

Application Reference Number:	38/23/0103/LB
Application Type:	Listed Building Consent: Works
Earliest decision date:	27 April 2023
Expiry Date	23 May 2023
Extension of time	
Decision Level	Committee
Description:	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton (resubmission of 38/22/0345LB)
Site Address:	WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN
Parish:	38
Conservation Area:	Staplegrove Road, Taunton
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR S VEN
Committee Date:	
Reason for reporting application to Committee	Triggered by a Councillor and Chair

1. Recommendation

1.1 That listed building consent be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 The proposed dwelling would detract from the character and setting of the listed building contrary to Core Strategy policies and the benefits of a single dwelling do not outweigh the harm. The application was reported to the Committee in October 2023 where it was resolved to defer and to be reported back to the Committee no later than February 2024.

3. Reason for refusal and informatives

3.1 (Reason for refusal in full text in appendix 1)

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

N/a

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to erect a two storey 3 bedroomed detached dwelling and form associated rear gardens to the rear of the listed building and attached conversions at Weir Lodge. The works would also involve the removal of an outbuilding to facilitate the works, although this already has consent for removal. The new dwelling would be set into the boundary wall to the rear of the listed building and would involve a removal of two sections of this boundary wall. The scheme is for listed building consent associated with planning application 38/22/0344.

4.2 Sites and surroundings

The site forms part of the rear garden of Weir Lodge a grade II listed building set within the Staplegrove Road conservation area. The main road lies to the east, Weirfield Green to the north and beyond that 87 Staplegrove Road, also a listed building. More modern housing lies to the west on the new estate.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
38/08/0294LB	Demolition of extension and outbuildings and conversion and extensions to form 7 dwellings at Weir Lodge, 83 Staplegrove Road, Taunton as amplified by letters dated 7/7/08 and 1/8/08 and letter and plans 5592/101b, pd01a & pd02c received 7/8/08	CA	8/8/2008
38/10/0218LB	Conversion and restoration to single dwelling, 2 no Stable cottages and internal self contained apartment including installation of external stair and demolition of outbuildings at Weir Lodge, 83 Staplegrove Road, Taunton as amended	CA	13/9/2010
38/16/0259LB	Replacement garage, erection of extension and alterations to harness building and western boundary wall, construction of access to northern boundary, erection of fencing and restoration of verandah at Weirfield Lodge, 83 Staplegrove Road, Taunton	CA	26/1/2017

38/22/0345LB	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton	RF	24/2/2023
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38/19/0205ENQ - A pre-app for a new dwelling in the current location was enquired about and it was advised it would be unacceptable due to the impact on the listed building and the character of the conservation area.

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

Not required in respect of Listed Building works

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 28 March 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 06 April 2023

8.4 Site Notice Date: 06 April 2023

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
HERITAGE	Recommend refusal as public benefits do not outweigh the harm to the listed building and its setting.	10.2
Taunton Town Council	No comments	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

One letter from Cllr Sully has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Support	Officer comment
Listed building works comprise demolition of outbuilding and alterations to garden wall and conservation impacts are not relevant Conservation Officer did not identify harm and expert heritage advice is that harm is outweighed by removal of the outbuilding.	10.2 The Conservation Officer does identify harm and advises the harm is not outweighed by the benefits.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

CP8 - Environment,
DM1 - General requirements,
DM4 - Design,

SD1 - Presumption in favour of sustainable development,
D7 - Design quality,

Supplementary Planning Documents

District Wide Design Guide, December 2021
Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:
None

9.1 National Planning Policy Framework
Sections 2, 4, 12 and 16

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 Design of the proposal

The proposal is for a two storey narrow designed property, set into the existing boundary wall to the rear of the listed building adjacent to the road. It would have a pitched roof, shallower than the surrounding vernacular and is designed with openings east and west and has a stepped access from the road to avoid flooding. It would be constructed in brick with a slate roof and measure approximately 5.6m x 10.6m. A vehicular access is proposed off Weirfield Green and this will add to the loss of boundary wall in this location further impacting on the setting of the listed building.

10.1.2 The impact on the character and appearance of the locality

The proposal would result in a detached dwelling right on the corner up to the back of the footway and this is considered out of keeping with the character of development within the conservation area contrary to policies CP8 and DM1d. The host property is a grade II listed building and is a large property with attached outbuildings in a substantial curtilage. The proposal would reduce the historic space around the building and the removal of an existing detached structure which the owner has failed to remove under the previous permission, does not compensate for the harm created by the new build dwelling. The dwelling would be constructed into the listed boundary wall on the corner of the plot and would be highly visible from the main road and detract from the setting of the main listed building as well as the listed cottages at No. 87 Staplegrove Road.

10.2 Heritage impact

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall 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”. In this instance the proposal would significantly alter the rear boundary wall of the listed building and insert a new dwelling into the wall and back garden. The new dwelling would appear out of keeping and would dominate the existing listed attached outbuildings that have previously been converted to dwellings. The previous 2008 scheme did not provide a new detached dwelling but altered and converted the main house and outbuildings. The current proposal would impact on the open space to the rear of the building and it is not considered this is offset by the removal of a lower building that should already have been removed from the site under a previous permission.

The Conservation Officer considers the corner position of the proposed building is prominent and intrusive within both the setting of the listed buildings as well as the conservation area and street scene along this part of Staplegrove Road. The proposed height of the building, despite having a low pitch, competes with the lower elements of Weir Lodge, especially when viewed from Weirfield Gardens, where it partially obscures Stable Cottage. Materially, the earlier properties are of stone rubble or stucco with soft red and yellow bricks featuring in most of the terraces, with sandstone detailing. Hard red bricks identify the later development. A theme of decorated facades is evident, with ridges and chimneys forming part of the decorative elements and sash windows predominate. Although the proposals include brick with a slate roof, modern bricks are likely to look at odds with the surrounding buildings in this location. The form of the windows and size of the ground floor glazing are also at odds with the prevalent characteristics of the area. The form of the proposal is non-descript and has no distinguishing features to enhance the appearance of this element of the conservation area.

The proposal is considered to harm the character of the existing boundary wall, to harm the setting of the host dwelling and the setting of nearby heritage assets contrary to policy CP8. In light of the duties quoted above this has significant weight and while it may be considered less than substantial harm, the benefit of a single dwelling here is not considered to outweigh that harm.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/a

12 Planning balance and conclusion

12.1 Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework. The works involve harm to a listed building and the setting of other heritage assets contrary to policy CP8 and DM1d of the Core Strategy and the benefit of the development is not considered to outweigh the harm. Adverse impact on heritage assets has to be given significant weight is not outweighed by the limited public benefit of a single dwelling.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that listed building consent is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Reason/s for Refusal

- 1 The proposed dwelling is considered an alien feature in the garden and to adversely impact on the character and setting of the existing listed building and nearby heritage assets as well as the character of the conservation area contrary to policies CP8 and DM1d of the Core Strategy and it is not considered that the harm is outweighed by the benefits.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.