

17. LISTED BUILDING CONSENT: 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/0717/0752 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 was Grade II listed 7 January 1970. 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 streetscene; additionally this wall was listed Grade II as part of the churchyard walls and fences 20 May 1974.

The Chantry House is located in the historic core of Bakewell, within a known medieval component of the town. The churchyard of All Saint's Church is immediately adjacent to the site. The Church, which is listed Grade I, lies approximately 20m to the north. Number 35 North Church Street (Corner Cottage), on the opposite side of the road to the east, is also Grade II listed.

Proposal

The application seeks Listed Building Consent 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 application for full planning permission is also under consideration.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- **Statutory time limit**
- **The works shall be carried out in complete accordance with the plans and specifications provided during the course of the application subject to the following conditions:**
- **The stone blocks that provide the plinth to the railings shall be removed by hand, numbered and stored safely on site until they are reinstated to their former position, south of Chantry House. Should any of the blocks require**

repair, details of the repairs shall be submitted to the National Park Authority for written agreement prior to commencement of this work. The repairs shall thereafter be completed in accordance with the agreed details

- **Details of the new gate shall be submitted to the National Park Authority for written agreement prior to commencement of this work. The gate shall thereafter be completed in accordance with the agreed details**

Key Issues

- The key issues are the impact of the proposed works on the special historic and architectural interest of the Grade II listed building and its setting.

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. Reinstatement 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 in this listed building consent application 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 Cultural Heritage Team (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

Core Strategy Policy L3 relates to cultural assets of archaeological, architectural, artistic or historic significance. It states that:

- A. Development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset
- C. Proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets

Local Plan policy LC5 relates to development in Conservation Areas, it states that applications should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and where possible enhanced.

LC6 relates to listed buildings and says that development will not be permitted if it would:

Adversely affect the character, scale, proportion, design, detailing of, or materials used in the listed building or result in the loss or irreversible change to original features or other features of importance or interest

It would directly, indirectly, or cumulatively lead to the loss of curtilage features which complement the character and appearance of the listed building.

This application should also be considered in relation to Local Plan policies LC15 (Historic and cultural heritage sites and features), and LC16 (Archaeological sites and features)

Wider Policy Context

The above policies are also supported by the wider range of design and landscape conservation policies in the Development Plan including GSP1, GSP2 and GSP3 of the Core Strategy and LC4 of the Local Plan, which require a high standard of design that is sensitive to the locally distinctive character of the landscape setting, with particular attention paid to the proposals impact on the character and setting of buildings, the character and appearance of the National Park siting, landscaping and materials.

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.

The National Planning Policy Framework, paragraph 17, sets out 12 principles which should underpin decision making, with regard to works to listed buildings planning decisions should 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. Paragraph 56, attaches great importance to the design of the built environment, and paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development. Paragraph 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. Paragraph 134 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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.

The Planning Act 1990: 66(1) states that “In 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.”

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.

Historic England Guidance

Historic England’s ‘Conservation Principles, Policies and Guidance’ sets out the range of heritage values which may be attached to places and therefore contribute to significance. These are:

- Evidential value, which derives from physical remains. The ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement.
- Historical value, which derives from the ways in which past people, events and aspects of life can be connected through a place to the present. Illustrative aspects are the perception of a place as a link between past and present and depend on visibility. Illustrative value has the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place.
- Aesthetic value, i.e. the ways in which people draw sensory and intellectual stimulation from a place. This tends to be specific to a time and cultural context, but appreciation of them is not culturally exclusive. Materials and detailing contribute to aesthetic heritage value.
- Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. They tend to gain value through the resonance of past events in the present, providing reference points for a community’s identity or sense of itself

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 further details have been supplied on request where further clarification/details were considered necessary to properly assess the works.

Greenhouse

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 a high retaining wall. As such the rear garden is not be readily visible from any public vantage points

The proposed greenhouse is a modest size and has a simple lean-to form. Historic maps show that there were buildings in this area alongside the west wall previously. 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 were requested. The depth of the foundations is minimal and it is considered by the Authority's Senior Archaeologist that no archaeological mitigation or conditions are required.

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, railings and rainwater goods. The gutters and down pipe are proposed to be upvc, finished to the same colour. 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 or its setting in this instance.

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

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. It is proposed to introduce a stone bench in the triangular plot.

These works have been the cause for concerns raised in representations. Due to the difference in ground levels, the area is elevated relative to the road and visually prominent within the streetscene. The Chantry House is now a private residence but historically was associated with the Church. The path along the principal elevation leads to the Church and it provides a frame through which the Church is visible, it is therefore considered that the retention of this is crucial to the character of the area. 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 careful consideration. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest and derives not only from a heritage asset's physical presence, but also from its setting. It is clear from the public interest that The Chantry House is of communal value, as well as historic and aesthetic value.

The proposals are to refurbish the fence, the plinth it stands upon, and the path. They are not to be removed and the proposed works will ensure their longevity. The path will be re-laid using the existing flags bedded in lime mortar. The plinth stones are to be repaired if necessary and reinstated on concrete foundations. The stones will be pinned but 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. The proposed works respect the character or appearance of The Chantry House in that the path and railings are to be retained and returned to their original line.

Seen in the context of the curtilage of the dwelling, which remains prominent in its setting, the works are not considered harmful to the significance of the designated heritage asset. The works do not adversely affect the historic interest and integrity of the listed building, as they do not alter its appearance and historic character to any significant extent. Nor are they considered to have a detrimental effect on the setting of the nearby listed buildings, or the conservation area.

It is concluded that the proposed works do not harm the significance of the designated heritage asset. The proposals comply with L3, LC5 and LC6 because they will not alter its historic character and appearance to an unacceptable extent. As such it is considered that the works will not adversely affect the historic interest and integrity of the listed building.

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 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, the design is simple, the scale modest, and the materials are sympathetic to the house it will serve. The siting is such that it would not be readily visible from public vantage points, therefore it will not have a detrimental effect on the host building, its setting, the setting of other designated heritage assets in the vicinity, or the conservation area within which it sits.

The proposed works to the foreground of The Chantry House help retain original fabric and have a 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.

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