

Committee Report

Committee Date: 10 May 2017

Item No: 1

Reference: B/17/00066 and B/17/00067
Case Officer: Andrew Thornton

Description of Development: Erection of front porch
Location: Falcon Hall, The Tye, Lindsey, IPSWICH, IP7 6PP
Parish: Lindsey

Ward: Boxford
Ward Member: Cllr Bryn Hurren

Site Area: 0.06
Conservation Area: Not in Conservation Area
Listed Building: Grade 2

Received: 18/01/2017
Expiry Date: 16/03/2017

Application Type: B/17/00066 - Householder Planning Application
B/17/00067 - Listed Building Consent

Development Type: Other
Environmental Impact Assessment: N/A

Applicant: Mr Page
Agent: Tim Moll Architecture Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online via the following links:

https://planning.babergh.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal= BABER_DCAPR_117240

https://planning.babergh.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal= BABER_DCAPR_117242

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend refusal of this application. The proposed development fails to protect or enhance the historic significance of the Grade 2 listed building and as a result is not in accordance with policies CN06 and CN01 of the Babergh Local Plan 2006 (as amended).

PART ONE – REASON FOR REFERENCE TO COMMITTEE

1. The application is referred to committee for the following reasons:
 - The application is referred to the Planning Committee as the Corporate Manager – Growth and Sustainable Planning considers it to be controversial.

The Deputy Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and correctly in accordance with all established procedures and requirements.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/12/00574	Erection of front porch.	Refused 27/06/2012
B/12/00575	Application for Listed Building Consent - Erection of front porch.	Refused 27/06/2012

Details of Previous Resolutions

3. None.

Details of Member site visit

4. None.

Details of any Pre Application Advice

5. The applicant engaged in pre-application advice and was advised that an extension to the front would be unlikely to be accepted. However, advice was offered that an extension to the rear or a non-enclosed porch would be more acceptable.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. Summary of Consultations

Lindsey Parish Council: Supports the applications due to the private benefits to the occupants.

Corporate Manager (Sustainable Environment) - Heritage: Recommends refusal:

- The Heritage Team considers that the proposal would cause harm to the character and appearance of the listed building and to its significance as a designated heritage asset. The level of harm is assessed as being less than substantial, but greater than a slight or moderate level.
- The Heritage Team advises that decision-takers should bear in mind their statutory duty under S 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and any features of special interest which it possesses. They should also now make the balancing assessment of harm against public benefits, as required by NPPF 134.
- The Heritage Team advises that, in its view, the public benefits of the scheme are either absent or very limited and will not outweigh the harm to heritage interests. The application should therefore be refused as failing to preserve the building and its setting and any features of special interest which it possesses and failing to meet the requirements of Babergh saved Local Plan policy CN06 and national policy guidance contained in NPPF 128, 131, 132 and 134.

Representations

7. Summary of neighbour and other representations

Two letters of support have been received from neighbours supporting the application due to the private benefits to the occupants and they consider that the porch would not be harmful to the character of the building.

The Site and Surroundings

8. The application site is a grade 2 listed, two storey, white painted brick dwelling. The dwelling is located within the countryside as part of the village of Lindsey. The listing description describes "An early C19 brick building (painted). Roof Slate, hipped with a central ridge chimney stack. Renovated. Two storeys. Three window range of double-hung sashes with glazing bars, in plain reveals, The centre window on the upper storey is blocked. Central modern 6-panel door and pedimented doorcase."

The Proposal

9. Planning permission is sought for the erection of a front porch on the West elevation. The front porch will project 1.7m from the host dwelling by 2.2m wide at a height of 3.04m (approx. rounding to the closest 0.1m). The materials proposed are a natural slate roof covering with painted facing brickwork to match the existing dwelling. The proposal is the same as that previously refused in 2012.

The existing front door opens inwards, limiting circulation space and blocking access from the living room. The new porch has been designed in a contemporary style and the materials match the existing house. The existing front door is to be reused. The existing front door opening is proposed to be widened to the full width of the hall to maximise the benefits of the porch. This results in the removal of some historic fabric.

The proposal is in order to enable access to the front door for a wheelchair user, whereby currently access is through the garage. In addition to improve the access to the existing stair lift, to enable independent use. The applicant considers there are no viable alternative options.

NATIONAL PLANNING POLICY FRAMEWORK

10. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

Paragraph 134 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 securing its optimum viable use.

CORE STRATEGY

11. The Babergh Local Plan 2011-2031 Core Strategy and Policies document was adopted on the 25th February 2014 and is now fully operational (for the purposes of planning decisions among other purposes). The following policies are relevant to this particular planning application:

- **CS1** - Applying the Presumption in Favour of Sustainable Development in Babergh
- **CS15** - Implementing Sustainable Development in Babergh

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

12. None.

SAVED POLICIES IN THE LOCAL PLAN

13. The Development Plan comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006). The Plan should be regarded as a material consideration in planning decisions. The following saved policies are applicable to the proposal:

- **CN01** - Design Standards
- **CN06** – Listed Buildings
- **HS33** – Extensions to Existing Dwellings

The relevant policies can be viewed online. Please see the notes attached to the schedule.

Main Considerations

14. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

15. The following are identified as the main considerations in assessing this application:

The Principle Of Development

16. The proposed development has been assessed having regards to saved policies CN01, CN06 and HS33 of the Babergh Local Plan (Alteration No.2) adopted 2006. The proposal relates to the alteration/extension of an existing dwelling and the principle of extensions or alterations to dwellings is acceptable, subject to the development being in accordance with the provisions of saved policies CN01, CN06 and HS33 of the Babergh Local Plan Alteration No. 2 (2006).

17. Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location. Policy CN06 requires that any works to a listed building preserve the historic fabric of the building, that all elements, components and features that form part of the buildings special interest are retained, be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting.

18. Policy HS33 states that planning permission for extensions to an existing dwelling will normally be granted provided the scale, mass, external materials and architectural details of the proposed extension blend in with those of the dwelling and its wider setting, the extension reflects and respects the relationship of the site and its setting, and those of adjoining dwellings, and the proposal does not reduce the level of amenity enjoyed by occupants of neighbouring properties which deal with residential extensions.

Design And Layout

19. Falcon Hall is listed as an early C19th two storey, painted brick dwelling with a modern 6 panelled door and pedemented doorcase. The character of the dwelling is partly derived from its simple and pleasing principle façade. The proposed porch would appear as an overly dominant feature, harmful to the character of the building. In addition, even if the principle of an enclosed porch were considered acceptable, this scale of this particular porch, notably its oversized width, is inappropriate.
20. Furthermore, the proposal would result in the loss of the door, fanlight and historic fabric including the brickwork surrounding the door. The loss of the doorway would also result in the loss of the original plan of the dwelling. The area around the front door, the front entrance lobby and the stairs, which rise steeply immediately at the rear of the tiny entrance lobby, are likely to be original features of the house. In particular, the stairs, which rise between an unusual arrangement of flues serving the fireplaces in each of the front rooms, must be original, or at least, in their original location and form. The layout of the front lobby, the front door position and the relationship of these features to the stairs are important aspects of the original plan-form of the house and make an important contribution to its significance as a designated heritage asset.
21. In terms of the present proposal, the new porch would, be unsympathetic in scale, form and design and would involve unacceptable and irreversible loss of historic fabric around the existing front door. The addition of a porch would also involve loss of the original plan-form, which as noted above is an important element in the building's significance. The level of harm entailed in removing the door and surround and installing a new porch as proposed is assessed as less than substantial, but close to this level and certainly greater than a slight or moderate level of harm.
22. For the reasons outlined above, the proposal is considered contrary to policies CN01, CN06 and HS33.

Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

23. The NPPF, at paragraph 134, says that, where proposals 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. Decision-takers should now make this balancing assessment, as required by NPPF 134.
24. The definition of public benefit is defined in Paragraph: 020 Reference ID: 18a-020-20140306 of the National Planning Practice Guidance as set out below:

What is meant by the term public benefits?

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation*

25. Case law established in *R (Forge Field) v Sevenoaks DC* [2014] EWHC 1895 (“Forge Field”) and *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin) (“Pugh”) states that whatever the degree of harm to heritage assets there is a presumption against the development, mandated by the statute, which requires that special regard is had to preserving or enhancing heritage assets. The extent of the presumption against the development will be governed by the level of harm to the heritage asset. In this case, there is a level of harm identified so there is a presumption for refusal as stated by the NPPF, and as there is no public benefit any other decision could be flawed in regards to our statutory duty as laid out by the NPPF.
26. In terms of the present proposal, the new porch would, in the heritage team’s view, be unsympathetic in scale, form and design and would involve unacceptable and irreversible loss of historic fabric around the existing front door. The addition of a porch would also involve loss of the original plan-form, which as noted above is an important element in the building's significance. The level of harm entailed in removing the door and surround and installing a new porch as proposed is assessed as less than substantial, but close to this level and certainly greater than a slight or moderate level of harm.
27. This loss of historic fabric and layout would have a permanent detrimental impact on the special character of the listed asset. As a result, it is considered that under the balancing act highlighted in the NPPF the lack of public benefits arising from the proposal do not outweigh the harm caused to the heritage asset.
28. In undertaking this balancing assessment it is important to distinguish carefully between public benefits and any other benefits which might accrue from this scheme. Whilst it is acknowledged that the current arrangement of the front entrance lobby is inconvenient, and that altering it as proposed will certainly improve the difficult personal circumstances of the current owners and perhaps even help to alleviate the consequences of a private tragedy, these are not public benefits.

29. The assessment of public benefits, therefore, is that they are either absent or very limited, and do not outweigh the harm to heritage interests. The application should therefore be refused as failing to preserve the building and its setting and any features of special interest which it possesses and failing to meet the requirements of Babergh saved Local Plan policy CN06 and national policy guidance contained in NPPF paragraphs 128, 131, 132 and 134.
30. It should be noted that two applications for an identical scheme were refused under delegated powers in 2012 (B/12/00574/FHA & 00575/LBC). These decisions are a material consideration as the planning situation has not changed and there has been no further justification or attempt to address the reasons for refusal outlined in the 2012. Whilst a number of alternatives have been recommended over these intervening years, these have not been acceptable to the applicant due to their cost or amount of space these would take up. Although the applicant's situation is regrettable, the 2012 decisions have established a position whereby consistency dictates these applications, which are similar in all respects, must be recommended for refusal.

Impact On Residential Amenity

31. There would be no impact on the amenity of neighbouring occupants as the proposal has no first floor side windows to increase overlooking. Due to the scale and distance from neighbouring windows it will also have no impact on light levels received.

Other Matters

32. The letters of support make reference to the personal situation of the applicants. Whilst the personal circumstances of the applicant are noted, the addition of the porch to ease the current mobility issues of the current occupier are private, temporary, benefits and do not have any public benefits that would outweigh the harm identified above. The loss of historic fabric would be irreversible. Several alternatives have been recommended by both the previous case officer and the heritage officer. The applicant has decided not to take these options forward.

Biodiversity And Protected Species

33. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. No issues are considered to be present.

PART FOUR – CONCLUSION

Planning Balance

34. When taken as a whole and as a matter of planning judgement, the proposal is not considered to adhere to the development plan and NPPF and therefore cannot be considered sustainable development. The NPPF states that development that conflicts with an up to date development plan should be refused unless material considerations indicate otherwise. In this case, it is not considered that there are sufficient public benefits arising from the proposal that would justify approval of these applications. The applications are therefore recommended for refusal.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

35. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
36. In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

Identification of any Legal Implications of the decision

37. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development:
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That planning permission and listed building consent be refused for the following reasons:

- 1) The proposal is considered to cause less than substantial harm as the proposal will result in adverse impacts on the host dwelling. The adverse impacts are the loss of the door, fanlight and historic fabric, including the brickwork surrounding the door. The loss of the doorway would also result in the loss of the original plan of the dwelling. This loss of historic fabric and layout would have a permanent detrimental impact on the special character of the listed asset. As a result, it is considered that under the balancing act highlighted in the NPPF the lack of public benefits arising from the proposal do not outweigh the harm caused to the heritage asset.
- 2) The proposal conflicts with the aims and requirements of the National Planning Policy Framework (para.134) and policies CS15 of the adopted Babergh Core Strategy and saved policies CN01 and CN06 of the adopted Babergh Local Plan, which are consistent with the Framework.