

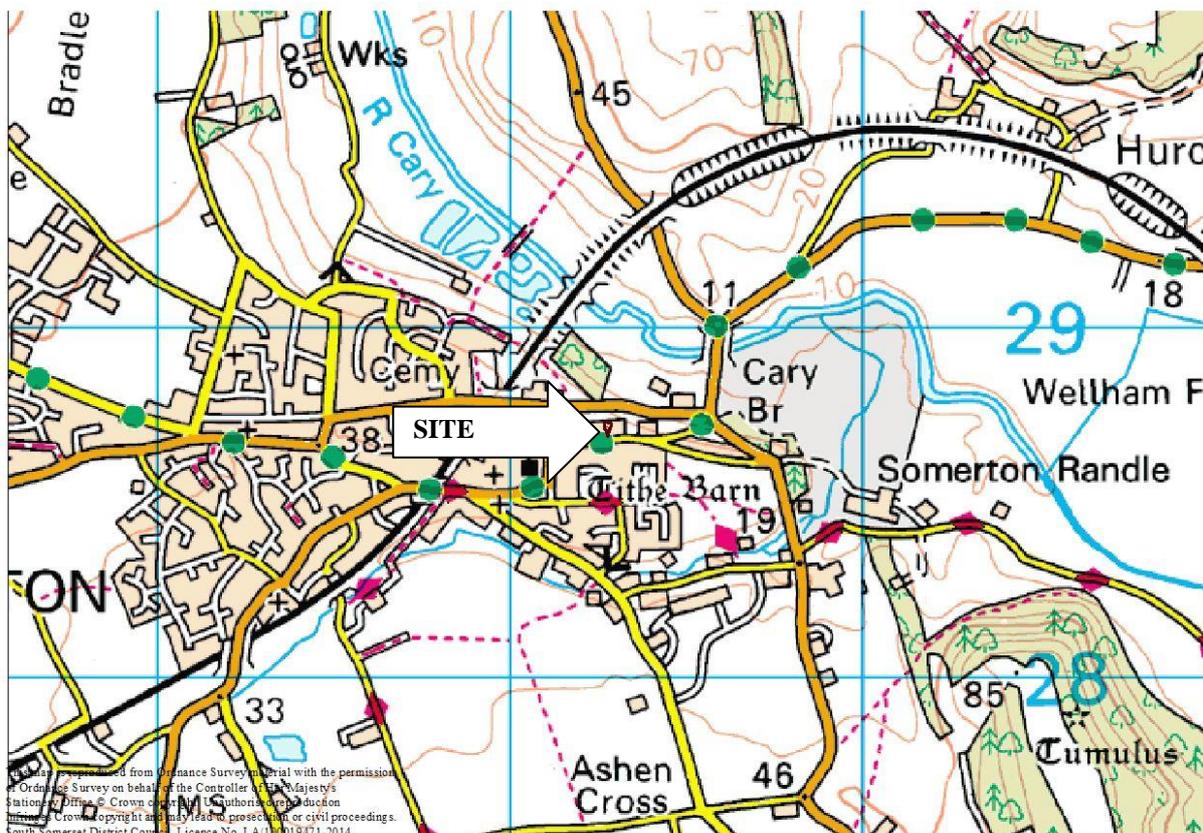
## Officer Report On Planning Application: 14/02558/FUL

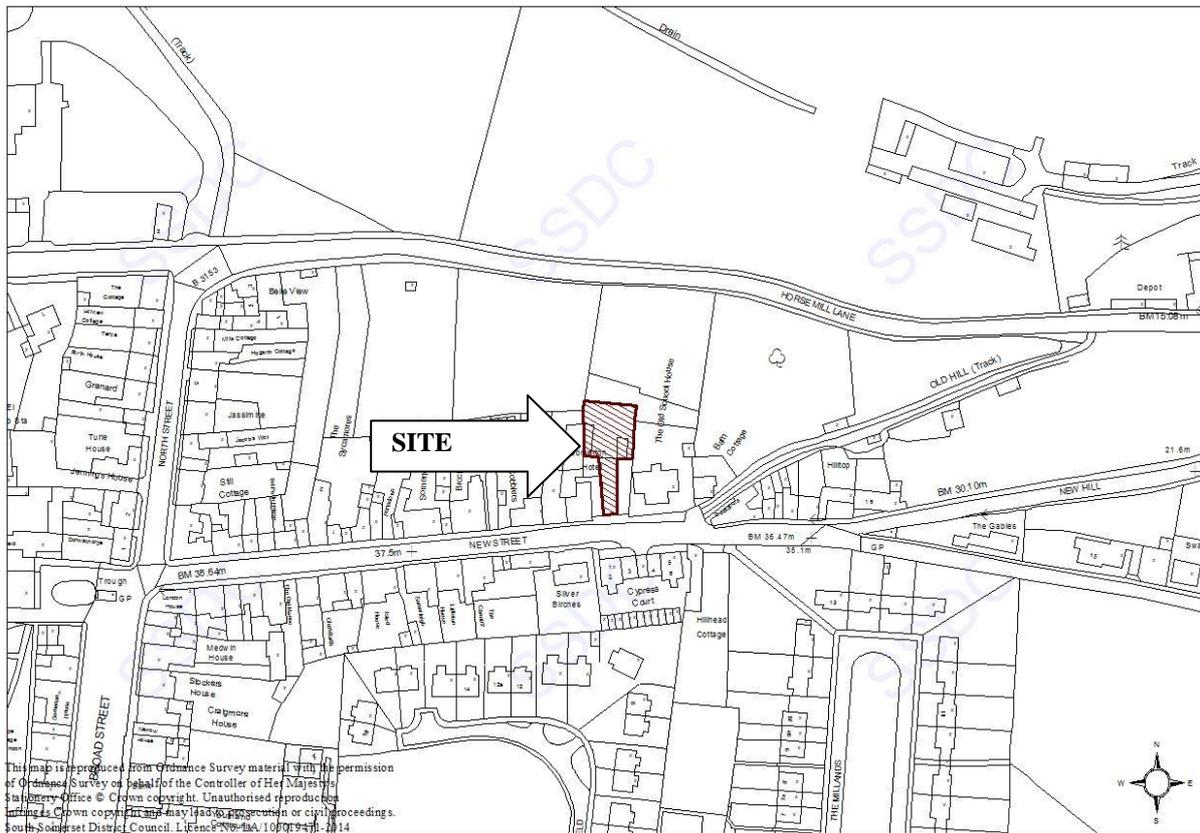
<b>Proposal :</b>	Erection of three bedroom dwelling house - retrospective- resubmission of planning application 13/03703/FUL ( GR 349280/128720)
<b>Site Address:</b>	Banbury House, 5 Old Somerton Hotel, New Street, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Pauline Clarke Cllr David Norris
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	1st August 2014
<b>Applicant :</b>	Mr & Mrs P Frayne
<b>Agent: (no agent if blank)</b>	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Members and Chair to allow the impact to be considered.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks retrospective permission for the erection of a three bedroom attached dwelling. The site consists of the curtilage of a former hotel, now converted into dwellings. The former hotel is constructed of natural stone under a clay tiled roof. The proposed dwelling has been constructed from natural stone with 'terracotta' concrete tiles. The former hotel is a grade II listed building and is located close to a variety of residential buildings and open countryside. The site is within a development area and a conservation area as defined by the local plan. The proposal seeks to retain the dwelling as built and seeks to address the previous reason for refusal through the introduction of a more substantial case.

## HISTORY

13/03703/FUL - Erection of a 3 bedroom dwellinghouse - retrospective - Application refused 11/11/2013

13/00454/FUL - Conversion of outbuilding into single dwelling - Application permitted with conditions 05/04/2013

13/00458/LBC - Conversion of outbuilding into single dwelling - Application permitted with conditions 05/04/2013

09/00735/FUL - The conversion of existing public house into 2 no. dwellings, conversion of existing outbuildings into 2 no. dwellings and the erection of 1 no. dwellings as amplified by agents letter dated 21st April 2009 and accompanying proposed site plan and proposed east elevation - Application permitted with conditions 19/05/2009

09/00736/LBC - The conversion of existing public house into 2 no. dwellings, conversion of existing outbuildings into 2 no. dwellings and the erection of 1 no. dwellings as amplified by

agents letter dated 21st April 2009 and accompanying proposed site plan and proposed east elevation - Application permitted with conditions 08/05/2009

06/00209/LBC - Erection of part glazed timber screen forming lounge (retrospective) - Application permitted with conditions 26/04/2006

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH3 - Alterations to Listed Buildings

EH5 - Setting of Listed Buildings

The National Planning Policy Framework

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

## **CONSULTATIONS**

**SSDC Conservation Officer** - Given the importance of the conservation officer's opinion in the determination of this application his comments are given verbatim below:

*"This proposal relates to a revised retrospective application for the construction a dwelling in Somerton. The building is an extension to a listed building, within the curtilage of the listed building, and within the conservation area.*

*The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to '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' (section 16)*

*Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.*

*Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, **great weight** [original emphasis] should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).*

*This is supported by the statutory requirement for applications for LBC include a design and access statement. This statement requires information on the principles and concepts applied to the works in relation to the design and the listed building and its setting.*

*The NPPF also states that sustainable development involves seeking positive improvements to the historic environment.*

*The dwelling was part of the development of the site which had previously been a hotel/public house with range of outbuildings. This allowed five dwellings in total with the house the subject of this application being an extension to the outbuildings. To that end we are dealing with an extension to a listed building as part of a larger scheme. The site is also within the conservation area.*

*The original consent dates from 2007, with a scheme which ran the outbuildings round to form an enclosed courtyard. The scheme sat well in context and showed timber lintels, chimneys and simple roof form. The building ran through at one eaves level. Tiles were to match existing.*

*Building works commenced and due to local difficulties, the element to the west of dwelling 5, the subject of this application was retained at the existing height, not brought up level as previously approved. No changes were made in relation to dwelling 5 in terms of there was no change from the original approval. These works were the subject application number 13/00458 & 54.*

*It had though become clear that dwelling 5 was not built as approved. Discussions with the agent on site revealed that he had altered the drawings for number of technical, not design, reasons, but had not informed the planning office. The alterations included a loss of the chimneys, the use of non-matching concrete tiles, changes to the overall form of the building with change in roof heights, the loss of the timber lintels and changes to fenestration, and changes to eaves heights. These alterations were significant, and resulted in the applications made in 2013 Nos 13/03703 and ? [sic]*

*This was and remains an unfortunate situation where the approved, quite acceptable scheme has been compromised on two occasions. The first approved, to not build a second floor to link across, remains acceptable. The changes to dwelling 5, made for technical reasons, not conscious design reasons have compromised the design further.*

*In an effort to help the applicant we in the conservation section looked closely at what had been built and looked at the issues. Whilst we have some latent issues with the changes to the building, we felt that it could be rescued by the matters raised, and whilst would not be ideal would improve the situation to being more benign.*

*This is an extension to a listed building in a conservation area. Concrete tiles are rarely*

*proposed on extensions to listed buildings, and are rejected when proposed. Character relates to the material used, as well as the colour finish, and in this case concrete tiles are an inappropriate material to use on this extension to a listed building in a conservation area, it is an alien material. Perhaps if we ask the question would it be appropriate to reroof the other outbuilding to the rear in 'matching' concrete tiles? Would that be acceptable? Would it be acceptable to apply that more widely across the conservation area, would there be no impact? In my view there would be a loss of special interest to the listed building and the conservation area. The applicant has submitted one new clay tile to suggest that if this was used to replace the concrete tiles there would be more harmful than to leave the current concrete tiles, but this is just one example of a non-traditional form made in another country.*

*The roof form has been altered. The original form was simpler and traditional and the central chimney meet [sic] and explained the change in roof heights between the gable and main ridge. That on site (note the roof plan submitted is not what has been built) is more complicated with three ridges meeting in a complicated and non-traditional form which can be seen from the main road immediately to the north of the application site, the one which rises up the mini roundabout. To this end the introduction of the chimney will help resolve the roof form and reintroduce a traditional feature."*

**County Highways** - Standing advice applies

**Town Council** - Recommends approval

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

### **History and Principle of Development**

A scheme was approved in 2009 for the conversion of the hotel and outbuildings into four dwellings and the erection of a new dwelling. The scheme was commenced, as two of the converted dwellings have been converted and occupied, and the new build has been constructed and occupied. A subsequent permission altered the conversion to allow it to be converted into three dwellings rather than the originally approved four. The new build element was not constructed in accordance with approved plans in a number of regards and therefore effectively does not have planning permission. A scheme was submitted in 2013 in order to regularise the situation by pursuing permission for the new build dwelling as built. The 2013 scheme was refused for the following reason:

*"The proposed dwelling, by reason of its complicated roof design with no chimneys, concrete roof tiles, and lack of traditional lintels, would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF. Furthermore, the lack of details relating to the treatment of the west elevation gable do not allow a complete assessment of the total visual impact to be made."*

Given the previous permission for a dwelling in this location, within the defined development area of Somerton, it is considered that the principle of a new dwelling in this location is already established, and need not be considered further here. All matters, with the exception of the previous reason for refusal, are considered to be satisfactory. The only matter that needs to be

considered in detail is whether the above reason for refusal has been satisfactorily addressed. The reason for refusal relates entirely to visual amenity, which is discussed below. The only difference between the refused scheme and the current scheme is the level of justification supplied for the proposed alterations.

### **Visual Amenity**

The building adjoins, and is within the curtilage of a Grade II listed building. The site is within the Somerton conservation area. As such the SSDC conservation officer was consulted as to the impact on the setting of the listed building and the conservation area. The opinion of the conservation officer holds considerable weight in applications of this nature, and his comments and arguments have been included in full in the above section. It is not necessary to repeat his arguments here, but he concludes that the use of concrete tiles is not appropriate and the roof form remains overly complicated and should include a central chimney stack. It is considered that the lack of timber lintels has been adequately addressed, and the detail relating to the treatment of the west elevation gable supplied and is satisfactory.

However, whilst two elements of the reason for refusal have been satisfactorily addressed, it is still considered that the proposed dwelling, by reason of its complicated roof design with no chimneys and concrete roof tiles would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

### **Other Matters**

It is not considered that changes from the approved scheme would have any significant impact on residential amenity, or highway safety.

The highway authority has referred to their standing advice.

### **Conclusion**

Whilst the proposal would not cause demonstrable harm to residential amenity or highway safety, it is considered that it would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF. As such the application is recommended for refusal.

### **RECOMMENDATION**

Refuse for the following reason:

01. The proposed dwelling, by reason of its complicated roof design with no chimneys and concrete roof tiles would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.
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