

APPLICATION FOR LISTED BUILDING CONSENT

OFFICER DELGATED REPORT

APPLICATION REFERENCE:	PL/2026/03645
APPLICATION TYPE:	Listed building consent (Alt/Ext)
SITE ADDRESS:	112 Warminster Road, Westbury, BA13 3PR
DESCRIPTION OF WORKS:	Remove the remaining lower section of the existing northeast chimney, and rebuild chimney to match the existing
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application site comprises a two-storey brick-built, detached house known as 112 Warminster Road, which is a Grade II listed building, located within the settlement of Westbury. The building is designated for its special architectural and/or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site is not within the confines of a conservation area but is within the setting of several listed buildings, including the adjacent (Sandilands Villa (GII) and within the wider setting of 127-137 Warminster Road and the Cedars Country Club Hotel (Chalford house Hotel), both GII.

The building exhibits red brick walls with brick quoins, under a slate, shallow pitched roof, with with timber sash windows. The property is set within its own grounds and retains features of special interest that contribute to its heritage significance.

The list entry, for means of identification purposes only, provides the following description:

2. Early C19 villa. Red brick with brick quoins and quoined flat arches to 1st floor, bracketted stone cornices to ground floor openings. Flat eaves, hipped slate roof with side chimneys of brick with stone moulded capping. 3 single hung glazing bar sashes on 1st floor, 2 tall French casement windows on ground floor flanking blind window. Entrance on return to South-West: wide Boric portico with doorway recessed up steps, has moulded cornice and blocking panel. 4 moulded panels to set back door. 2 storey 2 window extension to rear. Dwarf brick wall to street slightly ramped at ends and flanking brick piers, all capped in stone. Arrow heat rails and dog rails also slightly ramped. Off centre gateway with good cast iron standards containing key pattern panels with array heads and having stepped capping to ball finials ; top rails of gates braced.

PROPOSAL

The existing property was designed and constructed to have two chimney stacks to either side of the building. The retaining stack is tall and slender, and it is understood that the second stake was partially taken down due to structural concerns. The proposed works look to reinstate the removed chimney by taking down a small section of the existing to allow for firm based to be found and then rebuild to match the remaining chimney stack.

RELEVANT PLANNING HISTORY

Proposal / Summary
W/04/00272/LBC - Listed building consent Decision - Approve with Conditions Date: 26/3/2004 – Alterations to windows, doors, floors and conservatory
W/11/02973/LBC - Listed building consent – Replace modern annex staircase with a spiral staircase
W/09/00292/LBC - Listed building consent Decision - Approved Date: 23/3/2009 – Installation of glazed panel into a door and new side gate

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Legislation

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 16 requires that **special regard** be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

National Policy and Guidance

The National Planning Policy Framework (NPPF) sets out government policy, including in respect of the historic environment.

Section 16 of the NPPF ('Conserving and enhancing the historic environment') sets out the Government's high-level policies concerning heritage and sustainable development.

Paragraphs 213-215 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 210 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

Historic England Advice Note 2: Making changes to Heritage Assets, illustrates the application of policies set out in the NPPF in determining applications for LBC (and planning permission).

Wiltshire Core Strategy:

Whilst not directly relevant to listed building consent applications, the below policies give an indication of the Council's approach to development affecting heritage assets:

- Core Policy 58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

ISSUES

Impact upon the preservation of the listed building or its setting or any features of special architectural and/or historic interest.

CONSULTATION RESPONSES

No responses were received.

REPRESENTATIONS

In accordance with the requirements of Section 5(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) the application for listed building consent was publicised by way of:

- A site notice displayed near the site;
- An advertisement placed in the local press.

These methods were used to inform interested parties and to allow a statutory consultation period of **21 days** for representations to be submitted.

Below is a summary of the representations received during the consultation period. In accordance with the provisions of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, only matters relevant to the consideration of the building's special architectural or historic interest have been taken into account in the assessment of this Listed Building Consent application.

ASSESSMENT

In accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the significance of the listed building, including its architectural and historic interest, and the desirability of preserving both the building and its setting. Relevant policies within the National Planning Policy Framework (NPPF), particularly Section 16: Conserving and Enhancing the Historic Environment, have also been taken into account. These policies require that any harm to the significance of a designated heritage asset must be clearly justified and weighed against the public benefits of the proposal.

In order to be acceptable, the application needs to be assessed against the following criteria:

Information considered/submitted

Paragraph 207 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance.

The submitted application included a Design, Heritage & Access Statement which contains sufficient information on the listed building and the requirements of the proposed works. This

document provides sufficient information about the building and is considered to meet the requirements of the NPPF.

Paragraph 208 also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Assessment of significance:

According to the National Planning Policy Framework (NPPF), significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

Historic England further categorises significance into four key values:

- *Evidential* – the potential of the asset to yield evidence about past human activity.
- *Historic* – the ways in which the asset illustrates aspects of history.
- *Aesthetic* – the sensory and design qualities of the asset.
- *Communal* – the meanings and associations attached to the asset by people.

In this case the significance of the building lies largely as an early C19 villa formed of brick, set within its own grounds with decorative boundary treatment formed of low-level brick wall and metal railings. The villa provides a symmetrical elevation, though this is currently unbalanced due to the partial loss of the right-hand side chimney stack.

Impact of proposals on the significance and setting of the building/structure:

Understanding the impact of proposed works on a listed building requires a careful and proportionate assessment of how those changes affect the asset’s heritage significance and its setting. This includes both the physical alterations to the building itself and any changes to its spatial or visual relationship with surrounding structures or spaces.

The significance of a heritage asset is not static; it is shaped by its architectural, historic, and communal values, and by how these are experienced in context. Therefore, any intervention must be considered in light of the asset’s identified significance, with attention given to both potential harm and benefits. Benefits may include repairs that support the long-term conservation of the building, improved energy performance, or enhanced public access and understanding.

This assessment is grounded in the statutory duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to be given to the desirability of preserving the building and its features of special interest. It is also informed by national policy, particularly paragraphs 212-221 of the National Planning Policy Framework (NPPF), and relevant local heritage policies and guidance.

The proposed works look to reinstate the partially reduced chimney stack to the right-hand side of the property. The left-hand side chimney stack provides a clear example to allow for an informed replacement to be undertaken.

The submitted Structural Calculations & Report provides several options to secure the chimney stack if required, however, the report concludes the stack is acceptable without these measures. The proposed details (drawing 4473-04- Rev A) shows Option B proposed (Ancon AMR bed reinforcement), and this is considered to be an acceptable approach to retain the appearance and form of the chimney, whilst offering some additional structural integrity to the stack. The proposed mortar specification is 3:1 (NHL 3.5) which in this location is considered to be acceptable. The proposed works include the insertion of the lead apron, a traditional weathering detail.

Whilst it appears there was no permission to take down part of the chimney, the proposed works look to reinstate the chimney stack, reusing the existing bricks, and making up any short fall with a suitable handmade brick (Michelmarsch Edwardian Red Multi ATR). The design and form replicate the existing chimney stack, reinstating the designed and intended appearance of the villa.

The proposed works are deemed not to cause harm to the listed building but allow the architectural form to be reinstated.

Impact on Ecology

While Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 do not explicitly reference protected species, Local Planning Authorities have a statutory duty to consider potential impacts on protected species when determining applications. This responsibility arises from broader environmental legislation and national planning policy and must be taken into account where relevant.

		Y / N / NA
(a)	Does the site or proposed development possess/impact on any of the features where protected species are likely to be present (assessed against Natural England's standing advice) and where species are likely to be found?	Y
(b)	If yes, has a protected species survey been submitted?	N
(c)	If yes, does the survey show a detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity in accordance with the standing advice?	NA

Comments: The proposed works are near the roof which could be used by bats, which are a protected species. It is recommended that prior works commencing, then and Ecologist should be consulted for the potential of bats.

CONCLUSION

The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

In this case, the impact of the proposals on heritage assets will be largely positive and the requirements of current conservation legislation, policy or guidance are considered to be met.

RECOMMENDATION:

That Listed Building Consent be GRANTED, subject to the following conditions:

- WA5 Timeframe
- Drawing & Documents
- Informative – replicate the brick coursing of the existing stack.