

PLANNING COMMITTEE – 2 MARCH 2021

Application No:	20/02157/LBC	
Proposal:	Removal of timber fence to Front Street, extend wall by 6 courses and remove existing piers.	
Location:	The Lilacs, Front Street, South Clifton, NG23 7AA	
Applicant:	Mr Shaun Kerry	
Agent:	David Dakin Architects Ltd	
Registered:	10th November 2020	Target Date: 5th January 2021 EOT: 5th March 2021
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

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 Listed Building/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 listed building as it is within the curtilage.

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 low risk of fluvial flooding, and is in an area of very low risk of surface water flooding.

Relevant Planning History

20/02156/HOUSE - 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.

Legal and Planning Framework

The Courts have accepted that there is not statutory requirement for Listed Building Consents to have regard to the provisions of the development plan; as per Section 54A of the Town and Country Planning Act (1990). However, Local Planning Authorities are to be access the proposal against other legislation:

- National Planning Policy Framework (NPPF) 2019;
- Planning Practice Guidance (PPG) April 2014;
- Section 16(2), 66 and 72, Planning (Listed Buildings and Conservation Areas) Act 1990;
- Historic England's Good Practice Advice Note 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets;
- Historic England Advice Note 2 – Making Changes to Heritage Assets.

The National Planning Policy Framework and Planning Practice Guidance.

These documents assert the Government's objectives for historic environment and the justification for its conservation. They identify that the historic environment holds a fundamental place within England's cultural heritage; including the multiple ways it supports and contributes towards society, the economy and the part it plays in daily life. Tests are put in place to ensure no significant damage or loss within the historic environment is permitted without full justification.

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 26th 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 3rd December 2020.

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

Comments of Business Manager

The only consideration relating to this application relates to its impact on the listed building.

The Lilacs (The Old Schoolhouse) is a Grade II Listed Building that lies within the South Clifton Conservation Area.

Section 16 of the Act requires the Local Planning Authority to have regard to the desirability of preserving the listed building, its setting and any architectural features it may possess. In this context, the objective of preservation is to cause no harm. Section 66 of the Act requires the Local Planning Authority to have special regard to preserving the building or its setting and any historical

interest it may possess. Section 72 of the Act requires the Local Planning Authority to pay regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The NPPF states 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. Paragraph 132 of the NPPF advises that the significance of designated heritage assets (including listed buildings) can be harmed or lost through alterations or work within their setting.

Section 16 of the NPPF (2019) states:

'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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), 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.'*

The proposal seeks to alter the existing wall by removing the unauthorised fence, raising the wall by 6 brick courses and removing the existing brick piers. The Conservation Officer has advised that the wall currently does not sit at its historic height, which was in fact 4 bricks higher than existing and that the current brick piers do not reflect its historic form; the fence is unattractive and detrimental to the Conservation Area and Listed Building setting.

The Conservation Officer is supportive of the application, subject to conditions including brick and brick bond samples. The positive conclusion drawn by the Conservation Officer on the proposed development is noted and I am therefore satisfied that subject to condition the proposal would preserve the special interest of the setting of the Listed Building and the character and appearance of the Conservation Area. The proposal therefore accords with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with heritage policies and advice contained within the Council's LDF DPDs and Section 16 of the NPPF. I therefore recommend that listed building consent be granted.

RECOMMENDATION

That listed building consent is approved subject to the conditions and reasons shown below;

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works 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 works take the agreed form envisaged by the Local Planning Authority when determining the application.

03

No works 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 works shall thereafter be carried out in accordance with the approved details:

Brick Bond

Bricks

Copers

Reason: In the interests of visual amenity and to safeguard the historical appearance of the listed building.

04

No works 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 works shall thereafter proceed in line with the approved details.

Reason: To safeguard the special/historical interest of the listed building.

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 consent 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).

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.

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 20/02157/LBC

