

16. FULL PLANNING APPLICATION: CONSTRUCTION OF FOUNDATIONS FOR EXISTING INTERNAL FENCE PLINTH AND RE-SITING OF FENCE TO ORIGINAL LINE. ERECTION OF LEAN-TO GREENHOUSE IN REAR GARDEN, THE CHANTRY HOUSE, NORTH CHURCH STREET, BAKEWELL (NP/DDD/0717/0751 P.6036 421534/ 368517 20/07/2017 DH)

APPLICANT: Mr Tony Marlton

Site and Surroundings

The Chantry House is situated in an elevated position on a prominent corner on the west side of North Church Street as it turns right to the junction with Church Lane. The principal elevation faces east down North Church Street towards the centre of Bakewell. The property is Grade II listed and has a close relationship with All Saints Church, which is listed Grade I, and lies approximately 20m to the north. The site lies within the designated conservation area.

The property is constructed of coursed limestone with gritstone quoins and detailing, under a Blue slate roof. There is a strip of land to the south of the dwelling, giving access to the rear garden to the north which is between the converging roads of North Church Street and Church Lane. A garage stands at the northernmost point of the site accessed from Church Lane. The curtilage also includes a pathway which crosses along the principal elevation to a gate into the Church grounds and a small triangular piece of ground behind a high retaining wall to the east of the path, separated by railings set on a stone plinth. The path is not a public right of way but is often used by members of the public to access the Church, the nearest alternative pedestrian access being approximately 100m further east on North Church Street. Due to the topography of the area, the retaining wall enclosing the triangular plot of land is very high. Therefore this is a prominent feature within the street scene.

The nearest neighbouring properties are Numbers 34 and 35 North Church Street, on the opposite side of the road to the east, and Applegate House and Holywell House, at a higher level, on the opposite side of Church Lane to the west.

Proposal

The application seeks full planning permission for the erection of a lean-to greenhouse in the rear garden of the property and works to the area of garden at the front. These works comprise the construction of foundations for the existing fence plinth and re-siting the fence on its original line, the introduction of a gate to the fence to access the triangular piece of land, and re-laying of the paving slabs on the path. An accompanying Listed Building Consent application is also under consideration.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

Statutory time limit

In complete accordance with the plans and specifications

Key Issues

- Whether the proposed development would detract from the character, appearance or amenity of The Chantry House, its setting or neighbouring properties.
- Whether the proposed development would harm the significance of a Grade II listed building or detract from the valued characteristics of the conservation area.

History

There are a number of applications for planning permission and Listed Building Consent, the most recent being:

NP/DDD/0613/0474 & 0475 - Planning permission and Listed Building Consent for refurbishment, glazed extension and replacement garage. Removal of modern structures including flat roofed 2-storey link and flat roofed single storey garage. Alteration of listed building fabric including fenestration alterations and internal wall re-plastering. Alterations to ground floor to provide underfloor heating and removal of modern fireplace and joinery. Reinstall elements of historic layout including stair configuration and internal openings. New glazed extension to rear - Granted subject to conditions 2013

NP/DIS/0913/0769 - Discharge of conditions 1 to 10 from NP/DDD/0613/0474 (Planning) and 1 to 6 from NP/DDD/0613/0475 (Listed Building) – Conditions partly discharged subject to the works being carried out in accordance with the agreed details 2013

NP/DDD/1114/1180 – Listed Building Consent to change the wisteria support on the south elevation - Granted subject to conditions 2014

NP/DDD/1114/1181 - Listed Building Consent to mount an intruder alarm and strobe box on the inside western wall - Granted subject to conditions 2014

NP/DDD/1114/1188 - Listed Building Consent to add snow guards to the rear roof - Granted subject to conditions 2014

NP/DDD/0715/0678 – Minor amendments to proposed garage previously approved under NP/DDD/0613/0475 - Granted subject to conditions 2015

Consultations

Derbyshire County Council (Highway Authority) – No objections subject to no encroachment into highway.

Derbyshire Dales District Council – No response to date.

Bakewell Town Council – No objection to the proposed greenhouse. However, the Town Council objects to the removal of the railings on the grounds that it would have a negative effect on the listed building and the Conservation Area, it would also not wish to see the construction of a gateway. The Town Council would wish to see the retention of the holly bushes, trimmed and maintained as now, though ideally with protection afforded by tree preservation orders.

PDNPA Cultural Heritage Team (Conservation Officer): The works proposed will not harm the significance of the listed building or its setting; the setting of All Saints Church; or the character and appearance of the Bakewell Conservation Area. This application is therefore in accordance with policies L3, LC5 and LC6 and relevant national planning policy contained within the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). Recommend approval subject to conditions.

PDNPA Cultural Heritage Team (Senior Archaeologist): The groundworks required to deliver the proposed works are minimal and in areas that themselves have low archaeological potential. I would have no objection from an archaeological perspective to the positive determination of this application and no archaeological mitigation or conditions are required.

PDNPA Tree Conservation Officer: All due consideration seems to have been applied not only to these popular local trees retention but future welfare throughout the potential building works.

Historic England: Do not wish to offer comments

Representations

Sixteen representations have been received in total regarding the applications for planning permission and Listed Building Consent. There are seven general comments, three letters of support, and six objections (two from the same author). There are no objections to the proposed greenhouse in the rear garden.

The reasons for objections are:

Regarding the paved pathway –

- The footpath has *'always been one of the pedestrian entrances to the churchyard,'* has *'been in common use as an access to the church for centuries,'* and is, *'a clearly long established right of way.'*
- *'When the Chantry House was sold in the 1960's the Diocese imposed a covenant requiring the owner not to obstruct the path'*
- Additionally, *'the wornness of the flags is complementary to the conservation setting.'*
- *'To take up and relay the flagstones would ...risk damage to the flags, plinths and railings and cause disruption to passers-by.'*

Regarding the railings –

- The railings are, *'listed as part of the curtilage of the church.'*
- *'A characterful example of wrought ironwork...they sit comfortably on the chamfered stone plinth which does not need new foundations and should not be disturbed.'*
- *'The plinth is typical of other plinths in the vicinity.'* *'Its replacement would by limestone and sandstone random blocks would beunnecessary and inappropriate.'*
- *'The concept of 'spacers' is both unnecessary and unsightly'*
- *'The railings should be retained and not damaged by steel replacements.'*
- The deviation from the original line of the railings, *'is part of its charm, and correcting it to a perfect line would harm the effect.'*
- *'straightening up and regimentation of the site.....is unlikely to improve the intrinsic character of the site.'* *'The patination and slight misalignment of its components...create a time-hallowed gentle aura'.*
- *'A new gate, differently coloured fencing, neat pavers (all complete with risks to the original ironwork and stonework in course of operations}, resurfacing of the soft landscaping, potential disturbance to trees and complete with new stone seating (potentially intrusive to neighbours opposite)... is overkill.'*
- *'It would be so much better if the traditional black paint colour is maintained.'*

Regarding the addition of a gate –

- *'No gate has been needed for the last couple of hundred years....it is unnecessary.'*
- *'The introduction of a gate would alter the original design and appearance of the original railings and plinths and would alter the setting to its detriment.'*
- *'The forming of a gate out of part of the railings would inevitably involve steelwork which is incompatible with wrought iron and would harm the integrity of the structure.'*
- Adding a gate would involve, *'unsightly supporting braces'.*

Regarding the triangular plot –

- *'The area subject to the planning application although private is very visible and is very much part of the conservation area street scene and is much loved in its present form.'*

I would hope for a sensitive approach to the existing railings and stonework minimising unnecessary disruption.'

- *'The area in question is a notable spot and enhances the Church Yard and the top of North Church Street. We would be sad to see the regal beauty of the holly trees diminished in any way or presence overtaken by other features.'*
- *'The plans seem to show the removal of the trees' and 'the trees should remain as they are an important feature of the street scene and reduce the impact of the house.'*
- *'It appears to be the intention to cut down the holly trees....which are a delightful addition to the view.'*
- *'The triangular plot forms part of an iconic view of the church.' 'The trees need maximum protection'*
- *On the issue of the amenity of the neighbouring property opposite - 'the elevated position of this "garden" (and the introduction of a seat) could infringe upon the privacy of neighbouring properties'.*

The letters of support state:

- *'I have read the various objections.(there are) a whole range of misconceptions, or mistakes in interpretation, of the application.' 'I regard the assumptions as crude and spurious.' 'I am very disappointed that people have failed to understand the Planning Application.'*
- *Regarding the paved pathway - 'The path is in need of repair as the gaps between the flags have opened significantly and there is a risk of injury (and litigation)....Without such repair and restoration the area risks falling into decay' 'The path is overdue for relaying, and the fence wall is in danger of collapse.' 'It is an accident waiting to happen.'*
- *Regarding the railings – 'The fence is not being removed; it is being repaired and in a sensitive manner.' 'Other railings at the property have been meticulously restored.'*
- *Regarding the addition of a gate – 'If the fence is retained, as intended, but a gate not allowed, then access to the trees to trim them would be impossible.' 'I cannot see how (the area can be maintained) without access by a gate.' 'Were (the applicant) to have an accident climbing over the adjoining church wall to maintain the trees, it could have some serious legal implications relating to not being allowed an access gate.'*
- *Regarding the triangular plot – 'The area is the property of the applicant and he must exercise his right to utilise the garden as he wishes subject to constraints imposed by the historic and conservation setting.' 'The proposed bench ...is likely to be used very infrequently' 'I am surprised at the assumption, by nearly all complainants, that the Holly Trees were to be removed. I can find no reference to any such intention in the application. Furthermore, the applicant has confirmed that the four holly trees will be retained, and intimated that he will continue to trim them, as a matter of goodwill'*

General comments on the works to the property to date –

- *'The applicant has proved by his enhancement and preservation of the main property that he is to be trusted with this historic environment'*
- *'The applicant has done a huge amount of work to restore Chantry House, which had very seriously deteriorated. He has, at all stages, been sensitive to the nature of the building and its history'*
- *'This is such a beautiful, period property and gardens with many wonderful features'*

which have so far been sympathetically renovated. I hope the cast iron work and two holly trees will equally preserved'

- *'The renovations to date have been sympathetic and in keeping with the character of the Chantry House and surrounding area.'*

Main Policies

In principle, DS1 of the Core Strategy is supportive of householder development including ancillary buildings.

Local Plan policy LH4 requires householder development to harmonise with the character and appearance of the host building. It states that development must not (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or (ii) dominate the original dwelling where it is of architectural, historic or vernacular merit.

As the application site is a Grade II listed building, and stands within the Bakewell Conservation Area, policy L3 of the Core Strategy and Local Plan policies LC5 and LC6 are relevant. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area; LC6 relates to listed buildings and how these will be preserved and where possible enhanced, applications should demonstrate why the proposed works are desirable or necessary. Works which adversely affect the character, scale, proportion, design, detailing of, or materials used, or which would result in loss or irreversible change to original features will not be permitted. This application should also be considered in relation to saved Local Plan policies LC15 which relates to historic and cultural heritage sites and features, and LC16 regarding archaeological sites and features.

The Authority has adopted three supplementary planning documents (SPD) that offer design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties.

Wider Policy Context

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3, and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Legislation

The National Park Authority has a statutory purpose under the Environment Act 1995 to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.

In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Assessment

Pre-application advice was requested on the proposals under enquiry reference 30163. The applications take heed of advice given and during the course of the application and further details have been supplied.

Greenhouse

The erection of a greenhouse within the curtilage of the dwelling requires planning permission as it is within the curtilage of a listed building and Schedule 2, Part 1, Class E of the GPDO specifically states that ancillary buildings within the curtilage of listed buildings cannot be permitted development. As it is a lean-to against the curtilage listed retaining wall to the west boundary of the rear garden, Listed Building Consent is also required (see accompanying LBC application NP/DDD/0717/0752).

The proposed greenhouse has a simple lean-to form and is a modest size; historic maps show that there were buildings in this area alongside the wall previously. The footprint is a simple rectangle measuring 3.66m by 1.83m, the eaves are 1.79m, and the height at the ridge is 2.64m, 0.9m below the height of the retaining wall it would be against. In design terms it is typical of ancillary buildings commonly seen within the curtilage of dwelling houses. The base would be sandstone flags on top of a brick base, the dwarf wall would be constructed in brick with an external facing of random natural limestone, with sandstone quoins, pointed with a lime mortar. The glazed structure would be set in a cedar frame, painted to match the existing conservatory at the rear of The Chantry House. The gutters and down pipe are proposed to be upvc, finished to the same colour as on the host dwelling. Whilst cast metal would be preferable, the greenhouse is a new structure and the proposed upvc rainwater goods would not harm the significance of the listed building, its setting or the character and appearance of the Conservation Area, from which it is not readily visible due to the differing ground levels of the roads either side of the rear garden.

In view of the close relationship and historical connection between the application site and All Saints Church, details of the construction of the base and the depth of the foundations required for the structure have been requested. A drawing was provided which shows the foundations to be 300mm wide and 300mm deep. The base will be laid on a levelled area within the walls.

As The Chantry House is a Grade II listed building which lies within the designated conservation area, the impact of the proposed works on the character and significance of the listed building and its setting, and its relationship to the Grade I All Saints Church, and impact on the setting of the Church, and other listed buildings in the vicinity need to be taken into account. This is discussed fully in the accompanying Listed Building Consent application reference NP/DDD/0717/0752.

Due to the topography of the area the rear garden is at a higher ground level than North Church Street and a lower ground level in relation to Church Lane, and is surrounded by high retaining wall. As such the greenhouse would not be readily visible from any public vantage points.

By virtue of the siting of the proposed greenhouse at the rear of the building and its modest scale the greenhouse would have not have any impact on the special qualities of the

Conservation Area, from which it would not be seen. Nor would it be seen in conjunction with the house itself, or any other properties, from any public vantage points, therefore it does not have any adverse effect on the character and significance of designated heritage assets. As such, the proposal complies with L3, LC5 and LC6.

Due to the siting of the greenhouse within the walled garden of the property it would not have any detrimental impact on the amenities of neighbouring properties. Therefore, it is considered that the proposal complies with the requirements of GSP3, LC4 in terms of its likely impact on the amenities and enjoyment of the neighbouring properties.

Works to foreground of house

The works to the small area to the foreground of the house comprise the construction of foundations for the existing fence plinth and re-siting the fence on its original line, the introduction of a gate to the fence to access the triangular piece of land, and re-laying of the paving slabs on the path.

The works to the fence, the plinth it stands upon, and the path are to refurbish these elements. They are not to be removed. The path will be re-laid using the existing flags bedded in lime mortar. The plinth stones are to be repaired and reinstated on concrete foundations, the stones will be pinned. The pins will not be visible. The existing railings are to be refurbished and a new bottom rail fitted. As existing the bottom rail rests on the plinth, trapping water between the rail and the stone. It is therefore proposed to rest the new rail on spacers but the overall height will remain unaltered. The gate which is to be introduced is to be fashioned from the existing railings, and therefore the visual impact will be minimal, however, it is thought to be necessary to reserve details to ensure this is done sympathetically. It is proposed to introduce a stone bench in the triangular plot. The proposals are therefore considered to have a very limited effect on the character and appearance of the listed building, its setting, and the setting of nearby listed buildings and the surrounding conservation area.

With regard to the amenity of neighbouring properties, the use of the area will remain as private domestic use. The introduction of a bench, which has been raised as a concern, will not lead to a significant intensification of the use of the area. It is therefore considered that the proposal complies with the requirements of GSP3, LC4 in terms of its likely impact on the amenities and enjoyment of the neighbouring properties.

Other Issues:

Letters of objection have raised concerns relating to the use of the existing paved pathway. The path is not a designated Public Right of Way, however, the applicant has stated in writing that there is no intention of stopping the path up, indeed the works to the paving and railings will make the access safer for any users; it may have to be closed whilst works are undertaken and he is seeking legal advice on this issue.

Letters of objection have raised concerns relating to the loss of the existing railings. The site shown edged red on the location plan is now in private ownership. The retaining wall onto North Church Street is listed Grade II as part of the churchyard walls and fences, but not the railings. The proposal is to retain the railings and refurbish them. If the refurbishment and straightening of the line of the fencing is done before any further movement takes place no new material will need to be added. The stone plinth is also to be retained and re-bedded on a new foundation, the random limestone and sandstone wall referred to above is the dwarf wall of the proposed greenhouse in the rear garden (to which there are no objections) A photograph has been provided which clearly shows that there have been railings of many colours over the years. Additionally, the railings proposed paint finish of RAL 7016 (dark grey) will match that of the churchyard railings to the south and the rainwater goods of the house.

Letters of objection have raised concerns relating to the triangular piece of land. As the triangular plot is now within the curtilage of Chantry House an access is required to maintain it. At the moment access is gained over the church wall, which could lead to damage to the wall (which is listed Grade II). The applicant has stated that he has no right of access through the churchyard and it would be dangerous to climb the roadside wall (also listed Grade II).

Letters of objection have raised concerns relating to the possible loss of existing holly trees. The proposed plan shows the existing holly trees to be retained and due to the representations received the applicant has confirmed in writing that there is no intention of removing them. The letter gives details of depth of roots and acknowledges that if roots are found then the foundations for the plinth can be modified. The Authority's Tree Conservation Officer has been consulted and states that all due consideration seems to have been applied not only to these popular local trees retention but future welfare throughout the potential building works. These trees are already protected as they are within the Bakewell Conservation Area, so formal application for pruning or removal would be required under Section 211 of the Town and Country Planning Act 1991, 6 weeks prior to any works taking place.

Conclusion

The proposed greenhouse is a type of ancillary building which is often seen within the curtilage of dwelling houses, and would ordinarily be considered to be householder permitted development had the host not been listed. Similarly, the works to the foreground of the house would ordinarily be considered to be permitted development had they not been within the curtilage of a listed building.

The proposed greenhouse is of an appropriate design, an acceptable size and scale for the dwelling. It, and the works to the foreground of the property, are not considered to have a detrimental effect on the character and appearance of the dwelling, or its setting, the setting of other designated heritage assets in the vicinity, or the surrounding conservation area. The proposals will not result in an unacceptable impact on the amenities of the locality or the quiet enjoyment of the nearest neighbouring properties.

It is therefore concluded that the application meets the requirements of policies in the Development Plan and national planning policies in the Framework. Accordingly, the application is recommended for approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil