



## **Officers Report**

### **Planning Application No: 135429**

**PROPOSAL:** Planning application for the full demolition of the two storey element of the existing outbuilding, extensive repair and renovation of the single storey sections together with the rebuilding of the 2 storey area, first floor extension and change of use to form a family annex.

**LOCATION:** The Cottage 10 Church Street Nettleham Lincoln, Lincolnshire LN2 2PD

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr G McNeill and Cllr Mrs A White

**APPLICANT NAME:** Mr R Marshall

**TARGET DECISION DATE:** 03/01/2017

**DEVELOPMENT TYPE:** Minor - Dwellings

**RECOMMENDED DECISION:** Approve subject to conditions.

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#### **Description:**

10 Church Street, Nettleham is a Grade II listed cottage in the centre of the village next to the Grade I listed church and opposite the Grade II listed 11 Church Street. It is also located within the Nettleham Conservation Area.

Outbuildings were contained on the eastern side of the plot. Due to the outbuilding being declared structurally unsound and in danger of imminent collapse, it was demolished in November 2016, following the issue of a Dangerous Structures Notice.

The outbuilding was considered to be a curtilage listed building of traditional form, scale and design which runs along the north eastern boundary of the curtilage of the site. Its gable end could be seen from Church Street. It was built of stone with a variety of roof heights and was subordinate in scale to the main house which is located to the south.

To the east is the rear garden of 3 All Saints Lane and below this building work is complete on a new residential development of 10 dwellings (Ref 126801 and non material amendment Ref: 130308). The rear walls of 5 and 6 Ambrose Court were approximately 1.3 metres from the eastern wall of the outbuilding. The existing garden of number 10 is to the west and is well established with some mature trees.

It is intended to comprehensively rebuild and extend the existing outbuilding by increasing the height of a central section of the building to create additional space at first floor level. Its use is to be changed to that of a 2 bed annex.

#### **Relevant history:**

The proposals are similar to those previously granted planning approval and listed building consent in 2008 and 2014 which have now lapsed (Ref 122861, 122862, 131125 and 131226, 134168).

## **Representations:**

### **Nettleham Parish Council:**

This Application appears in essence to mirror an Approval granted by WLDC in early 2014 to develop the barn on the site. The difference now being that the barn has been demolished and therefore arguably the Application is for a new dwelling.

The Parish Council notes that the proposal provides for the rear wall of the barn to be located on the site boundary - as it was before demolition. Benefit might be accrued to both the Applicant and to the residents of Ambrose Court if the structure were to be rebuilt a short distance from the site boundary.

In addition the Council notes that the new structure will be higher than the adjacent property on

Ambrose Court and therefore has the potential to remove an amount of light from that property.

However, the scale of the proposed development was Approved in 2014 prior to the occupation of Ambrose Court and the purchasers therefore had the opportunity to consider that Approval and its potential effect upon their intended purchase.

Similarly, the development of Ambrose Court was Approved by the Planning Authority in the full knowledge that the properties would be sited only 1 metre or thereabouts from an existing structure with the obvious potential for overlooking of that building together with the garden of the site. The Approval for Ambrose Court appears to contain a Condition that the first floor windows overlooking the site should be glazed using obscure glass. That Condition does not appear to have been complied with, which only serves to exacerbate the potential for removal of light to Ambrose Court.

### **Local residents:** Objections have been received by the residents of **3, 5, 6 & 9 Ambrose Court.**

Objections in summary:

- The conditions of planning and listed building consent previously granted are not able to be met. It is not simply a rationalisation of "the current planning permissions" as claimed.
- In 2014 the barn was capable of 'extensive refurbishment' and this shaped the planning consent. This application is one for a large new modern house. This would not be a 'like-for-like' replacement in tune with the nature of the conservation area or the site's listed status
- 5 Ambrose Court, Nettleham is the only two storey house that will be directly affected by the proposal. No.6 is a bungalow. This application will have an even greater impact there.
- In the 2014 & 2016 applications the plans submitted were wrong and the significant impact on light, overshadowing and building so close to neighbouring houses now fully occupied were not fully considered.

- Since the barn has now been demolished this must surely be the opportunity to rectify earlier problems and not erect a substantial two storey house of this design to replace a one and a half storey old barn on the 'footprint' of that old barn.
- The application does not meet WLDC Policy RES13 - Family Annexes particularly in regard to, "adverse effect upon the amenity of neighbouring properties"
- The proposal is not in line with the Nettleham Development Plan (2014-2031) statement that, "It is important that new developments should be similar in style and scale".
- As design and location of the proposed building can now be freed from the constraint of the Old Barn there is scope to:
  - re-site the new building e.g. 1.3 -1.5 metres away from the boundary line - this option has been suggested to the applicant who has refused to consider it
  - switch the run of buildings around by 180 degrees so that the garages are near to both properties on the site and much nearer to the road.
- The old barn that is being replaced is categorically not 2 storeys high - Being an old farm building it was more like one and a half storeys at the apex with a bricked in 'hay store' door to South elevation
- The old farm building height at the eaves is 3.71metres. The proposal raises the height of the eaves to 4.83 metres, an increase of 1.12 metres
- The old farm building height at the Apex is 4.86 metres. The proposal raises the height of the Apex to 6.43 metres, an increase of 1.57 metres
- Loss of light & overshadowing: Our existing window will face a blank stone wall approximately 1.15 metres away
- Will result in overlooking and loss of privacy

Two comments have also been submitted in support of the proposal (**9 & 11 Church Street**). In summary:

- We support the current application as it stands, rebuilding the agricultural barn to its original design thus continuing to reflect the history of No 10 as an agricultural small holding.
- We are the only neighbours that would have direct views towards the annex from Church Street. The application would not have an adverse impact on our listed property.
- We would object to the movement of the barn to the west as proposed by the Ambrose residents as it would upset the traditional setting of the view from Church Street.
- The height of the proposed two storey element is not excessive and in fact should be looked at in what was deemed reasonable subsequently in the design of Ambrose Court.

- From knowledge we know the upper storey of the barn was below that now accepted as reasonable for a 2 story building, as demonstrated by the fact the demolition crew were able to reach upwards from the floor to dislodge and remove pantiles.
- Planning and listed building consent has been granted twice before and we do support the current application as it stands, rebuilding the agricultural barn on its original footprint thus continuing to reflect the history of No 10 as an agricultural small holding.
- There would be no adverse effect on other listed buildings in church street or indeed on the new development in Ambrose court. We understand, and indeed can see, that much of the original stone and pantiles have been retained for re-use. This would ensure that the integrity of the conservation zone remains intact.
- In our considered opinion the criteria of the village design statement would be fully met and we cannot find any conflict with the neighbourhood plan.

LCC Highways: No response received.

Archaeology: Advise a condition for a historical record to be carried out.

Historic England: Do not wish to comment. The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission  
RES 13 – Family Annexes

#### Nettleham Neighbourhood Plan

Policy E – 4 Historic Buildings and the Conservation Area  
Policy D – 6 Design of New development

### **Main issues**

- Impact on listed buildings and on the character and appearance of the conservation area
- Impacts on adjoining residential amenity by way of overlooking and subsequent loss of privacy

### **Assessment:**

Section 66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, 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. It is a NPPF requirement when determining planning applications, that the local planning authority should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

The current application is similar to one(s) previously granted that preserved the architectural significance of this heritage asset and which at the same time would have helped to secure the long term future of the building (had it been implemented). Unfortunately, due to slow pace of implementation the building has subsequently been found to be structurally unsound and subject to a demolition notice by Building Control. The demolition has now taken place and the site is now cleared, the proposal therefore, is effectively for a new build, albeit one which is substantially the same as the building that has been lost and utilising most of the materials from the building that has now been cleared.

It can be reasonably concluded that the proposals not only sustain the significance of the heritage assets but also enhance them and their contribution to the Nettleham Conservation Area, the new build element of this submission is not considered to change that assumption. Development would accord with policy E-4 of the Neighbourhood Plan which states "Within the conservation area development proposals will be expected to preserve or enhance the character of the area".

At the time of the previous approvals the land to the east was in use as a garage which is now not the case and the proposals now need to be considered in the light of potential impacts on residential amenities. As per the previous permission window openings in the outbuilding are to be provided although this is restricted to a first floor window serving a landing and is proposed to be obscure glazed, which can be conditioned on any permission. Issues of overlooking and loss of privacy to properties within Ambrose Court is not therefore anticipated.

A requirement of the permission for Ambrose Court was that at first floor level all of the windows on the western elevation of no. 5 that face the side of the building are to be glazed in opaque glass (a condition of the original consent) which will restrict any views from the window serving bedroom 2 on the

opposite elevation. To date this has not been installed and the development is in breach of the conditions imposed on the permission. The only window opening on this elevation will serve the landing which links the two new bedrooms and this is not considered unacceptable in residential amenity terms. The conversion and change of use as a family annex also attracts support from RES 13 as it is considered to comply with the requirements set out.

It is not considered suitable for use as a single dwelling in its own right as there would be overlooking and loss of privacy between it and the main house. An annex does not need the level of privacy or amenity that a separate dwelling would require. This will be dealt with by use of an appropriately worded planning condition.

Turning to the objections raised, it is noted that the proposed new build is taller than the building it replaces, although it should be noted that the previous permission also required the raising of the roof height. The previous permission involved raising the height to 6.3m, whilst the plans submitted in support this application show a height to the apex of 6.43m. The plans submitted indicate the ridge height of the original building was approximately 5.1 metres (a neighbour claims 4.86m) The previous permission is still valid, albeit not capable of being implemented due to the demolition of the barn and is thus a material consideration.

As previously stated, when Ambrose Court was granted consent, the conversion of the barn was taken into account – hence the installation of a condition requiring obscure glazing installed on no.5 and 6, which has not been complied with. It was considered at the time that the development of Ambrose Court, whilst at its closest point was only 1.3m away would reflect the character of the village and whilst there would be an impact on the living conditions of plots 5 and 6 as they were known, this would not be insurmountable.

The effect of the development would be to reinstate the original relationship between Ambrose Court and outbuildings pertaining to no.10. The impact upon amenities enjoyed by the neighbours would not be expected to be any worse than as was the case when Ambrose Court first became inhabited.

## **Conclusion**

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policies STRAT 1 – Development Requiring Planning Permission and RES 13 - Family Annexes of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These include the National Planning Policy Framework 2012. Accordingly in light of this assessment, and, subject to the imposition of the conditions, it is considered that the proposal is a successful scheme which not only seeks to preserve the original architectural significance of the heritage asset that has been lost but which is also considered to enhance the setting and the wider area without giving rise to

any adverse impacts on adjoining residential amenities. This is considered to meet the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and is accordance with the guidance contained within the National Planning Policy Framework, in particular paragraph 131. Accordingly a grant of planning approval is considered appropriate.

### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

### **Conditions stating the time by which the development must be commenced:**

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

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

### **Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**REASON:** To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

### **Conditions which apply or are to be observed during the course of the development:**

3. The window on the eastern elevation shall be glazed in opaque glass and retained thereafter in perpetuity.

**Reason:** In the interests of protecting adjoining residential amenities from loss of privacy and overlooking and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.



4. With the exception of the detailed matters referred to by the conditions of this consent, the works hereby approved shall be carried out in accordance with following drawings:

RDS 11066/02B Proposed Barn, Elevations, sections & Site Plan  
RDS 11066/03A Site Location Plan  
RDS 11066/04 Window & Door Details Type A  
RDS 11066/05 Window & Door Details Type A  
RDS 11066/06 Window & Door Details Type B  
RDS 11066/07 Window & Door Details Type C  
RDS 11066/08 Window & Door Details Type D  
RDS 11066/09 Window & Door Details Type E  
RDS 11066/10 Window & Door Details Type F  
RDS 11066/11 Window & Door Details Type G

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

6. The development hereby approved shall not be occupied other than for purposes ancillary to the residential use of the dwelling know as 10 Church Street, Nettleham.

**Reason:** To ensure that it is not used unlawfully as a separate dwelling as the proposal was only considered acceptable when considered against Policy Res 13 – Family Annexes.