

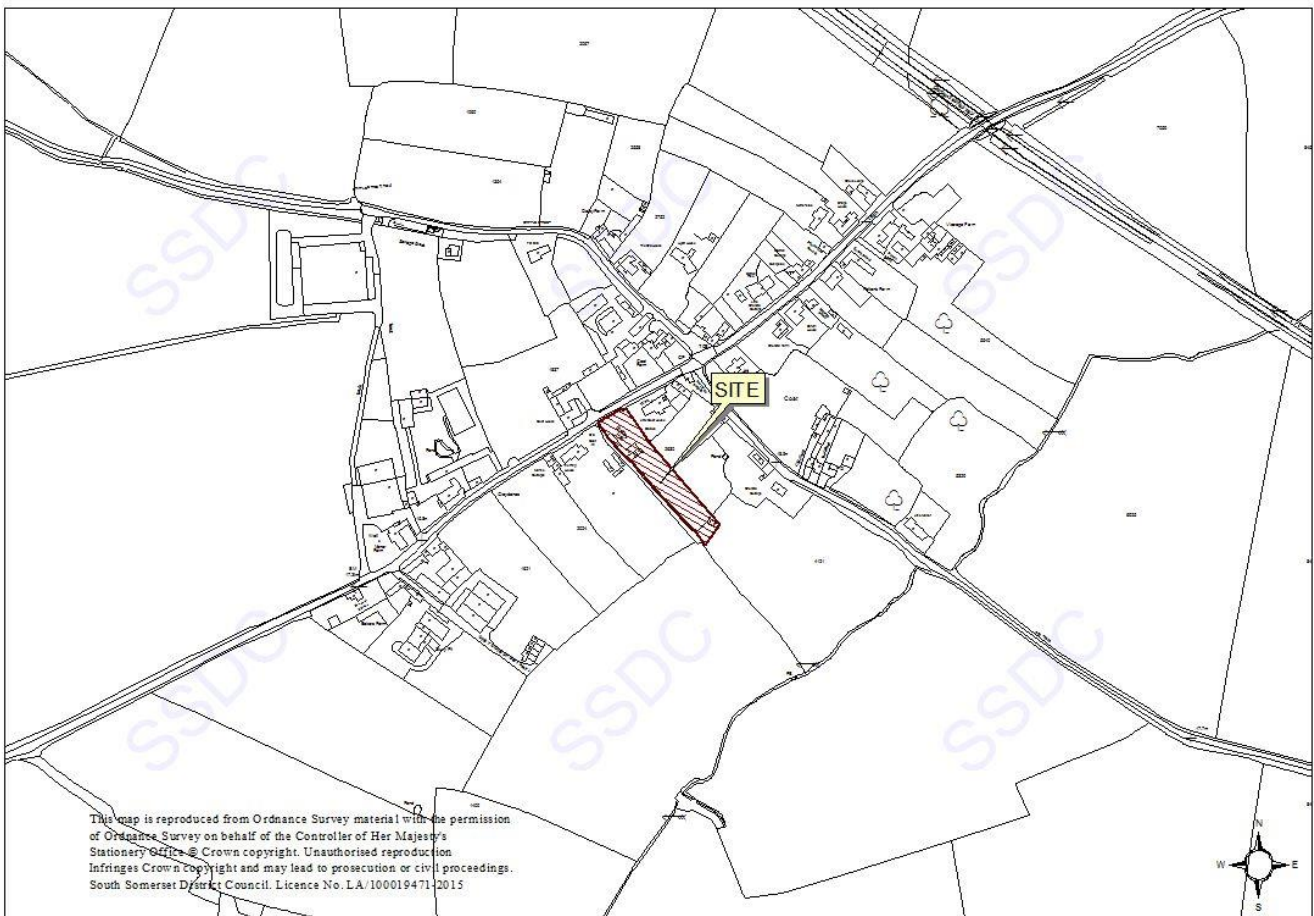
Officer Report On Planning Application: 17/04885/FUL

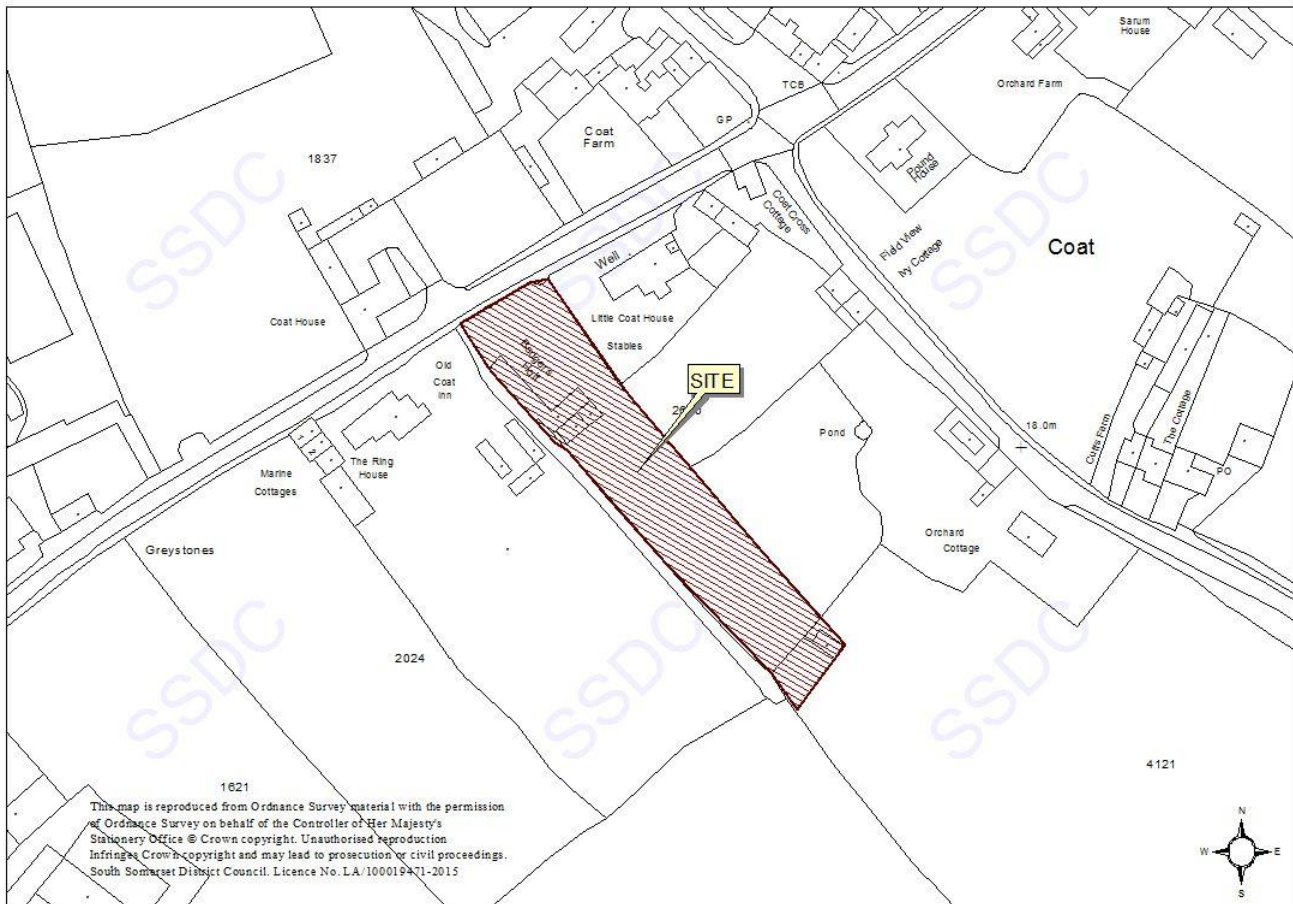
Proposal :	The demolition of the existing link attached double garage, rear kitchen, living room extension and conservatory. Erection of a new timber clad one and a half storey side extension. Alterations to fenestration, construction of a new bin/oil tank store and external landscaping.
Site Address:	Badgers Holt, Coat, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Emma Meecham Tel: 01935 462159 Email: emma.meecham@southsomerset.gov.uk
Target date :	13th February 2018
Applicant :	Mr & Mrs Elswood
Agent: (no agent if blank)	Mr Vaughn Allington, 16A Architecture Ltd, The Studio, 16A Fore St, Topsham, EX3 0HF.
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area North Committee at the request of the Ward Members and with the agreement of the Area Chair to allow full discussion of the proposal.

SITE DESCRIPTION AND PROPOSAL





Badgers Holt is a single storey property converted from a stable block following permission granted in 1988. The property is constructed of ham stone and has a link attached garage building and a rear extension, along with a conservatory to the rear. The building forms an 'L' shape and is situated in close proximity to three Grade II Listed properties. The property benefits from a significant amount of off road parking and from a generous turning circle.

This application seeks permission for the demolition of the existing link attached garage, the kitchen to the rear, the living room extension and the existing conservatory. It also proposes the erection of a large two storey extension on the side of the property which would project forward towards the road and allow the property to form a 'U' shape and create a courtyard between the wings of the building. The description calls the extension 1.5 storey to indicate the lower ridge and eaves height of the proposed extension. The proposed extension would include an additional bedroom and would be timber clad with charred vertical larch boarding.

RELEVANT HISTORY

None relevant.

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 the 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 policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

The following chapters are of most relevance:

Chapter 1 - Ensuring a competitive economy

Chapter 3 - Ensuring a strong rural economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises 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. The more important the asset, the greater the weight should be. 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. Substantial harm to or loss of a grade II listed building; park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1 - Sustainable development

EQ2 - General development

EQ3 - Historic Environment

TA5 - Transport impact of new development

Other Considerations

Somerset County Council Parking Strategy (March 2012)

South Somerset District Council Extensions and alterations to houses - a design guide (2010)

CONSULTATIONS

Martock Parish Council - After consideration the Parish Council have no objections to this application.

Highways Authority - Standing Advice applies.

Ssdc Highways Consultant - No highways issues - no objection.

South Somerset District Council Conservation Officer - You will be aware that this site relates to a site which is partially in the conservation area, and has listed buildings on three sides.

The starting point for the considering of applications which affects a listed building or its setting 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 66).

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.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

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 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 setting of heritage assets.

This proposal relates to the extension of a converted barn. The barn is an L shaped with the building running along the west boundary, and returning across the site set back from the road. The proposal is to bring another arm forward close to the eastern boundary. This would be higher than the existing barn at both eaves and ridge, and in charred (essentially black or very dark) timber.

A heritage statement has been prepared. This establishes this barn as stables historically, but is not able to relate them to a house post 1841. There is an assumption that the front building, which was gone by 1887, was a house, and reference to the apportionments is mentioned, but not fully. If there was a house at the front then the apportionments with the map should tell us if this was a house. Regardless we know by 1887 the front building was gone and therefore the stables would relate to one of the adjoining dwellings and therefore has some significance to that house, which ever one it is.

The heritage statement considers the intervisibility of the extension with the listed buildings, and relies on that as setting, but of course we are considering significance here, and intervisibility is not the only factor when we consider setting. This principle was recently underlined in the Courts, which supported the Historic England advice note on this matter. So we are considering significance which is not confined to intervisibility

The stables the building had significance to one of the now listed houses, which one has not been established. Therefore the setting consideration in the evaluation falls short with regard to setting of the listed buildings which concentrates on intervisibility. It could well be that this barn served the adjoining public house. I would contend that this space between the listed buildings is significant in that it is reflective of the evolution of the settlement with high status building maintaining a respectful distance from each other, and most likely this building was an ancillary building to one of them.

There is a single paragraph on the conservation area. The evaluation demonstrates that there were buildings at the front of the site prior to 1887, but these are now gone. What it fails to do is any form of evaluation of the conservation area. Coat is a small, linear settlement with a notably high number of high status ham stone houses with barn complexes attached or close by. It could well be that this barn was used ancillary to one of these houses, and therefore very much in character. But the point is that there are spaces around and between these buildings. The character of a conservation area is not just about

the buildings, as good as they are in Coat, but also about the spaces between them. We should not simply fill a space because it is there, we should consider its importance to the character and significance of the conservation area, something which the evaluation fails to do.

Turning to the design, it is a principle of development that extensions should be subservient to and respectful to the building they are extending. They should not dominate it. Here we have a brave proposal, where the extension extends forward into the space between the buildings in the conservation area, and it also higher than the existing, in black/charred timber, with a contemporary end elevation towards the road.

In my view that proposal is overly aggressive and dominate. Indeed the choice of material, massing and design seem a deliberate feature to impose itself into the space and to be more visible, to stand out, in the conservation area as a landmark building. This is not the place for a modern statement building to compete with the historic ones already there.

This space between the listed buildings has significance to the buildings and to the conservation area, and the proposal by reason of its size, position and materials would be harmful to the setting and appreciation of the listed buildings and would not preserve or enhance the character of the conservation area and would therefore be harmful to them and contrary to policy EH3, Chapter 12 of the NPPF, and the statutory duties of the Act. .

It would be quite possible to redesign the scheme to provide additional accommodation to this building without harm to the heritage assets, but the applicant is not willing to discuss alternatives, and to that end there is no overriding justification to overcome the harm to the heritage assets.

Local Lead Flood Authority - No objections

Somerset County Rights Of Way - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (public footpath Y 16/8). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

make a PROW less convenient for continued public use; or
create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

REPRESENTATIONS

Neighbours were notified and a site notice was posted, one representation was received. This representation expressed concerns regarding the proposed materials to be used, namely the darkness of the cladding, and the potential for overlooking from any windows.

CONSIDERATIONS

Historic Environment

The Conservation Officer has given a thorough response to the consultation in which he details the importance of considering not just the buildings within the conservation area but also the spaces between them, amongst other considerations. The Conservation Officer considers the impact of this proposal on the conservation area and the setting of the Listed Buildings along with the merits and impact of the design and materials in his response. It is the considered opinion of the Conservation Officer that the proposal as it stands would be harmful to the setting and appreciation of the listed buildings and does not preserve or enhance the character of the conservation area as are statutory requirements as set out in Chapter 12 of the NPPF. Sincere efforts were made to negotiate with the applicant through their agent; however, the applicant did not wish to alter the design of the proposal. It is therefore considered that the proposal is contrary to the NPPF and to policy EQ3 of the South Somerset Local Plan.

Visual amenity

The design guide published by SSSC in 2010 for house extensions clearly sets out that an extension should be in keeping with the character of the building and must not dominate it, it also states that the extension must be appropriate for the area and not be overly prominent in the street scene, upset the spacing between buildings or be constructed of uncharacteristic materials. It is considered that the proposed materials would be incongruous in the area, particularly considering the proposed colouring of the cladding. It is also considered that the proposed development would be overly dominant and prominent both in the street scene and when read with the existing dwelling due to both the scale and the materials. The design guide also sets out that within a conservation area that natural local materials will be expected and all development must preserve or enhance the character or appearance of the area. The proposed materials are not in the local vernacular of Ham Stone and would instead be a heavily charred wooden cladding, which would, for all intents and purposes, be black. It is considered that the proposed design of the extension would be sufficiently different to the design of the existing building to be contrary to the published design guide. Sincere efforts were made to negotiate with the applicant through their agent; however, the applicant did not wish to alter the design of the proposal. For these reasons it is considered that the proposed development would cause significant harm to the visual amenity of the area in accordance with policy EQ2 from the South Somerset Local Plan.

Residential amenity

The design of the proposed extension does not include any windows that are considered to overlook neighbouring properties in such a way to cause harm to the neighbouring properties. It is considered that

the proposed extension would not cause a loss of light or a sense of overbearing to neighbouring properties. It is therefore considered that the proposal would not cause harm to residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

Highway Safety

As the property benefits from a large parking and turning area it is not considered that the proposed development will cause any harm to highway safety in accordance with policy TA5 of the South Somerset Local Plan and Section 4 of the NPPF, although it is noted that the application includes an increase of 1 bedroom to the property and no additional off street parking.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS

01. Despite efforts to negotiate with the applicant it is considered that the proposed extension would, by reason of its scale, materials, design and location cause substantial harm to the visual amenity of the area and to the historic environment in which it is located, there is no identifiable public benefit to outweigh the harm caused to the historic environment. It is therefore contrary to Chapter 12 of the NPPF and policies EQ2 and EQ3 of the South Somerset Local Plan.
