

APPLICATION NO	PA/2019/2009
APPLICANT	Mr A Hubbard
DEVELOPMENT	Planning permission to erect a replacement dwelling and additional garage (following the demolition of existing dwelling), including associated works
LOCATION	Roseneath, 18 Low Burgage, Winteringham, DN15 9PF
PARISH	Winteringham
WARD	Burton upon Stather and Winterton
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Ralph Ogg – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework:

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan: Policies H5, H8, HE2, HE3, HE5, DS1, DS16, LC5, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: CS1, CS2, CS5, CS6, CS7, CS8, CS17, CS18 and CS19 apply.

Winteringham Conservation Area Appraisal, Winteringham Townscape Analysis and Winteringham Supplementary Planning Guidance.

North Lincolnshire Strategic Flood Risk Assessment (SFRA)

CONSULTATIONS

Highways: No objection, but recommend two conditions and an informative relating to works within the highway.

Environment Agency: No objection, but recommend the following condition:

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment, 'Flood Risk Assessment in support of full application for the demolition of existing dwelling and erection of a replacement dwelling' (undated). In particular:

- finished floor levels shall be set no lower than 300mm above existing ground level
- flood resistant construction shall be incorporated as described.

The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Environmental Protection: The application for residential development is a sensitive end use. It is proposed to demolish the existing dwelling and erect a new dwelling. The building condition report states there is the potential for asbestos containing materials to be present in the current building, which is harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks. No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level. Recommend a condition in respect of contaminated land investigation.

Conservation: In summary, 18 Low Burgage Winteringham is a Building of Townscape Merit within the Winteringham conservation area. The proposal will substantially harm this building and negatively impact on the character of the Winteringham conservation area.

Ecology: There is no evidence of bat roosts, but house sparrows nest within the existing roof. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework (NPPF).

PARISH COUNCIL

Generally positive about the proposal but some concern raised regarding the height of the new building in relation to adjacent properties.

PUBLICITY

A site notice has been displayed; six letters of objection have been received raising the following issues:

- The proposal involves the demolition of the existing house.
- The purpose of the conservation area is to conserve properties.
- The existing cottage could be improved with minor repair works.
- It is a choice purchasing an old house that they may cost more to renovate and repair.
- Planning guidance supports the restoration rather than the demolition of existing older properties.
- The replacement dwelling is of disproportionate size and height.

- The existing house is in keeping with the local vernacular.
- The replacement dwelling will tower above neighbouring houses.
- Consideration should be given to extending the existing house.
- Retaining the frontage and extending to the rear of the existing house is a more sympathetic approach.
- The design aspects of the replacement dwelling are out of keeping with the street scene.
- The proposals would result in loss of light to the kitchen and bedroom window of the adjoining house.
- There is the potential for damage to an adjacent house from the demolition works.

A letter of general comment has also been received raising the following points:

- A different layout would improve the use of the space to the rear of the house for vehicle turning, access and egress.
- The design of the replacement dwelling could utilise features of the house opposite the site.
- Who is responsible for overseeing the demolition?

Finally, two letters of support have been received commenting as follows:

- There is a variety of housing along the street.
- A dwelling can only accommodate so many repairs and extensions and this dwelling masks hidden problems.
- The replacement dwelling is large but necessary and in keeping.
- This is a common house type in Winteringham.
- It will be in keeping with the street scene.

ASSESSMENT

The application site comprises a two-storey detached cottage on the eastern side of Low Burgage in Winteringham, within the settlement boundary and the conservation area. The existing dwelling is of brick and pantile construction and is located adjacent to the highway footpath to the west. The site is within flood zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA) and has a detached garage along the southern boundary. Planning permission is sought to demolish the existing house and garage and replace them with a two-storey detached house and detached single garage, and to rebuild the existing garage to the front.

The main issues in the determination of this planning application are the principle of development (including impact on the character and appearance of the conservation area), and impact upon residential amenity and flood risk.

Principle

Planning permission is sought to erect a replacement dwelling and garage, and a further detached garage, on a site located within the defined settlement boundary for Winteringham, which is defined as a rural settlement in the adopted Core Strategy. Policy CS2 states that development should focus on small-scale developments within the defined limits of rural settlements to meet identified local needs. The erection of a dwelling to replace an existing one within the defined settlement limit is considered to comply with this policy.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Winteringham, which is located within walking and cycling distance of a number of local services and facilities; there is, therefore, a presumption in favour of residential development.

Impact on heritage assets

The existing dwelling and site is located within the Winteringham conservation area, approximately 100 metres to the north of a listed building. It is proposed to demolish the existing two-storey cottage and replace it with a larger five-bedroom dwelling and a detached single garage to the rear. The dwelling (18 Low Burgage) is referenced in the Winteringham Conservation Area Appraisal with the following commentary attributed to it:

These are followed by a stone house (No.18) that appears to have been twice refronted in brick, most recently in the early 20th century, using stretcher bond and soldier courses to the windows. The white render and modern windows of No. 20 may conceal an older house. This is attached to a series of red brick farm buildings, which continue to define the street as the pavement gives way to a green verge.

The existing dwelling is also identified on the Winteringham Townscape Analysis map as being a 'Building of Townscape Merit'; this is an unlisted building which is considered to contribute positively to the character of the conservation area. The Winteringham Supplementary Planning Guidance states, with regard to such buildings:

Their age and architectural interest is considered to provide sufficient justification for the presumption in favour of retention to apply and the council will resist their demolition unless the applicant can prove that the building is wholly beyond the point of economic repair and incapable of a beneficial use;

and:

North Lincolnshire Council will resist applications to demolish all or a substantial part of any building identified as a 'Building of Townscape Merit'.

In respect of the dwelling to be demolished, the applicant has submitted justification in the form of a building survey report (structural report), two estate agents' appraisals, two building repair quotes, a planning statement and a heritage statement. The conclusions of the structural report are that the property is deemed to be in very poor condition requiring extensive repairs and upgrades prior to occupation. Significant and extensive works, including structural stabilisation, are required, and the refurbishment is therefore questioned as being financially justifiable.

The two quotes submitted with the planning application show that the cost of repairing the existing house, and bringing it into habitable occupation, will exceed its value in its repaired condition; the opinion of the applicant, therefore, is that it is economically unviable to undertake repair and renovation works. It is worth noting that there is a difference of £21,729 between the two quotes submitted with the planning application and items within the quotes could be contested on the grounds that they are not integral to preserving the fabric of the existing dwelling: these include, but are not limited to, the cost of rebuilding part of the front wall, the demolition of the garage, the re-laying of hardstanding and sewage survey work. The conservation officer highlights the findings of the building survey report and there being no recommendation for external walls to be completely rebuilt. The recommendations for external walls in the building survey report are for the north-western corner of the dwelling to be dismantled and reconstructed, the replacement of spalling brickwork and soldier course brickwork, and re-pointing. The quotes provided with the planning application are financially consistent with the cost of works to the external walls (£52,470 and £50,000 respectively); however, both of these incorporate the removal of the front wall and its complete rebuild in a different brick. This is not consistent with the recommendations within the building survey report. It is worth noting that the dwelling has recently been purchased, the applicant being aware of its location within in a conservation area and that remedial/repair works may be required to the dwelling; these can be undertaken without complete demolition of the house being necessary. On the basis that the cost of works to the existing house could be reduced for repair and remedial measures, it is considered that the applicant has failed to demonstrate that the dwelling is beyond economic repair.

Turning to the design aspect of the proposals, the plans show the erection of a detached house measuring approximately 10.79 metres by 13.64 metres, with a ridge height of 8.9 metres. This results in a modern dwelling which is 2 metres wider and 2.79 metres higher to its ridge line; this is equivalent to a two-and-a-half-storey dwelling within the Winteringham conservation area. A Heritage Statement has been submitted with the planning application. This document, at paragraph 4.07, states that the heritage significance of the house and its outbuildings is reduced by its derelict nature and poor structural condition. At paragraph 4.08, it states that the house is beyond viable economic repair and, as a result of the poor condition, the site has a negligible level of heritage significance. In terms of the impact of the replacement dwelling, the heritage statement, at paragraphs 5.02 and 5.03, states that the replacement dwelling will have a similar footprint, height, mass and materials and it has been carefully designed to reflect the dwelling on the plot and to complement other buildings on Low Burgage. In conclusion, the heritage statement states the following at paragraphs 6.03–6.05:

The proposed replacement dwelling and garage will maintain the approximate footprint, height and mass of the demolished buildings and will be sited at the street frontage in keeping with this part of the conservation area. The proposed design of the replacement buildings is appropriate and sympathetic.

The present buildings on the site that are proposed for demolition are beyond economic repair, as laid out elsewhere in the documentation accompanying the planning application. The proposed demolition is therefore in line with local planning guidance.

There will be no loss of heritage significance arising from the proposed demolition and the replacement dwelling will result in a neutral effect on the Winteringham Conservation Area, being in accordance with the traditional character and appearance of the nearby dwellings. The proposed development is therefore in accord with the heritage provisions of the National Planning Policy Framework and the relevant sections of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

Paragraphs 194–195 of the NPPF state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, and where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

At paragraph 197 the NPPF goes on to confirm that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal will result in the total loss of a dwelling identified as a building of townscape merit; this is a non-designated heritage asset. However, the proposed development is located within and will impact upon the character and setting of the Winteringham conservation area, which is a designated heritage asset. The existing dwelling is of traditional design and proportions and, given its relative low eaves height, it contributes to the rhythm of existing built development in this part of the conservation area. This part of the conservation area is characterised by dwellings built up to the edge of the highway footpath, with a mix of external materials (including render, stone and brick) and pantile roofs, with occasional gaps between dwellings for either pedestrian or vehicular access. Its existing height and scale is commensurate with those dwellings located along both sides of Low Burgage. The replacement dwelling is significantly higher and wider and this increases its overall mass and therefore its resultant impact on the character and appearance of the street scene.

A street scene drawing has been submitted with the planning application, which shows that the replacement dwelling will have both its eaves and ridge line above those of neighbouring dwellings, and will therefore interrupt the existing rhythm of built development

and represents a disproportionately sized dwelling in the street scene; it is therefore considered that the replacement dwelling, in terms of its height and scale, neither preserves nor enhances the character or appearance of the conservation area. Whilst it is noted that the design of the replacement dwelling draws upon features which are visible along Low Burgage (in the conservation area), including stone lintels and cills, chimneys and a portico entrance, it is considered that the introduction of a modern dwelling in this part of Low Burgage will be visually prominent and will dominate neighbouring dwellings along the eastern side of the public highway; it does not constitute a sympathetic form of built development.

To conclude, it has not been substantiated that the dwelling is beyond economic repair, and the existing building of townscape merit is considered to be able to continue to be used as a dwelling (with some repairs and remedial works). The proposal will result in the total loss of a non-designated heritage asset, which would, in turn, have a significant and detrimental impact upon the designated conservation area and it has not been satisfactorily demonstrated that the loss and impact upon these assets will be outweighed by the benefit of the replacement dwelling.

Residential amenity

The plans show that all upper floor habitable room windows will face towards the public highway to the front, and the rear garden; therefore, no overlooking of neighbouring properties will take place. The proposal, if permitted, will result in the demolition of the existing house, which will inevitably result in loss of amenity to neighbouring occupants through noise, dust and general disturbance; however, this disturbance is short term and will not harm the long-term amenity of adjacent residential properties. The garden space to the rear of the dwelling will be retained and is sufficient to meet the needs of future occupants. The provision of three off-street parking spaces will reduce the potential for vehicles to be parked within the public highway.

Flood risk

The site is located within flood zone 2/3a as defined in the North Lincolnshire SFRA; this is the highest level of flood risk. A flood risk assessment, whilst brief in its content, has been submitted and states that, as the application is for a replacement dwelling, the sequential tests and exceptions test do not apply. However, this proposal for the erection of a dwelling, albeit a replacement, is classed as a 'more vulnerable' development in a high flood risk zone and therefore the sequential and exceptions tests do need to be applied and passed. As the proposal is for a replacement dwelling within the conservation area, it would not be possible to re-site the proposed dwelling and the sequential test is considered to be passed. It is then a requirement for the exceptions test to be applied and passed.

Essentially, the two parts to the exceptions test require the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. The submitted flood risk assessment (FRA) provides for sufficient mitigation measures within it to demonstrate that the development will be safe from flooding without increasing flood risk elsewhere. Also, the Environment Agency has considered the FRA and has raised no objections on flood risk grounds. In addition, the erection of a modern replacement dwelling which can incorporate additional flood mitigation measures into its design, in a sustainable location, will deliver community benefits. The proposal is therefore considered to pass the exceptions test and thus complies with policy

DS16 of the North Lincolnshire Local Plan, policy CS19 of the Core Strategy and the National Planning Policy Framework, in terms of flood risk.

Conclusion

The proposal will result in the loss of a dwelling which is located within the Winteringham conservation area and is identified as a building of townscape merit; the loss of such a building requires justification. It has not been substantiated, to the satisfaction of the local planning authority, that the existing dwelling is beyond economic repair, and that it could not continue to be used as a dwelling (with some repairs and remedial works). The proposal will result in the loss of a non-designated heritage asset resulting in significant harm to the Winteringham conservation area and it has not been satisfactorily demonstrated that the substantial loss of the building and the impact on the conservation area is outweighed by the benefits of the replacement dwelling in this case. In addition, the replacement dwelling is significantly higher and wider, which increases its overall mass and therefore its resultant impact on the character and appearance of the street scene. It will have both its eaves and ridge line above those of neighbouring dwellings; it will therefore interrupt the existing rhythm of built development and represents a disproportionately sized dwelling in the street scene. It is therefore considered that the replacement dwelling, in terms of its height and scale, neither preserves nor enhances the character or appearance of the conservation area. The proposal is therefore considered to be contrary to policies HE2 and HE3 of the North Lincolnshire Local Plan, policy CS6 of the adopted Core Strategy, and paragraphs 194 and 195 of the National Planning Policy Framework.

RECOMMENDATION Refuse permission for the following reasons:

1.

The existing dwelling is identified as a Building of Townscape Merit and it is considered that no clear and convincing justification has been provided to demonstrate that the total loss is necessary, nor that its repair and refurbishment would be economically unviable. Accordingly, the proposal is considered to be contrary to policies HE2 and HE3 of the North Lincolnshire Local Plan, paragraph 197 of the National Planning Policy Framework and the Winteringham Conservation Area SPG (2005).

2.

The proposed replacement dwelling, by virtue of its height, scale and mass, is considered to result in a visually dominant form of built development that interrupts the existing rhythm of built development and the character of the street scene. The proposal is therefore considered to neither preserve nor enhance the character or appearance of the conservation area and is contrary to policies HE2 and DS1 of the North Lincolnshire Local Plan, CS5 and CS6 of the adopted Core Strategy, and paragraphs 194 and 195 of the National Planning Policy Framework.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.