

Officers Report

Planning Application No: 145857

PROPOSAL: Planning application for two storey rear extensions.

LOCATION: 10 & 12 Chapel Street Caistor Market Rasen LN7 6UF

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr O Bierley and Cllrs Mrs A Lawrence

APPLICANT NAME: Mr O Lawrence & Mr S Neave

TARGET DECISION DATE: 23/01/2023 (Extension of time agreed until 3 February 2023)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission with conditions

The application is referred to the planning committee for determination as one of the applicants is from the immediate family of an elected member of the Council.

Description: The application site comprises of two, mid terraced residential dwellings on the western side of Chapel Street, within Caistor. Other residential dwellings adjoin the north and south, a parking area is located to the west and the Methodist chapel is located to the east, opposite the highway. The application dwellings are noted as being important buildings within the Caistor Town Conservation Area, part of the nationally important Caistor Roman Town Scheduled Monument is also within the application site. The site is also within an Area of Great Landscape Value and is within close proximity to a number of Listed Buildings, namely; Grade II Listed Caistor Methodist Chapel, opposite the site and no. 2 Hestcroft House, to the south.

The application seeks planning permission to erect two storey extensions to the rear of no.s 10 and 12 Chapel Street. The proposals will also include the removal of the existing flat roof additions at the rear of both properties.

The extensions will adjoin to the existing two storey rear extensions and would measure approximately 2.8m in depth, 6.7m in total width. The new pitched, double gable end roof will also be erected over the existing two storey extensions, incorporating the proposed extensions and in total would measure c. 6m from the existing rear roof slope, with an eaves height of c. 4.8m and a total height of c.6.1m.

Relevant history:

CR/14/74- EXTENSION.

CR/75/65- CARRY OUT EXTENSION TO PROVIDE BATHROOM WITH W.C. AND IMPROVEMENTS.

Representations:

Chairman/Ward member(s): No representations received to date.

Caistor Town Council: No objections.

Local residents:

8 Chapel Street, Caistor, General Comments: Whilst we completely understand the desire to carry out the improvements to the property we have concerns about how the construction would be carried out given the shared access arrangement to the rear of No. 10, which is through our rear garden. This leads to other concerns about the storage of materials and equipment, and the general disruption it could cause not only to our property but also the properties situated in Varlow's Yard. It is a little disappointing that the first time we were made aware of this application was via a letter from the council and not from the applicant themselves, as the disruption it could cause is clearly evident.

We have concerns about how the extensions could affect our surroundings, particularly with any windows overlooking our garden but would be open to discussing these further with the applicant.

LCC Highways/Lead Local Flood Authority: No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Archaeology: Part of the nationally important Caistor Roman Town Scheduled Monument lies within the red line boundary of this development. Although it appears the development will not have a direct impact on the designated area, there is potential for an impact on archaeological remains of the same monument which are non-designated heritage assets.

The only reason that the area of the proposed extension has not been scheduled is because of the presence of existing buildings, but the line of Caistor's Roman defences continues beneath the current buildings and remains of this may still survive. Elsewhere remains of the Roman wall has been uncovered during development on a number of occasions and could reasonably be anticipated here.

Therefore, we would recommend that all groundworks associated with the proposed development are required to be monitored by an archaeologist, with

the ability to stop and fully record archaeological features. To ensure that any remains disturbed can be recorded.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured with appropriate conditions to enable heritage assets within the site to be recorded prior to any impact.

Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features, including the grubbing out of any existing foundations following demolition.

WLDC Conservation Officer: The proposal is to demolish the existing rear extensions and erect two two-storey extensions – one to each of the properties.

The proposal is to two properties on Chapel Street, Caistor. Caistor is a rural historic market town which dates back to the Roman period. The properties are located within the Caistor conservation area and are considered important buildings within the conservation area appraisal.

The conservation area appraisal highlights the street frontage as the key features to these being important. The red brick fronts offer architectural examples of terraced brick townhouses with private front gardens being key features.

The proposals will not affect the frontage of these properties and so they will not impact upon the significance of the non-designated heritage assets as identified within the conservation area appraisal.

The rear extensions to be demolished are late 20th century flat roof additions with no architectural or historic merit. These are considered to have a negative impact to the character of the conservation area and the non-designated heritage assets; their removal will be supported.

The newly proposed extensions are two-storey but the roofline is mostly concealed and the areas that would be visible will appear more appropriate in design with the twin gabled rooftop. The design of the rear extension should still offer high quality materials and design appropriate to the age of the buildings as the development will be visible from the publicly accessed Varlows Yard.

That being said, the rear of the properties still hold significance for their positioning as they are located over the Ancient Scheduled Monument designated in the centre of Caistor. The advice from the Historic Environment Officer should be followed.

Suggests conditions in the event that permission is granted.

Historic England: In summary-

The proposed scheme sits over the remains of Caistor Roman Town, parts of the defences of which (lying adjacent to the proposed works are designated as a Scheduled Monument). The area in which works are proposed is currently occupied by modern extensions which it is proposed to replace in more sympathetic form (this is a desirable aim). We refer you to the detailed expert advice already provided by your conservation and archaeological advisors which we commend to you both in respect of the design and detailing of the new work, and the recording and conservation of any archaeological remains which may be revealed.

Historic England has concerns regarding the application on heritage grounds but considers these can be addressed if you follow the advice submitted by your own conservation and archaeological advisors.

Joint Committee of the National Amenity Societies: No representations received to date.

IDOX Checked: 24/01/2023

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Caistor Neighbourhood Plan (made March 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2017/>

- ***Caistor Neighbourhood Plan (NP)***

Caistor Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 3rd March 2016. The Caistor Neighbourhood Plan forms part of the development plan for its area.

A review of the existing Caistor Neighbourhood Plan is currently being prepared by Caistor Town Council.

Relevant policies of the NP include:

Policy no. 1 Growth and the presumption in favour of sustainable development

Policy no.3 Design quality

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/caistor-neighbourhood-plan-made>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-designcode>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 15th November 2022, the Local Plan Review commenced its examination and the examination finished 16th December 2022.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

Other

- Statutory Duties contained within Sections 66 and 72 of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 (The ‘Act’); <https://www.legislation.gov.uk/ukpga/1990/9/contents>
- Caistor Conservation Area Appraisal: <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Caistor%20conservation%20area%20appraisal.pdf>

Main issues

- Principle of Development;
- Impact upon Designated Heritage Assets and Visual Amenity;
Archaeology
- Impact upon Residential Amenity;
- Other Matters.

Assessment:

Principle of Development

The application site comprises of 2no. existing residential properties within the built footprint of Caistor, therefore, in principle, works to the dwellings is considered to be acceptable. This is subject to further consideration of other material considerations as discussed in the following report.

Impact upon Designated Heritage Assets and Visual Amenity

The site is located within Caistor Conservation Area and is within close proximity to a number of listed buildings as well as adjoining the boundary of a Scheduled Monument (Caistor Roman Town). Policy LP25 states that; *Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting.* With regard to listed buildings it states that; *Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.* Policy 3 of the Caistor NP states that: *The natural environment and historic built environment should be respected in all developments in order to retain Caistor's character and links with the past.*

Under Section 66 of the 'Act' the local planning authority (LPA) is required to have 'special regard' for the preservation of the setting of a listed building. Setting is more than views, it is how the building is experienced. With regard to the Burton Conservation Area, Section 72 of the 'Act' states that the LPA shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The application proposes two storey rear extensions at two terraced properties on Chapel Street within Caistor. The extensions would be identical in their size, scale and appearance. They would have new pitched roofs with twin gable ends and would be no higher than the main ridge of the host dwellings, thus appearing as subordinate additions to the main properties. The proposals also include the removal of existing, flat roof, rear extensions, which is welcomed. Views of the extensions would be visible from Varlows Yard to the west/north west, however these views are not considered to be harmful. In terms of proposed materials, no details have been provided, it is therefore considered reasonable to request that full material information is secured by means of condition.

The proposals have been reviewed by the Council's Conservation Officer, whom has stated the following: *"The newly proposed extensions are two-storey but the roofline is mostly concealed and the areas that would be visible will appear more appropriate in design with the twingabled rooftop. I have no objections to the proposals subject to conditions."*

With consideration to the above discussion and the comments from the Conservation Officer, the proposals would preserve the character of the Caistor

Conservation Area and would not have a harmful impact upon the setting of the nearby listed buildings nor the Scheduled Monument, subject to conditions to secure further details of proposed materials. The proposals therefore accord to the aims of Policies LP17, LP25, LP26, the policies within the Caistor NP and the statutory duties contained within the 'Act'.

Archaeology

In relation to archaeology, policy LP25 states: *“Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance”*

The Historic Environment Officer at Lincolnshire County Council has advised that: *“Part of the nationally important Caistor Roman Town Scheduled Monument lies within the red line boundary of this development. Although it appears the development will not have a direct impact on the designated area, there is potential for an impact on archaeological remains of the same monument which are non-designated heritage assets.”*

The Officer has recommended that *“all groundworks associated with the proposed development are required to be monitored by an archaeologist, with the ability to stop and fully record archaeological features. To ensure that any remains disturbed can be recorded.”* Agreement to the inclusion of a pre-commencement condition to secure such details has been confirmed with the agent for the application by email dated 30 December 2022.

The comments from Historic England are noted, however it is considered that the concerns that they are referring to can be controlled by condition to ensure appropriate materials are used and that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works is submitted to the Local Planning Authority.

Impact upon Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The site is adjoined by other residential dwellings to the north and south. The extensions would directly adjoin these neighbouring boundaries, therefore particular consideration needs to be given to the impacts on these neighbouring occupiers.

The proposed extensions will extend from the rear elevations by c. 2.8m in footprint and they would not protrude any further forward than the existing single storey extensions. It is acknowledged that there will be an increase in the scale of the built form here, directly adjacent to the boundary of no.8, to the north. However, considering the existing orientation of the site and that there will be a

degree of separation in the form of the existing single storey WC/storage room, it is not considered that the proposal would be over dominating to an unacceptable level.

The first floor side window of no. 14 Chapel Street that faces into the site is noted, the proposed extension would be within very close proximity (c.0.4m) to this window. Upon visiting the site it was observed that this window is obscurely glazed. The agent for the application states that this window serves a bathroom, albeit this has not been formally confirmed by the occupiers of no.14. Given its obscurity and that it faces into the application site I do not consider it is likely that this window is an opening that serves a principal habitable room. It is acknowledged that the extension would cover this window and lead to a loss of light, it is also noted that no comments or objections have been received from the occupiers of no.14. Taking the above into consideration, it is not considered that the loss of light to this window warrants a recommendation of refusal on these grounds alone.

There are no new openings proposed on either side elevation, new openings are proposed in the rear elevations at ground and first floor level, however these would overlook the rear amenity areas of the host dwellings and is not too dissimilar to the existing arrangement at the site.

Overall, no unacceptable residential amenity impacts have been identified and the proposals therefore accord to the aims of Policy LP26 of the CLLP and Policy 3 of the Caistor Neighbourhood Plan as well as national guidance.

Other Matters- Comments from no. 8 Chapel Street

The comments from the adjoining neighbour to the north with regard to construction access are noted. Access to the rear of the dwellings would be a private matter to be agreed between the parties involved. The comments regarding the disruption from the construction of the extensions is also noted, however it is not anticipated that the construction of householder extensions would be carried out for prolonged periods of time, it is therefore not considered necessary or reasonable to request further information or indeed condition a construction management plan to be provided.

Planning Balance and Conclusion: The proposal has been assessed against LP1: Presumption in Favour of Sustainable Development, LP2: Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan, Policies 1 and 3 of the adopted Caistor Neighbourhood Plan and the Statutory Duties contained within Sections 66 and 72 of the 'Act' in the first instance as well as guidance contained within the National Planning Practice Guidance and the National Planning Policy Framework.

In light of this assessment the proposals are considered to be appropriate in terms of their design and appearance, subject to conditions. No unacceptable

residential amenity impacts have been identified and the proposals would not harm highway safety. The application is therefore recommended for approval.

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.

RECOMMENDED CONDITIONS

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

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

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 a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with policy LP25 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved

written scheme referred to in condition 2 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with LP25 of the CLLP and the National Planning Policy Framework.

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

4. With the exception of the detailed matters referred to by the conditions of this permission, the development hereby approved shall be carried out in accordance with the following drawings: LDC3958-PL-01 and LDC3958-PL-02 both received 28 November 2022. 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 the National Planning Policy Framework.

5. No development shall take place above foundation level until details of the external materials listed below have been submitted to and inspected on site and agreed in writing by the Local Planning Authority. This shall include:

- a. Roof tile, which shall be matching to that used in the host dwellings;
- b. Roof detailing, including gables, cappings and verges. Any new flues or vents.
- c. Rainwater goods.
- d. Brick sample panel, showing the brick type, coursing, mortar colour and texture.
- e. All new windows and doors.

Reason: To safeguard the character and appearance of the Caistor Conservation Area and the building of importance to accord with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan and the Policies within the Caistor Neighbourhood Plan.

6. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with LP25 of the CLLP and the National Planning Policy Framework.

7. Following the archaeological site work referred to in condition 6, the written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with LP25 of the CLLP and the National Planning Policy Framework.

8. The external materials as agreed in condition 5 of this permission shall be used to complete the development and retained thereafter.

Reason: To safeguard the character and appearance of the Caistor Conservation Area and the building of importance to accord with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan and the Policies within the Caistor Neighbourhood Plan.

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

None.