

PLANNING COMMITTEE – 31 MARCH 2020

Application No:	20/00113/S73
Proposal:	Application to vary condition 02 to add extension to approved dwelling, attached to planning permission 17/01839/FUL; Demolition of shed and erection of 1 No. 4 bedroomed house
Location:	Land At Rear 37 Easthorpe, Southwell
Applicant:	Mr Jason Templeman
Agent:	Mr Agnieszka Rosochowicz - Guy St John Taylor Associates Architects Ltd
Registered:	24.01.2020 Target Date: 20.03.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4K6SVLBFL800

The Town Council have supported the proposal which differs to the Officer recommendation detailed below. Local Ward Members have been given the opportunity to call the application to Planning Committee in line with the scheme of delegation. Cllr Rainbow has referred the application to committee on the basis that the character impacts are not perceived to be harmful to the area. The referral has been agreed by the Business Manager in discussion with Chair and Vice Chair.

The Site

The application site relates to a linear plot approximately 0.16 hectares in extent to the north of, and accessed from Easthorpe. The site is within the urban boundary of Southwell as defined by the Proposals Map in the Allocations and Development Management DPD. The access to the site is within the designated Conservation Area but the majority of the site is outside of this area albeit the western boundary abuts the Conservation Area boundary.

The site is to the rear of 37 Easthorpe; a Grade II listed building. The majority of the properties fronting Easthorpe are listed buildings. The immediate surroundings are largely residential in nature albeit there are dispersed commercial uses such as public houses.

A small proportion of the site, including the highways access, is considered as being within Flood Zone 2 and 3 as designated by the Environment Agency. The majority of the site where built form is proposed is within Flood Zone 1.

The boundaries to the access road are established by an attractive brick wall and the gable ends of the two properties (37 and 39) which front Easthorpe. The boundaries of the site itself are characterised by hedging (with the exception of the southern boundary shared with 37 Easthorpe which forms a recently constructed brick wall). The hedging to the western boundary is relatively dense in nature and incorporates a number of mature trees reaching a significant height. There is a slight change in land levels within the site with the residential development along Potwell Close set at a slightly lower level.

Building works have commenced on site in relation to the extant permission to which this application relates.

Relevant Planning History

18/01360/FUL - Variation of condition 2 attached to planning permission 17/01839/FUL to amend the approved plan so to raise the internal floor level, door and window cill level and installation of external steps. *Application approved by committee October 2018 and has been implemented on site.*

17/01839/FUL - Demolition of shed and erection of 1 No. 4 bedroomed house. *Application approved 14th March 2018 following a committee resolution to approve (contrary to an Officer recommendation to refuse on heritage grounds).*

16/01437/FUL - Residential Development: 3(No.) Two Bedroom Bungalows. *Application withdrawn prior to determination.*

09/00496/FUL - Erection of 1 four bedroomed house. *Application withdrawn prior to determination.*

01/00018/FUL - Proposed three new dwellings. *Application refused.*

97/51763/FUL – Erect Bungalow and Garages. *Application refused.*

96/51592/RMA - Erect Bungalow. *Application refused.*

93/51557/OUT – Erect Bungalow. *Application approved.*

92/51022/OUT – Erect Bungalow. *Application refused.*

There have also been approvals (2013) for renovation works and a new garage at the host dwelling 37 Easthorpe.

The Proposal

The application has been submitted as a Section 73 application to vary a condition in respect to the extant permission which exists on the site for the erection of a dwelling. Condition 2 of permission 17/01839/FUL is worded as follows:

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

Site Plan - 10A / 3 / 2016 Rev. A: 30th October 2017

House Plans and Elevations - 11 / 3 / 2016

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

The rationale behind the current submission is to substitute the plan references to allow changes to the design of the dwelling. As is detailed by the planning history above, this is the second application of this nature, the first of which was approved in October 2018 and related to design changes to increase the internal floor level leading to a subsequent increase in eaves level and windows and doors. The application also involved the addition of external steps to the west and north elevations.

The current application seeks further changes namely a two storey extension to the north elevation. The extension would be approximately 5.7m in width by 4.9m in length with materials shown as vertical timber cladding and a clay pantile roof. The proposed north (rear) elevation would feature large full height glazing with a Juliette balcony. In addition the revised plans show some changes to window and door designs (including the incorporation of a catslide dormer on the west elevation) and a raised decking area is also proposed at the rear of the dwelling.

The application has been considered on the basis of plan reference 'Proposed Layouts & Elevations – 812.1016.7.7. Drawing No 01. Rev. A' as well as an updated Planning Statement Rev. A received 7th February 2020.

Departure/Public Advertisement Procedure

Occupiers of 35 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy E6 – Climate Change and Carbon Emissions
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA3 – Highways Impact
Policy HE1 – Housing Type and Density

Newark and Sherwood Core Strategy DPD

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character
Core Policy 14: Historic Environment
SoAP 1: Role and Setting of Southwell

Allocations & Development Management DPD

Policy So/HN/1 – Southwell Housing Need
Policy DM1- Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 – Developer Contributions and Planning Obligations
Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM10 – Pollutions and Hazardous Materials
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (on line resource)
- Southwell Conservation Area Appraisal 2005

Consultations

Southwell Town Council –Southwell Town Council considered application 20/00113/S73 Land At Rear 37 Easthorpe and agreed unanimously to support this application.

NSDC Conservation - Approval was given for a substantial mock-threshing barn in 2018 to land at the rear of the Grade II listed 37 Easthorpe. I refer you to our detailed report on this scheme, in which we advised that the proposal would impact on a number of listed buildings along Easthorpe, as well as the setting of Southwell Conservation Area (CA).

Notwithstanding Conservation objections to the original approval, we recognise that the approved scheme sought to retain the linear arrangement of the historic plots in this part of Easthorpe, and the use of a mock-barn design had some basis in the rural setting of the CA.

The proposed amendments include a substantial 2 storey extension to the mock barn, a raised veranda and a dormer window.

Conservation objects to the proposed development. The scale/mass and appearance of the extension is harmful to the character and appearance of the historic environment in this part of Easthorpe. The proposal also fragments the original design, and takes a form not envisaged when approving the original scheme. The extension is fundamentally dominating, and the veranda/glazed gable and dormer window add obtrusive and overly domestic elements to the host building in what is otherwise attempting to be a mock-barn. The result is harmful to both the setting of listed buildings and Conservation Area. In reaching this view, we have paid special attention to the desirability of preserving the special interest of listed buildings, including their setting, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. We are also mindful of the provisions with the NPPF (section 16) and LDF DPD Policies CP14 and DM9 concerning the protection of the historic environment. Paragraph 130 of the NPPF is also relevant in this

discussion, as we consider that the quality of the design has been diminished between permission and completion (noting that the applicant has commenced the scheme and incorporated the changes prior to the determination of this current proposal).

Southwell Civic Society – No objection.

NCC Flood – No objections subject to the following

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
5. It is recommended that flood resilient construction techniques and materials are used where applicable due to the risk of flooding in the area.

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

The application is submitted as a Section 73 application to vary a condition on an existing permission. The principle of development in terms of the erection of a four bedroom detached dwelling has therefore already been accepted by the Local Planning Authority and remains extant.

The focus of the following is therefore purely in respect to the changes sought through the current submission which in Officer's submission relates predominantly to character impacts (noting the heritage assets potentially affected) and impacts on neighbouring amenity.

Impact on Character

The application site is set to the rear of 37 Easthorpe adjacent to the designated Conservation Area (although the access to the site falls within the Conservation Area designation). Policy DM5 confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9.

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. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings.

When the original application was presented at Planning Committee in March 2018, Officers were of the view that the proposed dwelling would be harmful in heritage terms in that it would destroy the croft element of the plot and erode the character and appearance of the Conservation Area. However, Members as the decision makers disagreed and approved the application subject to conditions, the exact wording of which were delegated to Officers. It is therefore accepted by the

authority that the site can accommodate a detached dwelling without harming the heritage assets nearby to the site.

Notwithstanding the above, the heritage context (namely the adjacent listed building and the designated Conservation Area) require consideration as part of the current application given that the revised design has the potential to impose additional character impacts not previously assessed. The stance of the submitted Planning Statement is that the extension, positioned at the rear of the new dwelling, will not change the impact on the views from listed buildings and will retain an open area within the site. However, character impacts do not solely arise from visibility.

The Planning Statement also confirms that the original design of the dwelling was based upon a traditional barn as an acknowledgement of the sensitive heritage context of the site. The design changes presented now, which include a large two storey side extension and catslide roof dormer are completely alien to a threshing barn approach. The dwelling now presented is confused and cluttered with elements of a pastiche barn interspersed with modern elements such as substantial glazing and a Juliette balcony. Whilst the extension may appear subservient in height, the contrast in materials (to apparently distinguish from the original 'barn') amount to the extension displaying an unwarranted degree of prominence. This is further exasperated by the attached decking at the rear which, in its domestic nature, in no way reflects a traditional agricultural building. Moreover, the changes in window proportions, design and sizes (particularly the gable ends but also the aforementioned catslide dormer) largely erode what would have been interpreted as a nod to an agricultural building.

The scheme, as now presented, has been almost entirely watered down from its original design intentions such that the character of the dwelling is now no longer an interpretation of an agricultural pastiche building nor a truly modern development. The design of the dwelling alone is harmful in character terms but the harm is compounded by the sensitive heritage context of the site. As is detailed by the comments of the Conservation Area, the revised scheme amounts to harm to the character and appearance of the historic environment in this part of Easthorpe.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of court cases (in particular: *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* (2014); *The Forge Field Society v Sevenoaks District Council*

(2014); and Mordue (2016).

Paragraph 196 of the NPPF (2019) states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Officers have identified no public benefits arising from the proposal.

Impact on Amenity

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighbouring residents but also to the proposed occupiers of the proposed dwelling.

The existing site boundaries are largely comprised of dense vegetation which in some respects screens the development site on an east-west transect. The boundary treatments proposed would be of both existing hedging and new vertically boarded timber fences.

It remains the case as with the previous assessment that Officers consider that the most sensitive receptors to the development will be the single storey properties to the east of the development site along Potwell Close. The properties closest to the proposed development would be no. 5 and no. 7 Potwell Close with the closest distance between the existing dwellings and the proposed dwelling of around 21m. It remains the case on the revised plans presented through the current submission that, although the principle elevation would be east towards Potwell Close, the first floor of the property would be served by roof lights and windows on the gable ends (i.e. not towards Potwell Close). In the context that the overall pitch height of the dwelling would not increase (approximately 8.4m), Officers have not identified any additional detrimental amenity impacts in comparison to the extant dwelling design both in respect to matters of overbearing or loss of privacy through overlooking. Whilst the use of the steps to access the dwelling would create a slightly elevated platform, these steps are not external on the east elevation facing Potwell Close and therefore the existing boundaries and distances previously referred to are considered adequate to preserve neighbouring amenity.

Other Matters

The increase in footprint would potentially increase the surface water run-off from the site. However, the plans demonstrate that the extension would have an undercroft which would increase the flow of water within the site. In any case the dwelling itself is within Flood Zone 1 and has already been designed with flood mitigation techniques (noting that the site access is within Flood Zone 2). The revised plans are therefore not considered to increase risk to flooding.

Conclusion

It is fully acknowledged that there is an extant permission for a single dwelling on the site. This application seeks to determine whether design changes, including a two storey rear extension, would be acceptable through a variation of condition request. The design of the dwelling now presented is entirely confused and fails to allow the dwelling to be interpreted as a pastiche version of a threshing barn as originally intended. This in itself is contrary to the design intentions of Core Policy 9 and Policy DM5 but noting the heritage context of the site, the application would

also be contrary to Core Policy 14 and Policy DM9. I have identified no public benefits which would outweigh this harm and therefore the recommendation is one of refusal as outlined below.

RECOMMENDATION

That planning permission is refused for the following reason:

01

The application seeks to vary the plan condition for the approved dwelling in order to introduce design changes. The revised design of the dwelling amounts to a confused and cluttered approach which diminishes the original intentions of the dwelling to represent a threshing barn. This is further compounded by the introduction of modern elements, such as a raised decking, which fail to take account of the heritage setting of the site. The proposal causes harm to the setting and significance of the adjoining listed building and the character and appearance of the conservation area. The duties under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 place a statutory presumption against granting planning permission where harm to a listed building and conservation area, respectively, has been identified. There are no public benefits which would outweigh this harm.

The development is contrary to Core Policies 9 and 14 of the Core Strategy (Sustainable Design and Historic Environment respectively); SoAP1 (Role and Setting of Southwell) of the Core Strategy; Policies DM5 and DM9 of the Allocations and Development Management DPD (Design and Protecting and Enhancing the Historic Environment); Policies DH1 and DH3 of the Southwell Neighbourhood Plan (Sense of Place and Historic Environment respectively); the NPPF which forms a material consideration; its associated guidance within the NPPG; and the Southwell Conservation Area Appraisal Supplementary Planning Document.

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. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Growth and Regeneration

Committee Plan - 20/00113/S73

