

## PLANNING COMMITTEE – 25 APRIL 2023

**Reference Number:** 22/01077/FLH

**Application expiry:** 28/04/2023

**Application Type:** Householder

**Description:** Single Storey Extension to Eastern Gable and formation of opening between extension and existing kitchen (Listed Building)

**At:** Common Bank, Fallgate, Milltown, Ashover, Chesterfield, S45 0EY

**For:** Mr S Wortley

**Third Party Reps:** None

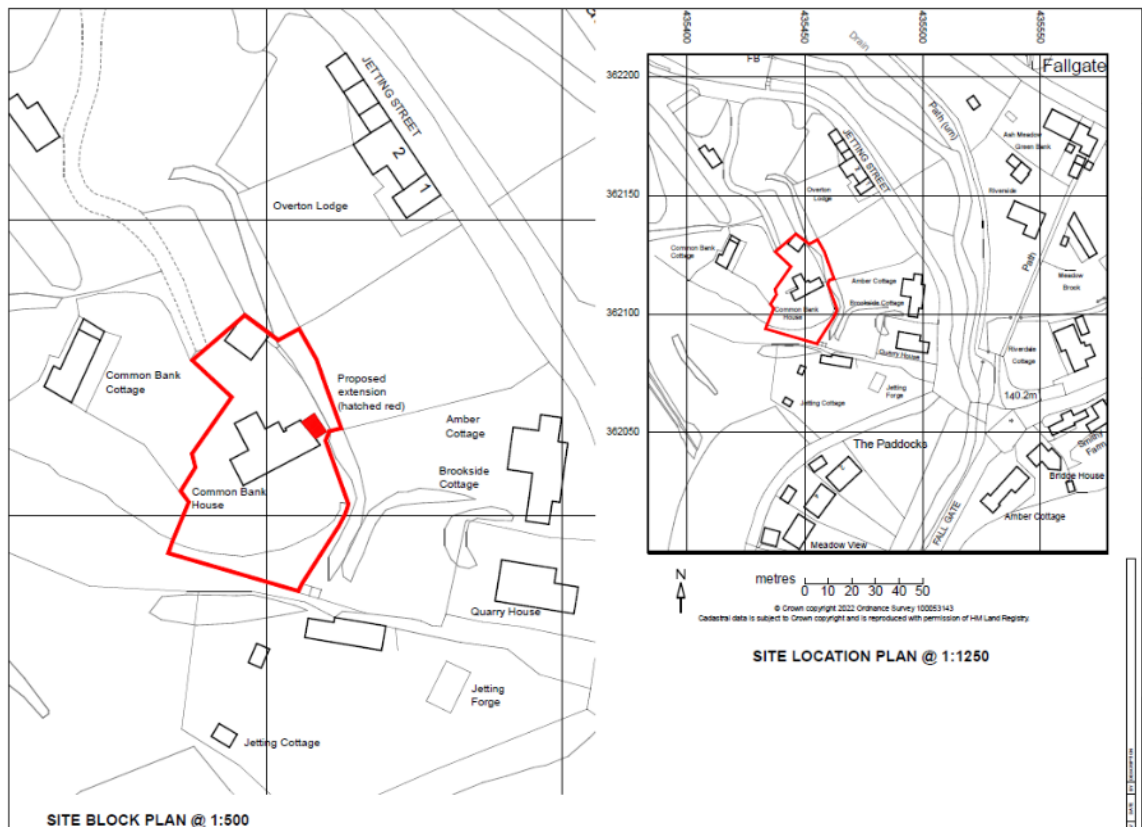
**Parish:** Ashover

**Ward:** Ashover

**Report Author:** Curtis Rouse

**Date of Report:** February 2023

**MAIN RECOMMENDATION:** Refusal



## **1.0 Reason for Report**

- 1.1 This planning application is being considered by members of planning committee because the applicant is a relation of an employee at North East Derbyshire Council.
- 1.2 This planning application was called into committee by Councillor Armitage on the basis that the applicant's wife works for North East Derbyshire Council. The Council's legal team have considered that this call in request was valid.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application property is a detached, two storey dwelling with garden space to the rear and a driveway to the side. Figures 2-4 below illustrate the view of the front, side and rear of the property.
- 2.2 There are two nearby neighbouring properties (Overton Loge and Amber Cottage). Both are detached two storey dwellings.
- 2.3 The application site is located outside any defined settlement development limit in an open countryside setting.



*(Figure 2: View of application site from the front)*



*(Figure 3: View of application site from the side where the proposed extension would be)*



*(Figure 4: View from rear of application site)*

## **Proposal**

- 2.4 The proposed development is for a single storey extension to the eastern gable and formation of an opening between the proposed extension and existing kitchen. Figure 5 below illustrates the proposed plans.
- 2.5 The proposed extension will provide room for a new kitchen and will allow the old kitchen to be converted into a dining area. It is proposed to building the extension from random rubble limestone with dressed gritstone window surround, natural slate and painted timber windows to match the existing dwelling.





**(Figure 5: Proposed plans)**

## Amendments

2.6 There have been no amended plans submitted.

## 3.0 Relevant Planning History

01/01221/FL	CA	05.04.2002	Refurbishment and extension of building to form dwelling, erection of detached double garage and installation of septic tank (Listed Building) (amended plan)
01/01226/LB	CA	04.04.2002	Listed Building Consent for refurbishment and extension to building to form dwelling, erection of a detached double garage and installation of septic tank (Listed Building) (amended plan)
10/00459/LB	CA	07.07.2010	Application for Listed Building Consent for erection of a single-storey side extension (Listed Building)
11/00561/LB	CA	14.09.2011	Application for Listed Building Consent for installation of a satellite dish (Listed Building)
18/01126/FLH	R	13.02.2019	Proposed single storey sun room side extension and single storey kitchen side extension (Listed Building) (Amended Plans)
18/01142/LB	R	13.02.2019	Listed Building Consent application for proposed single storey sun room side extension and single storey side kitchen extension (Amended plans)
19/00667/FLH	CA	06.09.2019	Application for proposed sun room ( Listed building) ( Revised scheme of 18/01126/FLH)

19/00668/LB	CA	06.09.2019	Application for listed building consent for a proposed sun room ( Listed building) (Revised scheme of 18/01142/LB)
22/01078/LB	PCO		Application for Listed Building consent for a single Storey Extension to eastern gable and formation of opening between extension and existing kitchen. (Listed Building)

#### **4.0 Consultation Responses**

- 4.1 **Parish Council** No comments.
- 4.2 **Ward Member** The local ward member requested that the application be considered by members of planning committee.
- 4.3 **Highways Authority (HA)** No comments raised.

#### **5.0 Representations**

- 5.1 The application was originally publicised by way of neighbour letters and the display of a site notice adjacent to the site. A site notice was placed on the telegraph pole opposite the house on 11 November 2022.
- 5.2 No comments received from members of public.

#### **6.0 Relevant Policy and Strategic Context**

##### **North East Derbyshire Local Plan 2014-2034 (LP)**

- 6.1 The following policies of the LP are material to the determination of this application:

SS9 Development in the Countryside  
 LC5 Residential Extensions  
 SDC12 High Quality Design and Place Making  
 SDC3 Landscape Character  
 SDC6 Development Affecting Listed Buildings

##### **Ashover Neighbourhood Plan (ANP)**

- 6.2 The Ashover Neighbourhood Plan (ANP) has been accepted at referendum and the District Council adopted the Plan in 2016. The relevant policies should therefore carry weight in any decision:

AP2 Located outside Settlement Development Limits  
 AP11 Design  
 AP12 Listed buildings  
 AP13 Landscape Character

## **National Planning Policy Framework (NPPF)**

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

### **Other Material Planning Considerations**

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013.
- 6.5 Section 66 of The Listed Buildings and Conservation Areas Act 1990 (as amended).

## **7.0 Planning Issues**

### **Principle of Development**

- 7.1 The application site is located in open countryside, outside any defined settlement development limit and involves works to a listed building.
- 7.2 Local plan policy LC5 supports extensions to dwellings providing they are in keeping with the existing property and street scene in terms of their style, proportion and materials and should avoid significant loss of privacy and amenity for neighbouring residents.
- 7.3 In a countryside setting, local plan policy SS9 supports development where it respects the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.4 Local plan policy SDC12 and ANP policy AP11 requires development proposals respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting; include well designed boundary treatments and landscaping; protect the privacy and amenity of neighbouring occupiers; and maintain or enhance important heritage assets.
- 7.5 Local Plan Policy SDC3 and ANP AP13 requires proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. Development should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES).
- 7.6 Local Plan policy SDC6 and ANP policy AP12 requires development to preserve the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building. Furthermore proposals should use materials, layout, architectural features, scale and design that respond to and do not detract from the listed building.

- 7.7 Policy AP2 of the Ashover Neighbourhood Plan (ANP) states that in all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.

### **Impact on the Countryside**

- 7.8 According to the planning history, the house has been previously extended in 2001 along with building a detached garage. Additionally, a single storey extension was approved in 2010, and a sun room was approved in 2018, with an amended scheme to the sun room approved in 2019.
- 7.9 The proposed extension will increase the size of the dwelling to form a kitchen extension to the side of the property. The proposed extension will be modest in scale measure 2.55m by 3.6m and be constructed from matching materials to the main dwelling.
- 7.10 In a countryside setting development is required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials. Furthermore the site is within a Primary Area of Multiple Environmental Sensitivity (AMES), where development should be informed and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the AMES. The surrounding landscape type is characterised as Wooded Slopes and Valleys of the Derbyshire Peak District Fringe.
- 7.11 The application site sits on a higher level than the surrounding houses, meaning any extensions made to it would appear more prominent than they would on other houses. The proposal will be visible from Hockley Lane and Fallgate.
- 7.12 It is noted that a two storey extension and a single storey additions were built to the back of the property in the early 21st century. In the last few years, a garden room extension was granted consent and this is in the process of being constructed. The Councils Conservation Officer is concerned that a further extension built from the intact eastern gable end would amount to additions that would detract from the character of the property in this sensitive landscape setting.
- 7.13 As a result, a further addition to the property would result in a cumulatively negative impact on the character and appearance of the site which would fail to respect the siting and design of the dwelling in this sensitive landscape setting.

### **Impact on the Listed Building**

- 7.14 Policy SDC6 states, 'proposals for alterations to or changes of use of a listed building will be supported where they protect the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building and use materials, layout, architectural features, scale and design that respond to and do not detract from the listed building'
- 7.15 The statutory requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed

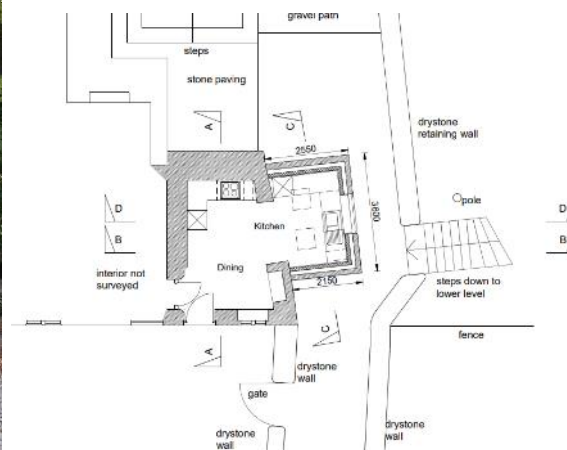
buildings or their settings or any features of special architectural or historic interest which it possesses. The statute is a material consideration of significant weight for determination of proposals that involve the conversion, alteration, and extension of heritage assets.

- 7.16 The NPPF in section 16, paragraphs 199 and 200 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 7.17 In support of the proposal a Design and Heritage Statement has been submitted, prepared by Darren Mayner Architecture. The statement suggests that the proposed extension is necessary and will have little impact on the integrity of the listed building. In fact, a similar extension was approved in 2010 and 2019 for an extension at the opposite end of the house.
- 7.18 The Council's Conservation Officer has raised concern at the lack of suitable information submitted to perform a full assessment on how the proposed development will harm the character of the listed building, and how there are not enough mitigating factors present to outweigh the harm the proposed development will incur to the Listed Building.
- 7.19 It is therefore concluded that the proposed works would fail to preserve the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building. Furthermore the overall scale and design of the proposed extension would detract from and be harmful to the listed building.

### **Impact on Neighbour Amenity and Privacy**

- 7.20 Local Plan Policy LC5 requires development to avoid significant loss of privacy and amenity for the residents of neighbouring properties.
- 7.21 In terms of the impact on the privacy and amenity of neighbouring residents the properties most likely to be impacted by the development are those to the east including Brookside Cottage and Overton Lodge. Officers note that on the submitted location plan both Amber Cottage and Brookside Cottage are named to the east, however Amber Cottage does not appear as a named property in our system.





**(Figure 6: View from location of proposed extension down into neighbouring garden at Brookside Cottage and proposed floor plan illustrating position of side facing window)**

- 7.22 The proposed extension is single storey in nature with a one side (east) facing window to a kitchen. This window is considered to be a habitable opening which would have views to the east.
- 7.23 Views to the east would be across land to the north of Brookside Cottage and offer some acute views into the far extent of the rear garden of this property. The boundary treatments in this location are low formed stone walls, with the garden of Brookside Cottage set lower than the application site. No objections have been received from the neighbouring residents. As such Officer's conclude that the proposed development would not be harmful in privacy and amenity terms over and above the existing situation.

### **Highway Safety Considerations**

- 7.24 The proposal would have no impact on the level of parking on site and the highways authority have raised no direct concerns. As such it is not considered that the proposed development would result in an unacceptable impact on highway safety.

## **8.0 Summary and Conclusion**

- 8.1 Overall Officer's conclude that the proposed development, when read in the context of the past developments would contribute to diluting the buildings character and will therefore harm the listed buildings setting.
- 8.2 Furthermore insufficient information has been submitted to support the proposed development. As such the benefits of the scheme in this instance do not outweigh the harm to the listed building and its setting.
- 8.3 In addition, a further addition to the property would result in a cumulatively negative impact on the character and appearance of the dwelling which would fail to respect the siting and design of the dwelling in this sensitive landscape setting.
- 8.4 Officer's are satisfied that the impact on neighbouring residents and highway safety will be acceptable.

- 8.5 It is concluded that the proposed development would be contrary to the Local Plan, Ashover Neighbourhood Plan and National Planning Policy Framework and should therefore be refused.

## 9.0 Recommendation

- 9.1 That planning permission is **REFUSED** for the following reason:

The proposal is for a single storey side extension to Common Bank Cottage which is a Grade II Listed building. The site is within a countryside setting which is identified as a Primary Area of Multiple Environmental Sensitivity (AMES).

The principle of altering the simple form of the east gable end of the historic building with the proposed extension will harm the character of the listed building in a sensitive landscape setting. The further accumulation of new built form will dilute the building's character and significance in this sensitive landscape setting.

Insufficient convincing justification and/or public benefit to outweigh this harm has been submitted to support the proposed works.

In view of the above, the proposal would be contrary to section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990; the North East Derbyshire District Council's Local Plan policy SS9, LC5, SDC6 and SDC12; the Ashover Neighbourhood Plan policy AP2, AP11 and AP12; and the National Planning Policy Framework (NPPF) when read as a whole.