

APPLICATION: MA/10/0791 Date: 6 May 2010 Received: 16 August 2010

APPLICANT: Mr P Bradley

LOCATION: 3, RANDALLS ROW, HIGH BANKS, LOOSE, MAIDSTONE, KENT,
ME15 0EG

PARISH: Loose

PROPOSAL: An application for listed building consent for erection of single storey rear extension (re-submission of MA/09/0726) as shown on drawing number(s) 05 rev A, 07 Rev A, 10 and 08 Rev A and a site location plan upon drawing no. 01 Rev A received on 10/05/10, drawing no. 09 Rev B received on 16/08/10, drawing no. 01 Rev B received on 23/07/10 and a Heritage Statement received on 21/07/10.

AGENDA DATE: 4th November 2010

CASE OFFICER: Louise Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council
- Councillor Sherreard has requested it be reported for the reason set out in a previous Committee report

POLICIES

Government Policy: PPS5.

1 HISTORY

- 1.1 See previous Committee report. Planning application MA/10/0790 for the proposed single storey rear extension was approved by Members at Planning Committee on 23rd September 2010.

2 CONSULTATIONS

- 2.1 Please see the previous Committee reports and Urgent Update (see Appendices) for details of the original comments received. The following comments have been received since the previous Committee meeting:

2.2 Maidstone Borough Council Conservation Officer:

"... As the Historic Environment Planning Practice Guide accompanying PPS5 makes clear (para 111), the duty to consider the desirability of preserving a listed building or its setting is equally applicable to both applications for planning permission and listed building consent. Therefore, if Members considered that the external appearance was acceptable under the planning application, in coming to that decision they should have had regard to the appropriateness of the design to the listed building. Listed Building Consent is required for a wider range of works than planning permission (smaller extensions or internal alterations, for example) but where there is an overlap where works require both permission and consent, both applications should be considered in the same way as regards the impact on the building.

Impact on the character of the Conservation Area also falls to be dealt with under the planning application, not the listed building consent. In granting the planning permission, Members have accepted that the proposal fulfils the requirement to preserve or enhance the Conservation Area.

I have just a few specific points to make in response to some of the objections.

I do not think it is reasonable to suggest that this modest extension will dominate the original asset or its setting in scale, material or siting.

I do not consider that the cumulative impact of this small extension (added to previous additions) will have any appreciable impact on the significance of the row of listed buildings.

The previous refusal related to a proposal of radically different design. Whilst double-glazing is still generally resisted on listed buildings, there are numerous examples where it has been allowed to be used in conjunction with large panes of glass on features such as French windows, etc.

The flat roof in itself does not make the extension unacceptable, particularly given its small scale and the use of a traditional material (lead) for its covering – extensions of this nature have been added to older buildings since the 19th Century. PPS5 nowhere seeks to impose strict historicism in the matter of style.

The use of render is not inappropriate in the context – many buildings in Loose are of white-painted render, including parts of Randall's Row. The roof is to be of lead.

Of course it is true that the listing protection extends to the whole building, including later extensions, but this does not mean that all such extensions have any special interest, merely that the legal requirement for listed building consent applies to them. Each application needs to be assessed on the basis of its impact

on the significance of the building – that significance may be greater in some parts of the building than others. In this case, no harm is done to any historic fabric, and the scale, design, bulk and materials of the extension have been considered to be appropriate within their context. The impact of the proposal on the significance of Randall’s Row might be described as neutral”.

3 REPRESENTATIONS

3.1 See previous Committee reports and Urgent Update (see Appendices) for representations previously received. The following comments have been received since the previous Committee meeting:

Further objections from four neighbouring properties. These raise a number of issues relating to listed buildings and conservation areas, including the following main issues:

- Proposal does not enhance the Listed Building.
- Design is inappropriate.
- The extension would dominate the neighbouring Heritage Assets.
- Visual appearance, (including materials and double glazing) is unacceptable.
- Importance of preservation, protection or enhancements of rear elevations to the terrace.
- Cumulative impact of extensions.
- The proposed development neither preserves nor enhances the special character of the area.
- Impact upon the terrace as a whole.
- Contrary to PPS5.

Other issues relating to residential amenity are raised, but these are not listed building consent issues.

4 BACKGROUND

4.1 This application follows the refusal of application MA/09/0726, which was refused on the following grounds:

“The proposed conservatory by virtue of its design, in particular, the pitched roof and double glazing would cause significant harm to the character, appearance and form of the listed building and would detract from the traditional and historic

appearance of a terrace of listed buildings, contrary to policy BE6 of the South East Plan 2009 and advice contained within PPG15: Planning and the Historic Environment”.

- 4.2 Subsequent to the previous refusal, the applicant sought pre-application advice upon the acceptability of a revised scheme. An informal meeting was held on site on 7th December 2009, with a Planning Officer and a Conservation Officer and a detailed letter providing informal advice was written to the applicant upon 9th December 2009. This proposal is in line with the Listed Building advice contained within the said letter. A copy of the pre-application advice was attached as an Appendix to the previous Committee report.
- 4.3 This application was originally considered by Members at the Planning Committee on 23rd September 2010. Members resolved to defer the application and sought detailed comments from the Conservation Officer and the Conservation Officer’s attendance at the Planning Committee meeting. However, planning permission was granted for the same scheme on 23rd September 2010.
- 4.4 This application was then reported back to Planning Committee on 14th October 2010. Detailed comments from the Conservation Officer were included within the Committee Report. The Conservation Officer was unable to attend the meeting.
- 4.5 Members resolved to refuse the application and the following reason for refusal was drafted:

“The proposed extension by its nature fails to maintain or enhance the listed building and the neighbouring listed buildings, which together constitute a significant grouping within the conservation area. In particular the flat roofline, imposed by the nature of its relationship with the existing extension creates an incongruous visual effect which undermines the quality of the listed buildings and their setting, contrary to the provisions of PPS5.”
- 4.6 Although a resolution to refuse was taken, the actual decision was deferred to allow a cooling off period, during which to assess the implications of the resolution and the wording of the reason for refusal.

PLANNING CONSIDERATIONS

5 SITE AND SITUATION

- 5.1 The application site contains an eighteenth century, Grade II Listed, mid-terraced cottage. The front elevation is constructed of red brick in Flemish Bond to the ground floor and white weatherboarding to the first floor, under a plain tiled roof. A rendered rear extension was added prior to 1981, having

accommodation upon two floors. Nos. 1-5 within the row are all Grade II Listed, although the end cottage, to the north, known as Forge Cottage, is not listed. The site is located within Loose Conservation Area and the village envelope of Loose. It also falls within an Area of Local Landscape Importance.

6 PROPOSAL

- 6.1 Listed Building Consent is sought for the erection of a single storey rear extension. The extension would have a footprint of approximately 4m x 2.5m. Its walls would be rendered and it would have a flat roof with a raised rooflight.
- 6.2 This application follows the refusal of application MA/09/0726, which was refused upon the grounds of the impact upon the Listed Building and Listed terrace. The full reason for refusal is given above. The main differences between the previous scheme and this scheme are that the proposal has been reduced in scale, from a maximum height of approximately 3.5m to 3m and from a maximum depth of approximately 3.8m to 2.5m. Also, the pitched roof has been replaced by a flat roof.
- 6.3 This scheme is for the same development which was granted planning permission on 23rd September 2010.

7 HISTORICAL IMPACT

- 7.1 It is important to note that there is not a specific requirement to *enhance* listed buildings. It is not a requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act requires that local planning authorities have special regard to the desirability of *preserving* a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 7.2 A key theme of PPS5 is that of conserving heritage assets. In Annex 2 of PPS5, conservation is defined as:
"The process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance."
- 7.3 To *preserve or enhance* is a mandatory consideration in Conservation Areas and this matter was considered in the determination of the planning application (MA/10/0790 approved on 23rd September).
- 7.4 Both the Act and PPS5 require due consideration to be given to the *preservation* of listed buildings and their settings (as opposed to enhancement). The desirability of preserving the listed buildings, their settings and features of special architectural and historic interest have been fully considered in both the planning and listed building consent applications.

- 7.5 As discussed in the previous Committee reports, the proposed extension would be of a small scale in terms of both its depth and height, would be located in a subordinate position to the main house (being to the rear) and would be attached to modern work, rather than the original historic structure.
- 7.6 For these reasons, it is considered that the proposed extension would not dominate the main house and due to these factors and its simple design, it is considered that the proposal would have a neutral impact upon the Listed building and its setting.
- 7.7 The fact that this building has already been extended has also been considered, but again, due to the small scale of this proposal, the cumulative impact is not considered to be so overwhelming upon the original building as to justify a refusal.
- 7.8 In terms of the listed terrace as a whole, I would like to add that whilst existing rear extensions may be of a similar depth, they are of differing designs. The existing rear elevation of the terrace as a whole is not homogenous and, therefore, the addition of this small extension, again being of differing design, would not be significantly out of character. Existing rear extensions to the terrace are not of fixed character.
- 7.9 The proposal would not result in the loss of any historic fabric or features of special interest, because it would be attached to a modern extension.
- 7.10 It is fully recognized that the whole building is listed, but the existing rear elevation contains nothing specific of significance to this building. The proposal is for an extension to a modern extension – it seeks to attach modern work to modern work, and would not have any direct intervention with the original historic structure.
- 7.11 The Conservation Officer is firmly of the view that no significant harm would be caused to either the neighbouring Listed Buildings or their settings by this proposal. I have considered all of the issues raised in representations, but remain also of the view that this proposal accords with PPS5 and would not cause such significant harm to the Listed Buildings or their settings as to justify a refusal.
- 7.12 I would also like to point out that whilst other properties were referred to in the Conservation Officer's previous comments, significant weight was not afforded to these in formulating my recommendation, because the case must be assessed upon its own merits, which is what has been done.

8 WHETHER THE DRAFTED REASON FOR REFUSAL CAN BE SUSTAINED

- 8.1 As stated, Planning Permission for the proposed extension was granted at Planning Committee on 23rd September 2010.
- 8.2 The stated reason for refusal for this listed building application relates to the design and visual appearance of the extension and its impact upon the listed buildings and their settings. These issues are also planning issues which were considered under the planning application and therefore deemed to be acceptable under that permission.
- 8.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. This requirement applies equally to planning and Listed Building consent applications.
- 8.4 The relevant policies and guidance in relation to this listed building consent application are contained within PPS5. The approved planning application was also considered in relation to the policies and guidance within PPS5. Indeed, PPS5 advises that it:
"sets out the approach local planning authorities are to take when determining whether to grant planning permission or other consents ..." (such other consents would include listed building consent). The approach of PPS5 being that "Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal". This assessment has been undertaken through the planning process.
- 8.5 The fundamental difference between an application for planning permission and an application for Listed Building Consent is that an LBC application also considers the impact on the historic fabric of the protected building when planning permission is not needed, for example: demolition; removal/replacement of any part of the structure of the building and/or fenestration. LBC consent can also be required for works which constitute Permitted Development not requiring planning permission. Members have already therefore considered the impact of the proposed extension on the Listed Building and found this to be acceptable through the grant of planning permission. It is clear that the proposed extension would not cause harm to the fabric of the listed building as it does not involve the loss of any original features nor does it physically connect to the original building.
- 8.6 The stated reason for refusal does not refer to any internal loss of historic fabric. The reason for refusal relates to the considerations which have already been considered through the planning application.

8.7 Therefore, the issues to be considered in this particular application are essentially the same in that both applications should be considered with regards to Listed Building issues as indicated by the Act and PPS5. In consequence, the cited reason for refusal cannot be sustained, because the areas which are stated to be unacceptable have already been considered acceptable under the approved planning application.

9 CONCLUSION

9.1 Taking all of the above into account, and also the comments within the previous Committee reports and Urgent Update, it is concluded, on balance, that the previous reason for refusal has been addressed and that the proposal would not result in significant harm to the character, appearance or setting of the Grade II Listed Building or to the listed terrace.

9.2 The stated reason for refusal cannot be sustained. Approval is recommended.

RECOMMENDATION

GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until full details of new external and internal joinery, in the form of large scale drawings, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

3. The development shall not commence until full details of the render mix and colour of the finish of the extension have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

4. Notwithstanding the details submitted in section 14 of the application form received on 10th May 2010, the roof of the extension hereby permitted shall be constructed of lead and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To preserve the setting, character and appearance of the Grade II Listed building and the Conservation Area, in accordance with PPS5.

Informatives set out below

Joinery details should show flush casements, with no more than 6mm double glazing.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.