance. It will also be damaging to the character and amenities of the Alvechurch conservation area.

English Heritage Advice

The Lawns dates from circa 1860 and is contemporary or near contemporary with the grade II* listed St. Lawrence's Church to which it was originally the Vicarage. It was built to the designs of the eminent Victorian architect William Butterfield in the robust asymmetrical style he frequently employed for his domestic buildings with impressive red brick elevations, steep multi-gabled roofs, and a small element of half-timbering for contrasting effect. The building sat in a large landscaped garden part of which has now been sold off for housing development; much of the remainder has been overbuilt in recent years with extensions to the nursing home use of the historic house. The building has an imposing presence overlooking the Alvechurch conservation area.

The front forecourt to the listed building still retains something of its original open character unaltered despite the erection of a large extension to the north and its current use as a hard surfaced car park. English Heritage objects to the current proposal to encroach further development into this area which would effectively result in the original and imposing listed house being surrounded by new buildings on three sides further diminishing its original spacious open setting. You will recall English Heritage has objected to previous applications to extend the grade II listed house on the grounds that the proposals would harm

its architectural and townscape significance as a large and distinctive house in open grounds. The current proposal would further compound and exacerbate the harm caused by those earlier developments which cumulatively would result in serious overcrowding of the plot. This would harm not only the setting of the listed house but also its contribution to the character of the conservation area.

Although the very modern design of the new wing attempts to create a separate identity from and deliberate contrast with the listed building we consider that overall its massing is disjointed and that the varied selection of walling fabric (including sheet materials) pays little respect to its setting. The shortcomings of the proposed design emphasise the arguments against developing in this proximity to the listed building.

Recommendation

English Heritage recommends that your Council refuse planning permission and listed building consent for this application on the grounds that it would cause substantial harm to the character and setting of the Alvechurch conservation area (S72(1) test), and also to the significance of the grade II listed building (HE9(ii) of PPS5).

Publicity

7 letters sent: 13.12.2011. Expired 03.01.2012.
Site Notice posted: 21.12.2011. Expired 11.01.2012.
Press Notice posted: 22.12.2011. Expired 12.01.2012.
5 comments received, summarised as appropriate:

- The last time major building work was undertaken at The Lawns, the approach road to the church was badly damaged and the Parochial Church Council had to pay a substantial amount for repairs. We do not think the road is suitable for the use of heavy construction vehicles.
- Since the last building work at The Lawns, use of The Ark at St. Laurence Church has significantly increased. This means that more traffic is using the narrow single-width approach road to the church and Ark. An expansion of activity at The Lawns will lead to more visitors, and presumably more staff vehicles, that the narrow road cannot sustain.
- The proposed new development involves the loss of car parking spaces at The Lawns. This will inevitably increase the number of visitors' cars using the church turning-circle, thus causing major problems for weddings, funerals and for people wishing to visit graves in the churchyard.
- The plans show the proposed new building, a 2-storey development, to be right up to the boundary of 'The Cedars' and this would significantly change the outlook. The roof line of the proposed development does not look in keeping with the original listed building

on the site. The plans also show a first floor window, which would be directly overlooking 'The Cedars'.

- The increase in the size of the property, which is next to a Conservation Area is a cause of concern.
- There would be a loss of parking spaces and increased traffic. We have already observed visitors to The Lawns having to use the gravelled area in front of High House Farm for parking due to insufficient parking on site, which makes the corner at the top of School Lane even more dangerous for pedestrians. This plan would increase the capacity of the care home but reduce the number of parking spaces. It would also increase traffic in School Lane, which has no footpath and limited signage.
- Disruption and noise during the development. Throughout the last development large heavy goods vehicles had difficulty accessing the site down the very narrow lane and tight corner at the top of School Lane, causing disruption to local residents.
- The Lawns has already been extended by 150% and the proposed design is inappropriate.
- The proposal will overlook 'The Close' School Lane.

The site and its surroundings

The application site consists of an attractive, Grade 2 listed Victorian property dated 1856 and was originally the Rectory for St. Lawrence Parish Church. There are extensions of the building to the north east and north recently completed. There is an open arrangement from the access drive and the building is within an attractive setting with some mature trees. The site adjoins the Alvechurch Conservation Area and St Lawrence's Church to the north and the properties 'The Close' and 'The Cedars' lie to the south.

Proposal

The proposal is for a new dementia care extension to existing care home including Listed Building alterations and alterations to existing car park. The proposal will provide 10 new bedrooms, each with en-suite assisted bathrooms in a single block to the west of the existing building. The new wing will be attached to the original with a covered link and there is a single storey dining room/lounge proposed on the south.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.19, CTC.20
BDLP	DS13, S35A, S38, S39, E4, TR11, ALVE5
DCS2	CP16
Others	PPS1, PPS5, PPG13, SPG1

Relevant Planning History

B/2011/0697	New dementia care extension to existing care home including Listed Building alterations and alterations to existing car park. Withdrawn 11.11.2011.
B/2004/1565	16 bedroom extension with ancillary accommodation to Residential Care Home Granted 09.03.2005.
B/6218/1979	Erection of living accommodation (as amended by plans received 19.07.79). Granted 13.08.1979.
BR/8/1965/A	Extensions Refused: 01.01.1965.

Notes

Members should note that there is a detailed planning history on this site and most notably, application B/2004/1565 considered a 16 bedroom extension to the north side of the building which was recommended for refusal, but approved by Planning Committee. The listing of the building by English Heritage took place at about this time. I consider that this application provides an important context for the determination of the application. The proposed extension would add 445sqm to the building. The application is supported by a Statement from the applicant, a Design and Access Statement and Statement of Significance.

Assessment

The main issues in the consideration of the application are the following:

- (i) The impact of the proposal on the setting of the listed building and conservation area
- (ii) Need for additional dementia care facilities
- (iii) Impact on residential amenity

In this respect, policies CTC.20 of the WCSP, policies S35A, S39, and DS13 of the BDLP and the advice of SPG1 are most relevant in the determination of the application. I consider that the BDLP policies are most relevant in this instance. The site is located within the defined urban area so the principle of development is not in doubt.

Listed Building and Conservation Area

Policy S39 states that careful attention will be paid to any development affecting the character or setting of a listed building. Policy S35A requires new development, in or adjacent to conservation areas to be sympathetic to the character of buildings in the detailed treatment of matters of design, including form, *scale* and materials. Development proposals should seek to retain and enhance open spaces, important views and trees. I note that the proposed extension is located to the south of the conservation area and the views of the proposal would largely be obscured by virtue of the previous extension which runs along the conservation area boundary. However, I note the views of English Heritage and the Conservation Officer that it would be visible from the churchyard and thereby detracts from the conservation area.

(i) The impact of the proposal on the setting of the listed building and conservation area

The key issue with this application is the impact on the setting of the listed building. There are significant concerns raised by English Heritage and the Conservation Officer. The view is that the setting of the building has already been damaged by the previous extensions. There were strong objections raised by English Heritage and the Conservation Officer at the time of the consideration of B/2004/1565.

The current proposal will involve a large two storey block in the position of the existing car park. There is a linked single storey corridor proposed to the original house. Perpendicular to this, an additional single storey wing is proposed over an existing terrace. This structure would have similar detailing to the corridor. I note that English Heritage have objected on the basis of listed building and conservation area setting through overcrowding of the plot. There is also criticism of the proposed design which is distinctively modern but that the overall massing is disjointed with varied material treatment paying little attention to the setting of the structure. From my site visit, I consider that the proposal would have the effect of reducing the visibility and prominence of the original building.

In addition to the Design and Access Statement, the applicant has provided additional supporting information in response to the comments of the Conservation Officer. These are summarised as follows:

- It is the duty of the Local Planning Authority to weigh up the harm against the wider benefits of the application (Policy HE10.1 of PPS5).
- In terms of setting, the views to the west are already obscured by mature landscaping.
- From the perspective of the driveway, the L shaped plan will not be lost (shown in computer generated images).
- The existing garden wall has been utilised as a spine to reinforce a separation of the public and private space.
- There is no impact on the south elevation of the listed building (shown in computer generated images).
- The proposed extension would be barely visible from the conservation area.

The Conservation Officer has responded to these points and stated that the applicant has not demonstrated why the facility could not be provided elsewhere in the District where the setting of the listing building would not be compromised. The character and identity of the building are clearly visible from several places and not just the driveway. There is still a negative impact on the south elevation where the new building is slightly subservient in terms of height but is otherwise intrusive on the setting of the original. The proposal would be visible from the conservation area and the building has already been substantially extended.

Members should take on board the views of the Conservation Officer, Victorian Society and English Heritage. The proposed extension would alter the distinctive and influential 'L'-shaped plan of the original architect by the creation of a courtyard arrangement to the detriment of the character and significance of the

listed building and would not enhance the setting of the conservation area.

Thereby, it fails to fulfil the policy requirements of development plan namely S35A, S38 and S39 of the BDLP. It would also conflict with the advice of PPS5.

Members should also note the requirement of policy ALVE5 of the BDLP which considers this part of Alvechurch to have a special character with low density development. It is advised that the footprint of any dwelling should not cover more than 20% of the plot area. The previous extensions have increased the footprint of built development on the site to more than 20% of the plot area and this extension would erode the openness of the site even further.

(ii) Need for additional dementia care facilities

The applicant has provided a statement on the level of need for dementia care facilities for Worcestershire covering a period of 10 years from 2010 - 2020. The numbers with dementia in Bromsgrove District are expected to grow to 1795 by 2020 from a figure of 1319 in 2010. It is estimated that the total number of people with dementia will increase to 21,000 in Worcestershire by 2021 and more than 3000 additional residential care places will be required. The proposal will provide 10 new bedrooms.

Members should note that there is an ongoing need for care facilities in the District and this is an important material consideration. It would comply with policy S29 of the BDLP.

However, it is important in planning to take a balanced view on the basis of the development plan, material considerations including the evidence put forward. The shortage of specialist elderly care facilities is an important strategic planning issue which needs to be addressed in the Core Strategy. In this instance, the negative impact of the proposal on the character and setting of the listed building and conservation area takes precedence since these are unique finite resources. The need for the facility does not outweigh the harm that would be caused.

(iii) Impact on residential amenity

I would have concerns about the relationship of the proposal to 'The Close' and 'The Cedars' to the south and both of the adjoining properties have raised concerns. A smaller extension (with one projection) was refused permission in 1965 because of the relationship to these properties (BR8/65). The SW elevation of the proposal is between 2 and 8m from the private garden of 'The Close'. In terms of 'The Cedars', the single storey wing affects this but I do not consider the impact significant, given the boundary treatment. In the case of 'The Close' there is substantial boundary treatment but this is not evergreen and I consider that the garden of 'The Close' would be affected by the first floor windows on the SW elevation serving bedrooms. The rear elevation of 'The Close' is also between 17 and 20 away from the proposal, below the standards of SPG1.

Other Issues

There are a number of protected trees on the application site and the comments of the Tree Officer should be noted.

Conclusion

The setting of the listed building would be substantially harmed by the proposal and these concerns are not outweighed by the need for the facility. The proposal would conflict with national and local policy objectives to secure the protection of heritage assets, especially those that are statutorily protected. I do not consider that the privacy of adjoining occupiers would be maintained. Permission must be refused.

RECOMMENDATION: that permission be **REFUSED** for the following reasons:

1. The proposed development, by virtue of its design, scale and positioning would have a detrimental impact on the setting of the listed building and on the character of the adjoining Conservation Area. Thereby, the proposal is contrary to policy CTC19 of the WCSP, policies S35A, S38, S39 and ALVE5 of the BDLP and the advice of PPS5 (Planning for the Historic Environment).
2. The proposal would have a detrimental impact on the residential amenity of adjoining properties contrary to policy DS13 of the BDLP and the advice of SPG1 (Residential Design Guide).