

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01095/FUL	
Proposal:	Householder application for removal of garden shed and seating structure, erection of a single storey summerhouse and a single storey outdoor bar (retrospective)	
Location:	Manor Cottage, Beck Street, Thurgarton, Nottinghamshire, NG14 7HB	
Applicant:	Mr I Roberts	
Agent:	Ms Julie Richards	
Registered:	24th July 2019	Target Date: 18th September 2019
		Extension of time agreed in principle
Application file:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSXIIULB04M00	

The application is reported to Committee at the request of Councillor Roger Jackson for Members to determine whether they consider the proposal to be harmful to the Thurgarton Conservation Area.

The Site

Manor Cottage is a two-storey 19th century dwelling located within the village of Thurgarton. Manor Cottage is within the Conservation Area and is identified as a building of local interest in the Conservation Area Appraisal (CAA). The CAA states that it is built in the Picturesque Cottage style, which is typical of many of the Priory Estate buildings in the area. The site is within Flood Zone 3 (at high risk of flooding) as defined by the Environment Agency maps.

Although the dwelling's principle elevation fronts on to Beck Street, the site is accessed via a driveway off Priory Park. Access is shared by way of an easement with the adjacent property on Priory Park. There is no access from Beck Street due to the presence of The Beck, a watercourse which runs along the front boundary of the site. Parking is provided to the rear of the property by way of an integral garage and associated hardstanding.

The dwelling is set back from Beck Street with large gardens to the front and sides. The site is adjacent to Priory Park on its side (east) aspect and there are dwellings to its rear (north) and side (west). Boundary treatments consist of hedges to the front, side (east) and rear. The garage also forms part of the boundary with the dwelling to the rear and to the side (west). The western

boundary is formed by the side wall of the existing extension, the neighbour's garage and a 2m high wooden fence.

Relevant Planning History

19/01621/FUL - Householder application for demolition of existing garage and erection of new two storey extension within footprint (pending consideration)

93830220 - Enlarge store to form garage (permitted 25.04.1983)

FUL/960876 - Two storey extension (permitted 27.09.1996)

The Proposal

The proposal seeks retrospective consent for the erection of a summerhouse and outdoor bar area.

The summerhouse is located to the east of the main dwelling, forward of the principal elevation of the dwelling and measures 3.6m in width, 2.4m in depth (excluding a canopy overhang) and a maximum of 2.4m in height with a mono-pitched roof. The summerhouse is painted blue/green with decking surrounding the building.

The outdoor bar is located to the west of the dwelling, running along the side boundary of the site. The bar measures 0.58m in width, 1.5m in depth and a maximum of 2.4m in height with a mono-pitch roof. This structure is also painted blue/green.

Submitted Documents

The following plans and documents accompany the application:

- Site location plan
- Proposed site plan
- Summerhouse elevations and floor plan
- Summerhouse block plan
- Bar elevations and floor plan
- Bar block plan
- Tree location plan
- Photographs x10
- Environment Agency standing advice form
- Heritage Statement (dated 24th July 2019)

Departure/Public Advertisement Procedure

8 neighbouring properties have been consulted by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New development

Policy 6: Historic and Natural Environment

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

Policies relevant to this application:

Core Policy 9: Sustainable design

Core Policy 10: Climate Change

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policies relevant to this application:

Policy DM5: Design

Policy DM9: Preserving and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2019

Planning Practice Guidance 2014

Thurgarton Conversation Area Appraisal

NSDC Householder Development Supplementary Planning Document

Consultations

Thurgarton Parish Council – Support the proposal

NSDC Conservation Officer –

Site Analysis

Manor Cottage is located within Thurgarton Conservation Area. The building is a 19th century detached property located on the corner of Beck Street and Priory Park. The dwelling is identified as an unlisted building of local interest and is considered to be a non-designated heritage asset.

The site is also located in Thurgarton Conservation Area which was designated in 1983. The appraisal was reviewed in 2008.

Beck Street is specifically identified in the 'summary of special interest' of the conservation area. The appraisal identifies Beck Street as 'a very attractive Street where access is gained to the cottages on the north side of the Road by stone and brick bridges over the beck'

'The regularity of the row on Beck Street suggests an early date, and possibly a deliberate phase of planning along Beck Street. Also before Nottingham Road was re-routed, Beck Street was the road to Nottingham, and as such would have provided a suitable focus for settlement'

'The view to the east along Beck Street is picturesque and idyllic where the beck runs along the side of the road with the attractive traditional cottages behind. The scene has almost a "chocolate box" quality'

Due to the relative straight nature of Beck Street, there are clear views down the street, both east and west. This provide views of a leafy street of mostly detached properties set within large plots. These elements of the development form of Beck Street positively contribute to the character of the conservation area.

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). 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. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Assessment of proposal

The application is for the retention of two small timber structures within the curtilage. The covered bar is located at the boundary, but close to the dwelling and the summerhouse is located along the eastern boundary away from the house.

The bar is the smaller of the two structures and is read in conjunction with the dwelling, therefore although visible it isn’t intrusive within views along Beck Street. The summerhouse is a larger structure and is very prominent above the hedgerow. The isolated structure is a prominent feature within views along Beck Street and is considered to harm the openness and views of Beck Street as identified in the conservation area appraisal.

Due to the location of the summerhouse it is considered that the proposal will harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.

No other comments have been received.

Comments of the Business Manager

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 16th May 2017 Newark and Sherwood District Council adopted the Thurgarton Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the

determination of planning applications in Thurgarton. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The proposal relates to a householder development which is accepted in principle by Policy DM6 subject to an assessment against a number of site specific criteria including the impact of the proposal on visual amenity including the impact on the Conservation Area.

Policy CP14 of the Core Strategy requires continued preservation of the special character of Conservation Areas. Policy DM9 of the DPD requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Impact upon Character of Area

Policy 6 of the Thurgarton Neighbourhood Plan makes reference to preserving the 'picturesque qualities of Beck Street' and the views along the beck which runs alongside the highway. Core Policy 9 and Policy DM6 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

In addition to the above, the site is located within Thurgarton Conservation Area. Proposals should therefore be sensitively designed so as to not harm the setting of these heritage assets in accordance with Section 16 of the NPPF along with Core Policy 14 of the Core Strategy and DM9 of the DPD.

The site is located on a prominent corner at the Beck Street and Priory Park junction and although the site is screened by hedgerows along the boundaries, structures within the site remain visible as you travel along both Beck Street and Priory Park. Whilst the dwelling is not listed, the Conservation Area Appraisal for Thurgarton identifies Manor Cottage as a positive building and therefore its contribution towards the setting of this designated heritage asset is given considerable weight in determining applications.

Summerhouse

The summerhouse would be located along the boundary at the corner of Beck Street and Priory Park although much of the boundary hedge would screen the summerhouse during the summer months, this is not guaranteed year-round and also could not be guaranteed for the lifetime of the development should the current or any future occupier remove the hedge or reduce its height (which could be carried out without the requirement of a planning application). In any event, the current height of the hedgerow is lower than the proposed height of the summerhouse and thus the structure would be partially viewed from the public realm.

As Members will note from the comments offered by the internal Conservation Officer, the summerhouse is considered to be very prominent above the hedgerow and a prominent feature within views along Beck Street and is considered to harm the openness and views of Beck Street as identified in the conservation area appraisal. I am minded to agree with this view given the visibility from the public realm and the importance of the views along Beck Street. Whilst the summerhouse is a relatively modest structure, it nonetheless would be a prominent addition due to its location and significant weight must be given to the impact upon the historic setting; in accordance with both local and national planning policy, proposals that harm heritage assets should be resisted unless there are clear public benefits that outweigh the harm. No justification for the location proposed has been provided by the applicant and therefore I am not persuaded that there is any public benefit of the scheme. I would conclude that the harm is less than substantial but in accordance with paragraph 196 of the NPPF, this does not mean that the development is acceptable without clear public benefit to the scheme.

It is therefore considered that the proposal will harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

For awareness, amendments to relocate the summerhouse to the rear of the plot have been suggested to the applicant (prior to the submission of the application and during the lifetime of the application) however the applicant has decided not to take up the comments received.

Outdoor Bar

The proposed outdoor bar would be located between the dwelling and the western side boundary of the site. Again, this would be visible from the public realm however due to its close proximity to the dwelling, this structure would not be overly dominant within the street scene, remaining well-related to the host dwelling. As such, it is not considered that this structure would have a detrimental impact upon the character and appearance of the Conservation Area, although this does not outweigh the harm identified above in respect of the summerhouse.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Turning first to the summer house, this would be located away from neighbouring properties and due to the single storey nature of the building, I would not expect this structure to have an adverse impact upon neighbouring properties.

In terms of the outdoor bar, I note that this is located along the shared boundary with Beck Cottage however given the overall height of the structure I would not expect this building to have any impact in terms of overshadowing or overbearing impacts. With regards to noise and privacy, the existing boundary fence would be sufficient to limit any overlooking upon the neighbouring property, and would offer some buffer in terms of limiting noise; I am mindful that the use of the structure for an outdoor bar is likely to encourage greater noise levels than perhaps a shed in this location, however as it would be solely for domestic use I would not expect the noise levels to be any greater than those resulting from a patio area and therefore would not warrant a reason for refusal in this instance.

Impact upon Flood Risk

The site is located within Flood Zone 3 of the Environment Agency Flood Maps. Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water.

The proposal is accompanied by the Environment Agency's standing advice form for minor developments which confirms that the proposals would not be set lower than existing levels and would incorporate flood proofing of the proposed development has been incorporated where appropriate. This is considered to be an acceptable approach from the LPA's perspective and is supported by the Environment Agency through their standing advice.

Planning Balance and Conclusion

The proposal seeks retrospective consent for the erection of a summerhouse and outdoor bar within the garden associated with Manor Cottage. Whilst both proposals are considered unlikely to have any adverse impact upon neighbour amenity or flood risk, the summerhouse is considered to have an overly dominant appearance within the street scene and therefore result in less than substantial harm to the character and appearance of Thurgarton Conservation Area. In accordance with paragraph 16 of the NPPF, proposals that would result in less than substantial harm must be weighed against the public benefits of the proposal; no justification for the summerhouse has been provided and therefore it cannot be concluded that there are merits of the scheme that would outweigh the harm.

The proposal is therefore considered to be contrary to the aims of Policy 6 of the Thurgarton Neighbourhood Plan, Core Policy 14 of the Amended Core Strategy, Policy DM9 of the Allocations and Development Management DPD and paragraph 196 of the NPPF. The application is therefore recommended for refusal to Members. As the application is retrospective, it is also recommended to Members that an Enforcement Notice for the summerhouse's removal is issued with the planning decision notice.

Recommendation

That full planning permission is refused for the following reason;

01

In the opinion of the District Council the proposed summerhouse would be located in an overly prominent position along the street scene at the junction of Beck Street and Priory Park. This siting would lead to less than substantial harm to the character and appearance of Thurgarton Conservation Area and there are no public benefits to the scheme that would outweigh this harm. The proposal therefore fails to accord with Policy 6 of the Thurgarton Neighbourhood Plan (May 2017), Core Policy 14 of the Amended Newark and Sherwood Core Strategy (March 2019), Policy DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document (July 2013) in addition to Paragraph 196 of the NPPF (2019) and Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 which are material considerations.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Officers have also engaged with the applicant during the formal application process to overcome the issues raised, however amendments to the scheme have not been forthcoming.

BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

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 - 19/01095/FUL

