

Parish: Stillington

Ward: Stillington

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Committee Date: 3 March 2016

Officer dealing: Mr A Cunningham

Target Date: 29 January 2016

15/02740/FUL and 15/02741/LBC

**Renovations and single storey rear extension to dwellinghouse
at Fairview, High Street, Stillington
for Mr Steve Tyssen**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is a re-submission of the previously approved schemes (14/01799/FUL and 14/01800/LBC) due to works not commencing on time and the permission expiring. There are no variations to the detail but details of the roof structure, materials and glazing that were required to be provided by condition are included with this proposal.
- 1.2 The dwelling is Grade II Listed and is located within the Stillington Conservation Area. It is an end of terrace two-storey cottage that lies on the southern side of the High Street towards the western end of the village, within the Stillington Conservation Area. The cottage is set above the street level with only pedestrian access at the front. Vehicular access is via the shared back lane to the southern boundary of the property.
- 1.3 The proposed single storey extension would be positioned to the southern (rear) elevation. It would provide accommodation for a lounge.
- 1.4 The lounge structure would measure approximately 4.4m x 4m, with a total height of approximately 4.2m. An external chimney would project out from the western elevation of the proposed extension and would extend to a total height of approximately 5.1m.
- 1.5 Materials for the proposed extension would comprise reclaimed clamp bricks and natural clay pantiles.
- 1.6 It is also proposed to renovate the cottage in order to make it habitable. The proposed alterations are listed as follows:
 - Insertion of ground floor window to gable
 - Remove part of rear wall to allow access into proposed extension
 - Reposition the front door to an existing window opening on the front elevation
 - Brick up existing front door opening
 - Alter window openings on the rear elevation
 - Replacement windows to front elevation
 - Works to roof
 - Add two roof lights to the rear elevation
 - Remove and replace frost damaged bricks including parts of the front wall and side gable in poor repair
 - Repoint using lime mortar
 - Re-arrange the first floor accommodation to provide three bedrooms and a bathroom
 - Remove existing staircase and construct new staircase in a different position
- 1.7 Amended plans received on 21 December 2015 detail the extent of the proposed water tabling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/83/141/0110 - alterations to dwellinghouse to include the provision of bow windows; Granted 24 February 1983.
- 2.2 2/87/141/0110A - alterations and extensions to dwellinghouse and 2/87/141/0110B - application for listed building consent for alterations and extensions to dwellinghouse; both Refused 2 June 1987.
- 2.3 2/88/141/0110C - alterations and extension to dwellinghouse and 2/88/141/0110D - application for listed building consent for alterations and extension to dwellinghouse; both Refused 1 August 1988; Appeals Dismissed 18 April 1989.
- 2.4 12/00496/FUL - Alterations and extension to dwelling and 12/00497/LBC - Application for Listed Building Consent for alterations and extension to dwelling; both Withdrawn 6 June 2012.
- 2.5 14/01799/FUL - Renovations and single storey rear extension to dwellinghouse and 14/01800/LBC - Application for Listed Building Consent for renovations and single storey rear extension to dwellinghouse; both Granted 21 November 2014.
- 2.6 15/00312/CAT3 - Possible Section 215 notice – awaiting determination of the applications considered in this report.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

- 4.1 Stillington Parish Council - no objection to this application provided it is acceptable to the Conservation Officer.
- 4.2 Society for the Protection of Ancient Buildings (SPAB) – object to the scheme in summary regarding impact on the building's special interest, retention of the historic floor plan, reduction of the proposed accommodation, retention of the existing staircase, repair and retention of historic fabric, use of Council's statutory powers.
- 4.3 Historic England - set out the history of the site and its features of historic interest and its contribution towards the character of the Conservation Area. Specifically comment on the loss of the staircase (which is the trigger for consultation). Comment on future involvement of HE with these applications.
- 4.4 Neighbours notified and site notice posted; expired 26.01.2016 – One objection response received in summary mainly concerning:

- Condition of building
- Action taken to improve condition of building
- Previous report to planning committee
- Works overbearing and not in keeping with the property
- Right of way around house
- Right to light
- Impact on privacy
- Overlooking impact
- Views of Parish Council
- Council conduct

4.5 Conservation Officer – comment on evolution of this and past applications, responds to the comments of SPAB and HE, particularly the loss of the staircase and fireplace, the proposed internal arrangement, and the remedial works the applicant has undertaken.

5.0 OBSERVATIONS

5.1 The main issues to be considered in respect of planning application 15/02740/FUL are the effect of the alterations and extension on (i) the character and appearance of the existing dwelling; (ii) the surrounding Conservation Area; and (iii) the amenity of the adjacent residents. For the listed building application 15/02741/LBC, the sole issue is the effect of the alterations and extension on the character and appearance of the existing listed building.

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5.2 The dwelling is in need of repair and restoration and it is believed to be more than 30 years since it was inhabited. The NPPF in paragraph 131 requires Local Planning Authorities to take account of desirability of sustaining and enhancing the significance of heritage assets and in this context, the Stillington Conservation Area and the adjacent Fairview Cottage, also listed grade II, are heritage assets. Whilst the deterioration of the building over the years has been an issue of concern, it has not had a significant impact on the area until recently and the temporary roof covering is not acceptable in the long term. The owner of the building has been warned that the Council may take action through serving Notice under Section 215 of the Town and Country Planning Act 1990, which would require him to re-roof the building. It is understood that the applicant mis-understood the time given for the commencement of the previous permissions of 14/01799/FUL and 14/01800/LBC.

5.3 In view of the previous approval of this development and considering the importance of early implementation it would be appropriate to consider a one year commencement period if permission is granted. Additionally if the applicant fails to make an early start to implement works that will in turn address the harm caused to the amenity of the area due to the poor condition of the building the Local Authority would be able to issue a S215 notice. It is therefore relevant to consider the case for improving the building's condition and the appearance of the Conservation Area through implementation of this scheme. This is also set out as a statutory requirement in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of the Conservation Area.

5.4 The proposed scheme includes a single storey extension and is of a scale and form appropriate to the original building and the surrounding area. The proposed use of glazing to much of the rear gable of the extension would be a contemporary feature within an otherwise traditionally designed extension but would not be inappropriate set within the brickwork to either side. The external chimney stack allows more

internal space to be provided and would not be an inappropriate feature of the dwelling as it would be positioned entirely upon the new build section and would have no significant impact on the surrounding character of the Conservation Area.

- 5.5 The proposed window alterations to the rear respect the scale and design of the existing building and would be acceptable features within the Conservation Area. The Heritage Statement suggests that the small first floor window is a later addition to the cottage and it is considered acceptable to enlarge this opening in a manner compatible with the character of the cottage.
- 5.6 The attached dwelling at Fairview Cottage has previously been altered at the rear and an L-shaped projection lies at right angles to the main house providing a living room and a kitchen. The living room to Fairview Cottage is within a link between the original front part of the dwelling and the kitchen at the rear, with the window serving the living room facing westwards towards the side elevation of the proposed extension, at a distance of approximately 7m. There is a 1.7m high timber fence on the boundary between the two properties at the rear but notwithstanding the height and presence of the fence the extension would affect the outlook from the living room. This would obstruct part of the sky when viewed from the window of the living room and consideration must therefore be given to the impact on the amenity of the occupants and whether this would be contrary to Policy DP1, which requires development to adequately protect amenity with regard to daylight. Beyond Fairview is a substantial two storey dwelling that provides a backdrop to the proposed extension and would block low angled sunlight whilst light and outlook into this the living room window is already affected to some degree by the design of the extension of Fairview Cottage as the kitchen element protrudes further thereby stepping back the living room behind its side wall. The floor level of the living room in Fairview Cottage is at a lower level than the floor level of the proposed extension but the reduction in height of the extension ensures that daylight and skyline into this room would be retained and would not significantly detract from the amenity of the residents. A proposed new window on the rear elevation was previously reduced in size and, as a result, positions it further from the boundary.
- 5.7 A window is proposed in the side elevation of the proposed extension, which would directly face the neighbour's living room window. However, a typical rear garden fence, such as that already in situ, would allow adequate privacy to be maintained.
- 5.8 The proposed internal alterations would create three bedrooms within the existing floor space currently occupied by 2 bedrooms and a small store. This change does not require any substantial alterations to the dwelling and therefore the provision of either three smaller bedrooms or two larger bedrooms is not a matter that is relevant to the planning merits of the application other than through the scope for overlooking from the altered first floor rear window.
- 5.9 It has been suggested that an alternative position for an extension along the building line of the dwelling, that is, to the side elevation, would be preferable. This is an option that has previously been discussed informally but, it is suggested, would not result in useable space within the dwelling and would be wrongly proportioned in relation to the existing dwelling as the available space is not wide enough. Infilling the space would also remove the pedestrian access to the rear of the dwelling and its neighbour. It is also considered that a narrow side extension in this position would have an unbalanced appearance to the street scene, resulting in an unsympathetic alteration to the listed building.
- 5.10 The private right of way at the rear of Fairview enjoyed by the residents of Fairview Cottage is a not a planning matter. Should planning permission be granted, it would not affect any private rights and this would remain a civil matter to be addressed by

the relevant parties. The effect of the development on the water supply would also need to be addressed separately through building regulations.

- 5.11 The proposed development, as amended, would maintain the predominantly residential character and appearance of the Stillington Conservation Area and would not have an unacceptable impact on residential amenity. It would not harm the setting of the adjacent listed building, Fairview Cottage. Approval of the application is therefore recommended.

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- 5.12 As noted earlier, the dwelling is in need of repair and restoration. Paragraph 130 of the NPPF states "Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision." Whilst the building could have been better cared for, the owner has responded to reasonable requests made by the Council and the North Yorkshire Building Control Partnership. It is important that appropriate work is undertaken to repair and restore this property so that it does not deteriorate further. The NPPF in paragraph 131 requires Local Planning Authorities to take account of desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is therefore desirable to facilitate the re-occupation of the property in its original use as a dwelling.
- 5.13 This must be weighed against the effect of the alterations on the historic fabric of the building. The loss of any original features is an important consideration. The NPPF states that the significance of a listed building can be lost through alteration. The greatest alteration to the front of the dwelling is the repositioning of the front door. By using the existing opening it ensures that the balance of the elevation is retained and by bricking up the existing opening in a recess it allows the history of the property to remain apparent. It is considered that this would be an acceptable change that would not detract from the integrity of the building.
- 5.14 The greatest change to the form of the building would be the construction of the rear extension. The proposed scheme is single storey and is of a scale and form appropriate to the original building. The proposed use of glazing to much of the rear gable of the extension would introduce a contemporary feature within a traditionally designed extension but its impact on the building is limited, such that overall, the significance of heritage asset would be sustained. The external chimney stack would not be inappropriate as part of the extension, being subservient in scale to the main dwelling and therefore of limited impact.
- 5.15 The proposed window alterations to the rear respect the scale and design of the existing building and would be acceptable.
- 5.16 The comments of SPAB (given because the building has origins pre 1720) and HE are noted. The extent of proposed accommodation relates mainly to the provision of a first floor bathroom. In order to achieve this, the position of the stairs must be moved. Whilst of some significance for being of some age, it is not original to the building and is in very poor condition. The staircase masks a window in the gable which now adjoins with Fairview Cottage supporting the assumption that the staircase is a later addition. This staircase is limiting the use of available space on the first floor and its removal and relocation has been discussed at length. The staircase has been fully recorded to the council's satisfaction and the repositioning will not result in the loss of any other features of significance. An angled mark in the west wall of the kitchen may provide evidence of the original stair location, which is where the new stair is proposed. The removal of the corner fireplace is considered

acceptable. This is clearly a later 19th century addition and has little significance.

6.0 RECOMMENDATION

Application 15/02740/FUL

6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within one year of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, including the lime mortar shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. Detailed drawings of the windows to include size of glazing bars, mouldings and sections and details of glazing shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details and thereafter retained.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 5120/SK01, T189/2, T189/3A, T189/10C and T189/11D received by Hambleton District Council on 4 December 2015 and 21 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure the appearance of the windows is appropriate to the character and appearance of the surroundings in accordance with LDF Policies CP16 and DP28.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP1, DP28 and DP32.

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6.2 That subject to any outstanding consultations listed building consent is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, including the lime

mortar, shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. Detailed drawings of the windows to include size of glazing bars, mouldings and sections and details of glazing shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details and thereafter retained.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 5120/SK01, T189/2, T189/3A, T189/10C and T189/11D received by Hambleton District Council on 4 December 2015 and 21 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the grade II listed building of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure the appearance of the windows is appropriate to the character and appearance of the grade II listed building in accordance with LDF Policies CP16 and DP28.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of the grade II listed building and in accordance with the Development Plan Policies CP16, CP17, DP28 and DP32.