

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/501777/FULL		
<b>APPLICATION PROPOSAL:</b> Renewal of the rear dormer, replacement windows and doors including internal and external repairs and 3no. external lights.		
<b>ADDRESS:</b> 2 Hillside Cottage Malling Road Teston Maidstone Kent ME18 5AN		
<b>RECOMMENDATION:</b> APPROVED SUBJECT TO CONDITIONS set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The harm to the heritage asset is considered less than substantial and is considered to be outweighed by public benefits.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The recommendation is contrary to the views of the Parish Council who have requested it is reported to Planning Committee.		
<b>WARD:</b> Barming And Teston	<b>PARISH/TOWN COUNCIL:</b> Teston	<b>APPLICANT:</b> Golding Homes <b>AGENT:</b>
<b>CASE OFFICER:</b> Louise Welsford	<b>VALIDATION DATE:</b> 29/04/22	<b>DECISION DUE DATE:</b> EOT 5/12/22
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

15/507359/FULL

Retrospective planning for 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

15/507361/LBC

An application for listed building consent for the erection of 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

90/1412

Satellite Television Dish.

Refused 28.09.1990

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

1.01 This application relates to a grade II listed dwelling, estimated to date from the 18<sup>th</sup>-century. It is constructed of red brick to the ground floor, with white weatherboarding to the first-floor, under a tiled, gambrel roof.

1.02 The building lies within Teston conservation area and is positioned in a prominent location, and on to the road, such that its front and rear elevations are equally visible. The site is classed as open countryside in the local plan, although its actual position is in a location surrounded by built development within the village.

## **2. PROPOSAL**

- 2.01 Planning Permission is sought for the extension of the existing rear dormer, replacement windows and doors, internal and external repairs, and 3 external lights.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): SP18, DM4, DM1, DM9  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents: Residential Extensions

Emerging Policy : Maidstone Borough Council has also submitted its Regulation 22 Submission relating to the Local Plan Review. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2019, the representation and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be subject to examination in public. Policy LPRSP15 (B) – The Historic Environment Policy LPRENV 1 – Historic Environment, Policy LPRSP15 – Principles of Good Design, LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas

## **4. LOCAL REPRESENTATIONS**

**Local Residents: 3** representations received from local residents raising the following (summarised) issues

- loss of privacy
- construction phase issues including parking and disruption
- appropriate materials should be used, including in keeping with number one and ensuring the preservation of the building
- light pollution
- the size and symmetry of the dormer
- potential removal of asbestos
- impact of CCTV cameras (not part of this application)

Issues relating to the construction phase and removal of asbestos are not material planning considerations. (There is separate legislation relating to asbestos).

## **5. CONSULTATIONS**

### **5.01 MBC Conservation Officer**

initial comments: objected to the use of standard double glazing. Considered that the works which have been carried out to the ceiling had not resulted in significant harm. Replacement of weatherboarding on a like-for-like basis is acceptable. Repair of existing joists is acceptable. Mechanical ventilation is acceptable in principle, but further details are required.

On receipt of further details of mechanical ventilation, lighting and use of slim double glazing with integral glazing bars raises no objection.

5.02 Teston Parish Council (summary of comments)

Objections relate to the appearance of the listed building, loss of symmetry, impact upon the character and appearance of the conservation area and light pollution. Conditions requested relate to the materials being appraised by the conservation officer and rear dormer being skewered glazed and only small top opening.

Comments also raised issues of neglect and ownership and a request a condition that the procedures and practices of contractors are monitored by the applicant – these areas within the comments are outside of the remit of planning (beyond whether serving an urgent works notice would be considered which has not, in this case, been issued).

5.03 KCC archaeological officer: no response.

**6. APPRAISAL**

The key issues are:

- Impact upon the listed building and the character and appearance of the conservation area
- Impact upon residential amenity

**Heritage Impact - listed building and conservation area**

- 6.01 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings and their settings and any special architectural or historic features which they possess. The court have determined that considerable weight and importance should be given to any harm found to the significance of listed buildings.
- 6.02 Section 72(1) of the Town and Country Planning Act 1990 requires that special regard is had to the question of whether or not a proposed development would preserve or enhance the special character of the conservation area. There is a presumption that development which would not do so should be refused.
- 6.03 Local plan policies DM4 and SP18 similarly seeks to preserve listed buildings and their settings, and the special character of conservation areas, in an appropriate manner and this is also carried forward into emerging policies.
- 6.04 In this case, the proposals are of a relatively minor nature and the conservation officer has assessed the revised application and raises no objection.
- 6.05 Firstly, with regards to the fenestration, most of the windows are modern replacement and of low significance. Historic England guidance upon replacement of traditional Windows advises that where historic Windows have been replaced with those which are not considered to contribute towards the significance of a listed building, their replacement with windows of a sympathetic historic pattern “whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm”. This is considered to be such a case. The windows are considered of low significance and the proposed design is considered sympathetic to the character of the building. Initially, standard double-glazing was proposed, which was considered inappropriate and harmful, but the application has been amended to seek slim-profile units which have integral glazing bars, such as to preserve the character of the property.

- 6.06 With regards to the works already carried out, the conservation officer has commented that the original joists appear to have been modern and of no significance and that several joists have been retained to match the same trust arrangement in the attached property. The works are not considered to have resulted in significant harm. Similarly, other repairs and a like-for-like replacement of weatherboarding, which has deteriorated, are not considered to result in any material harm to significance or the special interest of the building.
- 6.07 Details of mechanical ventilation have been provided utilising tile vents and these are considered appropriate. The design of the external lighting is also considered sympathetic to the character of the building. Whilst additional lighting is not to be welcomed in the conservation area, since it generally low levels of lighting are considered to be part of its character, this is an area with many dwellings such that there would already be some degree of light from within existing buildings (for an example where curtains remain open) and, particularly in winter, from traffic movements. Any harm to the conservation area character from the additional lights is considered to be very low.
- 6.08 With regards to the extension to the dormer, visually this is not to be welcomed. It would to some degree disrupt symmetry and the existing flat roofed rear dormers are features which currently detract from the character and appearance of the building. Therefore, the increase in scale would result in the dormer being slightly more prominent, although the use of appropriate materials would help to minimise the harm. It is the view of the conservation officer that the increase in the scale of the dormer would result in a low level of harm, at the lower end of less than substantial. I concur with this view.
- 6.09 Therefore, considering all of the above, it is concluded that the proposal would result in a low level of harm to the significance of the listed building, as a result of the increase in the scale of the dormer, and that this would be less than substantial. It is further concluded that similarly there would be a low level of harm to the character and appearance of the conservation area. To the conservation area, the level of harm is considered to be slightly lower, since, although the dormer would be very visible, in the wider scheme of the conservation area, the rear elevation makes a lesser contribution.

### **Residential Amenity**

- 6.10 The development is not of a scale to result in any significant light or outlook issues for any neighbouring property. With regards to privacy, the plans now indicate that the bathroom window would be of obscure glazed. Given that the building is slightly offset from the dwelling behind, on balance I do not consider it reasonable to attach a condition to ensure that the window is non-openable – the design of the window is such that it does not have a top opening fanlight (which may be out of keeping with the character of the listed building) and given that it is not a habitable room, its usage is likely to be more limited. It is concluded that there are insufficient grounds to refuse the application in terms of privacy.
- 6.11 With regards to light pollution, the proposed lights are of a small scale and not out of keeping beyond what one might expect at a residential property within a built up surrounding. I accept that this is a rural village location, but nevertheless given the type of lighting and the number of lights, it is not considered that the impact upon residential amenity would be so severe as to justify a refusal. It is noted that the lights are indicated to be fitted with PIR sensors.

### **Other Matters**

- 6.12 Due to the nature of the proposal and its scale, it does not raise any significant ecological, tree, parking or archaeological issues.

- 6.13 Other issues raised in representations include the construction phase, the appropriate dealing with the removal of any asbestos including surveys and CCTV cameras attached to fencing.
- 6.14 The construction phase is not a material planning consideration. An informative can be attached regarding asbestos to draw the applicant's attention to the need to deal with this matter in line with appropriate legislation. With regards to CCTV cameras, these do not form part of the application, but again an informative can draw the applicant's attention to this matter and that need to deal with this appropriately, seeking any required consents.

### **Balancing Exercise**

- 6.15 Harm has been identified to the significance of the listed building and, to a lesser degree, to the character and appearance of the conservation area. The level of harm in both cases is considered to be less than substantial.
- 6.16 There are not considered to be any significant residential amenity issues of a scale which would justify a refusal.
- 6.17 Where harm to designated heritage assets is identified, the NPPF requires this to be balanced against public benefits, including securing the optimum viable use of the asset.
- 6.18 In this case, the applicant has indicated a disability need for the part of the proposal which is resulting in harm, the changes to the bathroom/dormer. It is considered that this can be attributed some weight, although occupation can change and therefore the weight is considered to be limited. However, importantly it is noted that the bathroom is an extremely confined space, measuring approximately 1.5 m x 2.5 m with, importantly, some restricted head room due to the steeply sloping nature of the roof slope of the bath. The bathroom is a facility which is essential to the functioning of the building in its current use as a dwelling and there are not alternative bathroom facilities within the building. Therefore, in terms of its impact with regards to maintaining the building in its most viable use, more significant weight is attached, as it is considered that in this regard it is important and that the proposals are reasonably justified. The harm has been minimised, as the extension to the dormer would not appear to be more than is reasonably necessary to provide a functional bathroom area.
- 6.19 In conclusion therefore, significant importance must be given to the harm to the heritage assets, but the level of harm is considered to be low, at the lower end of less than substantial. The public benefit, in particular in terms of securing and maintaining the optimum viable use of the building is considered to be significant and, on balance, to outweigh the harm in this case. A recommendation of approval is therefore considered appropriate.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.20 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 Harm has been identified to the significance of the listed building and, to a lesser degree, to the character and appearance of the conservation area. The level of harm is considered to be low, at the lower end of less than substantial.

- 7.02 On balance, the public benefits, in terms of maintaining the viable use of the building in its current use as a dwelling, which is considered to be the optimum viable use, are considered to outweigh the harm. Approval is therefore recommended.

## **8. RECOMMENDATION**

### **GRANT planning permission subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

#### CONDITIONS:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents unless otherwise agreed in writing by the local planning authority:

a site location plan and block plan received on 29/04/22, proposed floor plan reference 47766\_V2 Rev 0 received on 27/04/22, proposed elevations reference 47766 Rev 0 received on 11/07/22, a letter from the applicant dated 08/07/22, Evesham wall light specification and Hambleside Danelaw plain tile vent specification received on 08/07/22 and joinery details shown in Windows section drawing in appendix A of heritage statement Windows and doors Rev A received on 08/07/22;

Reason: To clarify which drawings have been approved and to preserve the character, appearance and special interest of the listed building.

- 3) Before the development hereby permitted is first occupied, the proposed rear dormer window hereby permitted shall be obscure glazed and shall subsequently be maintained as such;

Reason: In the interests of privacy and to ensure a satisfactory living environment.

### **INFORMATIVES**

#### Asbestos

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of

construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

The applicant is encouraged to investigate the issue regarding CCTV cameras raised within a representation to ensure that they comply with any appropriate legislation and that any appropriate consents are sought.

Case Officer: Louise Welsford

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.