

Parish: Kirkby
Ward: Stokesley
7

Committee Date : 16th December 2021
Officer dealing : Mr Nathan Puckering
Target Date: 5th August 2021
Date of extension of time (if agreed): 20th December 2021

21/01351/LBC

Listed building consent for Internal and external alterations to dwelling to return it to habitable condition.

At: Ivy House Kirkby Lane Kirkby in Cleveland Middlesbrough

For: Mr And Mrs Asadi.

1.0 Site, Context and Proposal

- 1.1 The site in this case is a grade II listed terraced cottage located in the northern part of Kirkby In Cleveland. Ivy House, the site, is listed along with the adjoining Lychgate as a single entity as together they were once a longhouse; but all other cottages in the row are also all listed in their own right. They are also all situated within the Kirkby Conservation Area which covers the historic part of the village which is effectively the northern-most section of the distinct crucifix shape that the settlement now comprises.
- 1.2 The row of cottages, Ivy House included, are an attractive row of understated sandstone-built cottages with timber framed windows and pantile roofs. To the rear of the dwelling there is a small lean-to element. The neighbouring dwelling has a relatively large two-storey gable end, brick built at first floor level. At first floor there is a small window which appears to be part of Ivy House but due to the internal configuration of the building, this actually serves the adjoining Lychgate and forms a flying freehold over the application site. A small outbuilding is situated to the rear of Ivy House and there is a large stretch of agricultural land which extends some 225m south west of the dwelling beyond its domestic curtilage to the rear.
- 1.3 This application is seeking permission for an extension to the rear elevation of the building. This will comprise a lean-to element which will be larger than the existing and effectively replace this existing feature. There will then be a first floor extension above this with windows at first floor level. The ground floor will be stone built, with the first floor reclaimed brick - similar to the neighbouring dwelling. Three conservation rooflights will be inserted within the roof form of the main dwelling. The change of use of the aforementioned agricultural land to equestrian is also proposed but no buildings are proposed as part of this.
- 1.4 There are also a number of internal operations to the ground floor of the building which can be summarised as follows:
- the removal of an internal wall within the existing living room to create an open plan area
 - the insertion of a small passage between the existing rear face of the main part of the dwelling and the newly proposed ground floor extension
 - the above will create an open space between what is an existing cupboard and snug which will be partitioned off using stud walls to create a downstairs toilet and a utility room

1.5 Amendments were secured to the proposal by way of changes to the proposed fenestration and the removal of part of the proposal which included the demolition of the outbuilding to the rear.

2.0 Relevant Planning History

2.1 None relevant

3.0 Relevant Planning Policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

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 DP28 - Conservation

Development Policies DP32 - General design

4.0 Consultations

4.1 Parish Council - object on the following grounds:

- all other extensions to the row of cottages have been required to keep to the original footprint of the building and this should be the same for Ivy House
- the proposal includes demolition of part of the listed building - namely the outbuilding - and this would be harmful to the historic interest
- the 'orchard' to the rear of the dwelling should not be allowed to change use to domestic
- the extension would cause loss of light to the window on the first floor belonging to Lychgate
- concern with the depth of the proposed extension
- concern with the use of the land now proposed to be equestrian and the ecological impact on habitats as well as the increased use of the access by larger vehicles resulting from the change of use

4.2 Council for British Archaeology - The CBA object to this application in its current form. We strongly recommend that it should be withdrawn, an assessment of significance of the building should be carried out and that this should inform a revised set of proposals. The phased development of the site is not currently understood, nor the impact that these proposals would have upon its legibility and any significant historic building fabric. It is important that revised proposals should demonstrate a conservation led methodology and minimise any impacts on historic building fabric and the legibility of its evolved plan form.

4.3 The Ancient Monuments Society - We have reviewed the documents available on your website, and the Ancient Monuments Society has no objection to the

principle of the repair and restoration of this grade II listed house, however, we have concerns about the lack of detail provided to support the application.

4.4 Historic England - no comments to make.

4.5 Society for the Protection of Ancient Buildings - We advise that the existing application lacks the requisite information to fully understand the building's significance and the full impact of the current scheme on that significance and special interest. From the limited information provided, it is also our view that the proposals would result in harm to the building and its features of special architectural and historic interest which it is desirable to preserve. In national policy terms we advise that the application fails to meet the requirements of the NPPF, particularly paragraphs 189, 190, 193 and 194.

4.6 Site Notice & Neighbour Notification - 8 letters of objection received which can be summarised as follows:

- the extension would block vehicular right of way access which exists for the dwellings along the row
- the listed building and shared spaces to the rear of the dwellings should be preserved as part of Conservation Area rules
- the access is not fit to serve an equestrian field
- all other extensions have had to stick to the original "footprint" - this should do the same
- the extension proposed represents over development and would be to the detriment of neighbours
- the extension is too large, out of character and visually intrusive
- the change of use aspect lacks detail and may lead to further development - stables, riding arenas etc
- concern with the use of aluminium window at first floor level - all windows should be like for like
- reference to an 'orchard' to the rear that is a historic asset and should not be lost
- the outbuilding is listed and part of the historic layout of the site and its removal would be harmful to the significance of the building and the conservation area
- the extension would lead to loss of light to the window on the first floor of Lychgate
- concerns about parking as this is already an issue at the front of the dwelling so there needs to be room made at the rear
- the amended plans do not address neighbour's concerns
- the fact the owners overpaid for the property should not impact on planning decision

1 letter of support which can be summarised as follows:

- the proposal represents a young family wishing to move to the village and invest a significant amount into restoring a neglected dwelling
- the opportunity to restore the property should be welcomed
- the surrounding dwellings have had similar extensions and the site should have the same benefit

- the dwelling is perfectly suited for a paddock to allow horses to be managed from home and Kirkby is a rural village where rural activities should be enjoyed

Following the re-consult on the amended plans, one letter of objection was received at the time of the report being written. The points raised can be summarised as follows:

- the amended plans still fail to work with the original footprint which other extensions have been required to do
- the extension comes out too far and is out of proportion which will block light and views for both Lychgate and Wayside
- poor access for the proposed equestrian field and not enough space for parking
- ploughing the field which is of heritage value would be a shame

5.0 Analysis

5.1 The main issue to consider in this case is the impact of the proposals on the significance of the heritage asset.

5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.4 The applicant commissioned a professionally prepared Heritage Statement after discussions with Officers. This concludes that the internal aspects of the development would involve a very minor loss of historic fabric but due to the preservation of the plan form of the longhouse, this will not equate to harm to significance. Furthermore, it also concludes that the lean-to is not contemporary with the original longhouse but in fact evidence points to a more modern construction and perhaps the late C20. Therefore, it is not of any architectural or historical merit and its replacement will equate to no harm to significance.

5.5 The conclusion of the heritage statement is contested, and it is Officer's view that the proposed development will lead to less than substantial harm to the significance of the heritage asset - albeit at the lower end of the "less than substantial" scale. It is accepted that the internal alterations will maintain the legibility of the planform of the historic longhouse and given the very minor loss of historic fabric, these internal alterations do not equate to harm to significance.

5.6 That said, the conclusion that the lean-to element on the rear elevation is not of any historic significance is not accepted. The Heritage Statements (HS) logic mainly centres around cartographic evidence that shows that whilst a structure is in situ on late C19 maps, this disappears until 1991 mapping. It is accepted that the structure is not contemporary with the main section of the

building, but it is most certainly older than late C20 and there is photographic evidence submitted by a third party, from the 1960s which demonstrates this. On the balance of evidence, it is Officer's view that this structure has been in situ for a much longer period of time than it is given credit for in the Heritage Statement.

- 5.7 As a result, it represents an important addition which shows the evolution of the building from a longhouse to the dwelling which stands today. Consequently, along with the significance gained from the overall age of this aspect and the built fabric, it also contributes a significant amount to the overall historic interest of the building. Therefore, it is asserted that its loss will lead to less than substantial harm. However, it is welcomed that the design of the proposal incorporates a similar lean-to design, and the historic context will be legible - albeit to a much lesser extent - and as a result, this less than substantial harm remains at the lower end of the scale.
- 5.8 There was concern expressed with regards to the initial proposal including the loss of the outbuilding situated behind the dwelling. Whilst it is noted this has been subject to some unsympathetic repair, similar to the lean-to aspect it is still considered to tell an important role in the former use of the wider site and the living conditions of the residents in bygone times. It is thought the building was probably an external toilet and coal store. Clearly, with modern living standards, such buildings are becoming rarer and have often been lost. As a result Officer's expressed the view to the applicant that the loss of this outbuilding tipped the balance of harm beyond that outweighed by any public benefit and thus rendered the proposal unacceptable. In response to this, the applicant omitted this from the proposal, the outbuilding will now be retained in the proposed development.
- 5.9 Overall, the design of the extension is considered appropriate. There is historic precedent on the wider site with an extension to the neighbouring dwelling which is very similar in character and appearance. The proposed materials will also be very similar to this precedent. It is noted that the rear of Ivy Cottage is understated but it is important to remember that it is listed as a single entity with Lychgate, and the overall character of the heritage asset must be assessed on that basis and as such, the overall proposal is in keeping with the form and massing and character of the listed building.
- 5.10 In summary, of this assessment of the impact on significance, it is concluded that the development proposed will lead to less than substantial harm to significance but at the lower end of the "less than substantial" harm. The NPPF dictates that any harm to significance must be given great weight and importance in the decision making process and can only be outweighed by public benefit, including securing the most viable use of the heritage asset, which on balance is over and above any harm.
- 5.11 It was put to the applicant that there needs to be evidence submitted which demonstrates a level of public benefit which goes beyond the harm outlined above. In order to do so, the applicant commissioned a commercial viability assessment. To summarise this, it essentially outlines three potential schemes for the refurbishment of the dwelling to create a habitable dwelling which is fit for modern living. This ranges from a small ground floor extension

only, to an extension to the ground floor and the first floor but on a smaller scale to that proposed and finally the proposed scheme. The viability assessment takes the purchase price and then forecasts for expenditure relating to the build - a best case scenario, a middle range scenario and a worst case scenario - and outlines the final bottom line figure on the difference. It concludes that in all cases, the proposed schemes to restore the building to modern living standards would result in a loss to the applicant, ranging from £95,000 - £37,520, which demonstrates that the building is simply not financially viable and thus the likelihood is that it would be abandoned and be allowed to deteriorate further.

- 5.12 One must consider this fact and that the applicant is taking a considerable financial risk to restore this heritage asset to an acceptable condition that will help to ensure the long term viable use of the building. This is a public benefit which must be given weight given the alternative is the further detriment of a building which has already lacked the required care and attention for upwards of 50 years and on that basis, it is feasible that the heritage asset could become beyond repair and in turn result in the loss of its significance in its entirety.

Planning Balance

- 5.13 On balance, it is considered that whilst the amended scheme still results in less than substantial harm to the significance of the heritage asset, that harm is at the lower end of the scale of harm and is considered to be sufficiently offset by public benefit to result in a recommendation for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **Granted**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 004 and 007 received by Hambleton District Council on 08.11.2021 and 02.12.2021 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to works commencing to the listed building, a Scope of Works shall be submitted which sets out the methods of construction and the order in which the works will be carried out.
4. Prior to the commencement of any development above ground level, samples of all materials including mortar mixes, shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
5. All gutters and rainwater goods shall be finished in cast metal and shall be attached to the stonework as per the existing dwelling.

The reasons 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. 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 Policy(ies) .
3. In order to ensure the protection of the significance of the listed building, in line with policy DP28 and the NPPF.
4. In order to protect the character and significance of the heritage asset and comply with policy DP28.
5. In order to protect the character and significance of the heritage asset and comply with policy DP28.