

## PLANNING COMMITTEE – 2 MARCH 2021

<b>Application No:</b>	<b>20/02156/HOUSE</b>	
<b>Proposal:</b>	<b>Removal of timber fence to Front Street, extend wall by 6 courses and remove existing piers.</b>	
<b>Location:</b>	<b>The Lilacs, Front Street, South Clifton, NG23 7AA</b>	
<b>Applicant:</b>	<b>Mr Shaun Kerry</b>	
<b>Agent:</b>	<b>David Dakin Architects Ltd</b>	
<b>Registered:</b>	<b>10<sup>th</sup> November 2020</b>	<b>Target Date: 5<sup>th</sup> January 2021</b>
		<b>EOT: 5<sup>th</sup> March 2021</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>	

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation because of concerns expressed by a local member on the grounds of perceived harm to the Conservation Area. The request has been agreed by the Review Panel.**

### The Site

The Lilacs sits within the curtilage of a Grade II listed cottage (listed as The Old Schoolhouse) located on the east side of Front Street in the village of South Clifton. The property dates back to the 18th Century in which it was converted into a school house before being reverted back into a residential dwelling. The building is located within South Clifton Conservation Area. Due to the nature of the listing, the boundary wall would be described as being part of the listing as it is within the curtilage.

Currently, there is a fence that has been erected above the wall which also does not benefit from any permission or consent.

The property shares borders with The Old Barn, Oaklands Bungalow and Oaklands Farm. It is also opposite to Holly House and The Farmhouse.

The site is in Flood Zone 2, which means it has medium risk of fluvial flooding, and is in an area of very low risk of surface water flooding.

### Relevant Planning History

20/02157/LBC - Removal of timber fence to Front Street, extend wall by 6 courses and remove existing piers. Pending Consideration.

20/01784/LBCLDC - Certificate of lawfulness for proposed works to Listed Building to replace the guttering to front of property and to replace the radiators (Certificate Issued)

01/00987/LBC - Installation of a boiler system including a flue on the outside of the building. Remove and replace a window on the front elevation (Application Permitted).

## The Proposal

The proposal is for the removal of an existing timber fence, removing existing piers and extending the wall by 6 courses; increasing the height of the existing wall by 66.3cm to 1.6m. The current boundary height, with the unauthorised fence, is approximately 1.9m; the new wall height would sit lower than the existing unauthorised fence.

The following drawings and documents have been submitted with the application:

- Application Form, received 7th November 2020;
- Proposed and Existing Plans, Ref No L 03 01. Received 7th November 2020;
- Location Plan, received 7th November 2020;
- Heritage Impact Statement, received 7th November 2020.

## Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter.

An advert was placed in the Newark Advertiser on the 19th November 2020. A Site Notice was also erected near the site on the 20th November 2020.

## Planning Policy Framework

### **The Development Plan**

#### ***Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)***

Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 14: Historic Environment

#### ***Allocations & Development Management DPD (adopted July 2013)***

Policy DM5: Design  
Policy DM6: Householder Development  
Policy DM9: Protecting and Enhancing the Historic Environment  
Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2019;  
Planning Practice Guidance 2014;  
Planning (Listed Buildings and Conservations Areas) Act 1990;  
Householder Development SPD 2014.

## Consultations

**South Clifton Parish Council** – Objection. Concerns raised:

- Very few higher boundary walls within the village;
- 1.2m limit has been maintained since the conservation status;
- Avoidance of contact with neighbours and the rest of the community;
- High boundary wall for privacy may only be acceptable in an urban situation;
- Removes the ability to converse with neighbours;

- Adverse impact on security;
- Alternative methods for enclosure are preferred, well within the boundary;
- Will set an undesirable precedent;
- Keen for the village to remain without barricades, in the spirit of the Conservation Area and enhancing the community spirit.

The Parish Council support the removal of the fence. *Comments received 26<sup>th</sup> November 2020.*

**NSDC Conservation Officer – No Objection to the proposal:**

- Tradition coping will be reinstated, restoring the aesthetic significance of the wall, reintroducing a more authentic form and appearance;
- There is no prescribed height for walls in historic settings;
- Historically, the wall was around 2 bricks taller than the current wall;
- Suspicion that some walls have been lowered to accommodate modern visibility splays – there are a number of old walls with modern coping or capping;
- Taller walls do exist (Oaklands Farmhouse Front Street, Manor House Back Street and The Old Farm Back Street being some examples); visually it would appear that the proposed wall would be a comparable height;
- Taller walls are attractive and traditional and do not create an oppressive street scene;
- The raising of the wall will not be out of character for a building of this age and status or within the street scene;
- The raised wall height is not necessarily or exclusively an urban feature, or out of character in this low density setting;
- The application will reinstate the significance of the boundary wall; which has previously been harmed by unauthorised works. The proposal will see an acceptable alteration which will preserve the significance of the listed boundary wall, the setting and thereby the significance of the listed house and character and appearance of the Conservation Area (in accordance with Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990).
- The Brick Bound should be conditioned to match;
- Samples of new bricks and copers, mortar mix and sample panel of the finish and design of the brick piers to be located to the rear of the returns in the wall should also be subject to a conditions.

*Comments received 3<sup>rd</sup> December 2020.*

**Ramblers Association – No objection:**

- The footpath is seriously obstructed and has been reported to Notts CC.
- It is not clear whether the footpath passes through the Lilacs but, if so the owner must ensure no further obstructions are put in place. *Comments received 6<sup>th</sup> December 2020.*

**Objection (position changed):**

- The obstructed footpath starts at the gateway;
- No provision has been made for the public to access the footpath at the gate;
- The applicants need to make clear how public access to the footpath will be protected;
- Google Street View shows a public footpath fingerpost is pointing down the drive. *Comments received 6<sup>th</sup> December 2020.*

***No letters of representation have been received from local residents/interested parties.***

## Comments of Business Manager

### *Principle of development*

Householder developments are accepted in principle subject to an assessment of the criteria currently outlined within Policy DM6. This includes the obligation for the proposal to respect the character of the surrounding area and to not adversely affect residential living conditions. Policy DM5 reflects this.

### *Impact upon Character of Area*

Policy DM6 states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and existing dwelling in terms of design and materials. Policy DM5 requires any new development to achieve a high standard of design and layout that is of an appropriate form and scale whilst complementing the existing local distinctiveness and built and landscape character.

As the site lies within a conservation area and is listed, heritage policies CP14 and DM9 are also relevant along with the relevant sections of the NPPF which seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Within Section 16 of the National Planning Policy Framework (NPPF) 2019 the importance of considering the impact of new development on the significance of the designated heritage assets is conveyed. When considering the impact of any proposed development on the significance of a designated heritage asset, great weight should be given to the asset's safeguarding, for example. Any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development.

South Clifton's Conservation Area was designated in 1994. The Old Schoolhouse was designated in October 1984 as a Grade II Listed Building. The listing advises that the property dates back to the 18<sup>th</sup> Century being brick with patterned headers and a hipped pantile roof. The property had one side wall and one rear wall stacks, square plan and was 2 storeys with 3 windows. A plain central doorcase with close-boarded door, flanked by single 19<sup>th</sup> Century 2 light Yorkshire sashes with segmental heads; above, central plain sash, flanked by single 19<sup>th</sup> Century glazing bar sashes with segmental heads.

The Manor House was listed as a Grade II Listed Building in 1984. This house dates back to the 19<sup>th</sup> Century and consists of brick with a 20<sup>th</sup> Century pantile roof, brick eaves and 2 gable stacks. The dwelling has 2 storeys and 3 windows and takes an L shaped-plan. It contains a central moulded doorcase with scrolled brackets to hood, a 19<sup>th</sup> Century paneled door, flanked by single glazing bar sashes with rubbed brick heads. Above, 3 glazing bar sashes with rubbed brick heads.

South Clifton is within the north-east corner of the district within the Collingham sub-area and is one of the many rural villages within the district. The village contains many listed buildings and non-designated heritage assets, including 'Marshgate Farmhouse and Adjoining Outbuildings' which lies just north of the site.

Currently, there is a fence that has been erected above the existing wall which also does not benefit from any permission or consent. The fence is harmful to the significance of the Listed Building and Conservation Area; it is imposing on the street scene and is untraditional and unsightly. The removal of this fence, as part of this permission, would only benefit the character of the Conservation Area and the Listed Building.

It is noted that the Conservation Officer raises no objection to the application. The raising of the wall will be in keeping with the surrounding development. The historic wall would only have been constructed with 2 bricks less in height. It is not considered that this boundary treatment would have any harmful impact on South Clifton's Conservation Area or the setting of The Lilacs and surrounding Listed Buildings. The proposed wall height would also sit lower than the existing unauthorised fence, by approximately 0.3m. The duty under Section 66 of the 1990 Act has been duly applied and the proposal found to be compliant with it, along with guidance within Section 16 of the NPPF as well as Core Policy 14 of the Amended Core Strategy and Policy DM9 of the Allocations and Development Management DPD.

The application proposal also proposes to remove the existing pier tops to create a more unified design within the setting of Front Street and the walls adjacent and opposite to the Lilacs. Reinstating traditional coping will restore the aesthetic significance of the wall, and The Lilacs significance as a Listed Building.

The raising of the wall by 6 brick courses will result in the wall being just 2 bricks taller than the historic wall, which was rebuilt without permission around 5 years ago. There is no prescribed height for walls within Conservation Areas and therefore it is not considered that the raising of this wall would be deemed unsuitable.

I consider that the proposed development is therefore considered to accord with the aims of Core Policies 9 and 14 of the Amended Core Strategy and Policies DM5, DM6 and DM9 of the Allocations and Development Management DPD and Section 12 of the NPPF.

#### *Impact upon Residential Amenity*

Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. The Householder Development SPD provides guidance on how to assess boundary treatments in terms of scale, height and materials. They must be in keeping with the character and appearance of the dwelling and surrounding area. Paragraph 127 of the NPPF requires that development create places with a high standard of amenity for existing and future users.

In my view the raising of the wall and the removal of the existing piers would not create an oppressive appearance on the street scene. The scale and height of the proposed wall would be in keeping with the character of the surrounding area. The materials of the brick bond are to be conditioned as part of this application, to ensure the best match is used.

As stated within the Householder Development SPD, a well thought out boundary treatment should create a sense of enclosure and help to define public and private space without reducing amenity due to overbearing and/or overshadowing effects. The raising of this wall by 6 bricks is not considered to have any overbearing impacts on The Lilacs or the existing street scene. The raising of this wall will further define the separation of public and private space without any overshadowing impacts.

With the above in mind, it is considered the proposal is acceptable and complies with Policy DM6 and DM5 of the DPD.

### *Highway Safety*

The proposed development would not alter the existing parking arrangement, sufficient parking will remain. The raising of the wall is also not considered to be significant enough to result in visibility issues, as such there are no highway safety issues. The proposal therefore accords with the expectations of Policy DM5 and SP7 in respect of this.

### *Conclusion*

The proposal complies with the requirements of Core Policies 9 and 14 of the Amended Core Strategy, policies DM5, DM6 and DM9 of the ADMDPD as well as the Council's Householder Development SPD, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 124, 127 and 200 of the NPPF.

## **RECOMMENDATION**

**That full planning permission is approved subject to the conditions and reasons shown below**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Proposed and Existing Plans, Ref No L 03 01. Received 7th November 2020;
- Location Plan, received 7th November 2020; and
- Heritage Impact Statement, received 7th November 2020.

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

No development shall be commenced on the raising of the wall until samples or product literature of the below materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details:

Brick Bond

Bricks

Copers

Reason: In the interests of visual amenity and to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced on the raising of the wall until a brickwork sample panel showing brickwork, copers, bond and mortar mix has been provided on site for inspection and approval has been received in writing by the Local Planning Authority. The development shall thereafter proceed in line with the approved details.

Reason: In interests of visual amenity and to preserve or enhance the character and appearance of the conservation area.

05

The existing timber fencing as shown on drawing L(03)01 will be removed in full within 4 months of the date of this decision.

Reason: To ensure the timely removal of the unauthorised and harmful addition to the listed building.

#### Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Isabel Verheul on ext 5860.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**

**Business Manager – Planning Development**

Committee Plan - 20/02156/HOUSE

