

Application Number:	2019/0501 2019/0502 LBC	Application Type:	Full Listed Building Consent
Proposal:	Demolition of existing outbuilding and construction of new outbuilding (Retrospective)	Location:	415 Helmshore Road Helmshore Haslingden
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	9 June 2020
Applicant:	Mr T Albinson	Determination Expiry Date:	12 June 2020
Agent:	Equilibrium Architects Ltd		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	YES
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Planning Permission and Listed Building Consent be granted, subject to the Conditions set out in Section 10.

2. **SITE**

The applicant resides in a detached house which faces towards Helmshore Road, with Gregory Fold running to its S side, from which it takes vehicular access.

The house was built in the late 19th century in the style of a Victorian villa, with external walls of narrow-coursed stone and a hipped-roof of slate, topped by over-sized chimney-stacks. On its frontages to Helmshore Road and Gregory Fold its garden is bounded by 1.2m high walls of narrow-coursed stone - of contemporary age/appearance to the house - immediately behind which are hedges.

The garden is bounded to its west side by a stone wall of 2.1m in height which is not of contemporary age/appearance to the house - forming the party-boundary with the dwelling at Gregory Fold Barn - composed of more rough-hewn stones, of varying size. In origin it appears to pre-date the Applicant's house, although it appears to have undergone various elements of re-build and modification over its life, including being heightened (possibly at the time/as a consequence of the building of the applicant's house. At the present time, towards its N end the upper 0.5m of a 5m length of this wall has tumbled over into the grounds of the neighbouring property, the loose stones resting against the side of the neighbours garage; this appears to pre-date commencement of the recent works by the Applicant.

Prior to commencement of works within the grounds of the Applicant's property an outbuilding was attached to the wall on the party-boundary. With a footprint of 3.25m x 5m, it had an eaves-height marginally exceeding the height of the boundary wall and a ridge-height of 3.1m. It had external walls of rough-hewn stones, of varying size, and a slated pitched-roof. Consequently, its appearance more obviously reflected that of the 'traditional' boundary wall than the Victorian villa. The rear wall of this outbuilding - forming also part of the boundary wall - has been retained at the height of the boundary wall extending to each side. Its roof and front wall have been removed and its side-walls reduced to 1m in height.

The neighbouring dwelling results from conversion of Gregory Fold Barn and is a Grade II Listed Building, the Listing Description for which reads as follows:

GV II Barn, probably later C18. Coursed sandstone rubble, stone slate roof with chimney at rear gable. Tall two-bay building, gable to road, with rounded arched wagon entrance offset to left side of gable wall, arrow-slit breathers, blocked oeil-de-boeuf, and small owl hole in the apex. Left side wall has single-storey lean-to and behind this a low two-storey gabled extension; right side has a window and near the rear corner a stable door. Interior lofted. Date first listed: 30-Nov-1984

Consequently, works affecting the 'traditional' wall on the party-boundary with the Applicant's property, or to buildings attached to it, require Listed Building Consent.

This area is identified as being within the Urban Boundary of Haslingden on the Proposals Map accompanying the Core Strategy.

3. **PROPOSAL**

Investigation of a complaint received by the Council's Enforcement Team about works taking place at 415 Helmshore Road concluded that the following unauthorized works had occurred:

- Partial demolition of the outbuilding attached to the 'traditional' wall on the party-boundary with Gregory Fold Barn; and

- Partial construction of a new outbuilding attached to the 'traditional' wall on the party-boundary with Gregory Fold Barn.

Listed Building Consent is sought in respect of the demolition works which have been undertaken, and Planning Permission and Listed Building Consent is sought to complete the new outbuilding.

At the time the applications were submitted work on construction of the new outbuilding had progressed to the point its external walls were complete and the timbers to carry the intended roof were in place. Approval was sought to complete this building, which would have resulted in it having a roof-ridge of 3.4m and with a roof-plane and gutter projecting beyond the mid-point of the party-wall (and consequently on the neighbour's property).

Amended drawings have now been received that reduced the roof-ridge to 2.8mm in height and ensure no part of the roof and gutter will project beyond the mid-point of the party-wall (and consequently not encroach on the neighbour's property).

The resulting outbuilding will stand 3m nearer to Gregory Fold than the outbuilding it replaces, to have a similar setback from the highway as the Applicant's house. It has a footprint of 3.25m x 4.4m, with an eaves-height marginally exceeding the height of the boundary wall and a ridge-height which will be 0.3m less than that of the previous outbuilding. It has external walls of rough-hewn stones (recovered from the demolished outbuilding) and is to have a slated roof which is hipped at each end.

The revised drawings also show that:

- the section of boundary wall at the N end, the upper 0.5m of which has tumbled over, will be re-built with the loose stones now resting against the side of the neighbour's garage; and
- the two existing parking spaces fronting Gregory Fold are to be re-surfaced using natural stone flags and to be flanked by timber fences to screen the Applicant's rear garden from this highway.

4. RELEVANT PLANNING HISTORY

None.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 11	Making Effective Use of Land
Section 12	Achieving Well-Designed Places
Section 16	Conserving & Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

AVP6	Area Vision for Haslingden & Rising Bridge
Policy 1	General Development Locations and Principles
Policy 16	Preserving & Enhancing the Built Environment
Policy 23	Promoting High Quality Design and Spaces
Policy 24	Planning Application Requirements

Other Material Planning Policy Considerations

6. **CONSULTATION RESPONSES**

None.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a notice was published, a notice was posted on site and neighbours were notified by letter.

In respect of the applications as first submitted the following comments have been received:

Gregory Fold Barn

Object.

“What has occurred/is proposed does not accord with the law or development plan policy.

The replacement structure that has been substantially constructed exceeds the applicant’s rights in land ownership terms, this by virtue of the fact the main structure utilises and breaches the half way mark of the party wall/boundary wall, and the roof structure currently overhangs the party wall/boundary wall by some distance.

Gregory Fold Barn forms part of an enclave of listed buildings (including 1 & 3 Gregory Fold.

Demolition of the old outhouse is a serious breach of planning control and the proposed outhouse is of greater height than the old outhouse. Furthermore, the position of the new outhouse impacts to a greater extent on the utility of their garden and outlook from windows in the gable of their dwelling.

We think there are better places for this structure e.g. at the back of the garden - adjacent to our garage/at the side of the demolished wall.”

[In light of the amendments made to the originally submitted scheme - most particularly to avoid any part of the new outbuilding encroaching upon this neighbour’s property and to reduce the roof-ridge to match that of the old outbuilding - this neighbour was re-consulted on the amended drawings. They have confirmed that they still object to the proposal as amended].

1 Gregory Fold

“We object to the proposed building on the grounds that it is unsightly, impinges on the land of a listed property and looks wholly out of keeping with the buildings of the original farm.

We were sad to see the demolition of the picturesque, if dilapidated, building adjoining the Barn’s boundary wall but were very surprised to see that the roof of the new building completely projected over the boundary wall and even the land belonging to the Barn. This does not respect the setting of the Barn as part of an important and historic enclave of buildings.”

2 Gregory Fold

“Object to the proposals as they are different to the original small derelict outhouse which was there before. It has a significantly higher pitched roof and is further towards the road than the previous building.

It also looks out of keeping visually with the previous structure and detrimental in my opinion with the listed buildings beside it. It clearly doesn't respect the setting of the barn on viewing from front or side.”

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle; 2) Visual and Heritage Impact; and 3) Neighbour Amenity.

Principle

Planning Permission is sought for an outbuilding, for incidental residential purposes, in the grounds of a residential property within the Urban Boundary of Haslingden. It is of modest size in relation to the dwelling and, as amended, would not require submission and approval of an application for Planning Permission if it were not attached to/utilizing as one of its sides the wall on the party-boundary of Gregory Fold, a Grade II Listed Building.

There is no objection in principle to Planning Permission being granted for the proposed outbuilding.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings designated by Central Government as being of special architectural or historic interest. Any decisions on applications where listed buildings and their settings are a factor must address the statutory considerations of this Act, in particular Section 66:

“In considering whether to grant listed building consent for any works the local planning authority or Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

It needs to be appreciated that not all works require Listed Building Consent, only demolition or works of alteration or extension that affect the character of the Listed Building as a building of special architectural or historic interest.

In respect of Heritage Assets, Paragraph 192 of the National Planning Policy Framework (NPPF) states:

“In determining applications, local planning authorities should take account of:

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

The NPPF goes on to state:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)....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..... Substantial harm to, or loss of, grade II listed buildings, or grade II registered parks or gardens, should be exceptional.....Where a development 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 including, where appropriate, securing its optimum viable use.”

Policy 16 of the Council’s adopted Core Strategy, entitled ‘Preserving and Enhancing Rossendale’s Built Environment’, states:

“The Council will protect, conserve, preserve and enhance Rossendale’s historic built environment including Listed Buildings, Conservation Areas, Registered Parks and Gardens, Scheduled Ancient Monuments, archaeological sites, historic landscapes and locally identified buildings, sites and structures. These heritage assets all contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured by [amongst other things]:

- 1. Promoting the positive management of the Borough’s heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.*
- 5. Ensuring that all development is:*
 - a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context.*
 - b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale.*
- 6. Encouraging innovative new design(s), where it responds to the character, scale and setting of historic buildings and areas.*

Policies 1, 23 and 24 of the Council’s adopted Core Strategy seek to maintain Rossendale’s distinctive environment by, amongst other things, ensuring that all new developments are of the highest standard of design - that respect and respond to local context, distinctiveness and character - in terms of criteria including style, visual impact, scale, massing and height.

Section 2 of the Council’s approved Alterations and Extensions to Residential Properties SPD provides general guidance about the form any extension or outbuilding should take, with the aim of ensuring it is of a high standard of design and does not detract from the character of the original and neighbouring properties, neighbour amenity or highway safety through siting, excessive bulk, inconsistent design or ill-matched facing materials.

The SPD gives specific advice in relation to Garden Structures:

“Where planning permission for garden structures is needed (e.g. summerhouses, sheds and greenhouses) proposals will be assessed with regard to the following issues:

- Garden structures will not normally be allowed to the front of domestic properties (or side on corner plots) where they would be within 2m of the boundary; and*
- They will be considered against the general principles included in this SPD including amenity concerns and visual dominance.”*

In conclusion, the development is acceptable in principle.

Visual and Heritage Impact

In this instance Objectors acknowledge that the outbuilding now largely demolished was in a dilapidated state. Nevertheless, the Applicant should not have proceeded with demolition works without first obtaining consent.

Being attached to the other side of the wall on the party-boundary with Gregory Fold Barn - which is the Listed Building - and with a substantially greater setback from the highway and

so little of it projecting above the boundary wall, its partial demolition cannot be said to have caused substantial harm to the significance of the designated heritage asset, nor to its setting. However, the Council's Conservation Officer did initially express concern about the part-built outbuilding which was to stand nearer to the highway than the old outbuilding and have a roof of greater height at the ridge and at its base lapping-over the wall towards the converted barn. This was considered unacceptable as it would result in the new outbuilding having a roof more clearly cutting into a critical public sight-line of the barn from the highway and affect the appreciation of the Listed barn and its setting more directly.

However, as amended, the proposed outbuilding will be similarly attached to the boundary wall/utilize it as one of its sides. It has a footprint slightly smaller than that of the outbuilding it replaces and has walls which have been constructed using stone recovered from its demolition. With a setback from Gregory Fold of 7m, it will be 3m nearer to the highway than the outbuilding it replaces. However, it will still have a greater setback from the highway than either the Applicant's house or Gregory Fold Barn. Hipping of each end of its intended slated roof will further reduce the extent to which the new outbuilding affects views of the converted barn and results in it having a form of roof that more obviously reflects the Victorian villa it is to serve and the garden it is within. The timber fences intended to flank the existing parking spaces fronting Gregory Fold will go a long way towards screening from public view from the highway all but a gable-end of the new outbuilding.

Whilst the upper 0.5m of a 5m length of the boundary wall appears to have tumbled over prior to commencement of the recent works by the Applicant the amended drawings show it is to be repaired using the loose stones resting against the side of the neighbour's garage. It is considered appropriate to Condition that this length of wall is repaired.

On this basis the proposal is considered acceptable with regards to heritage impact and visual amenity.

Neighbour Amenity

As amended, the proposed outbuilding will not encroach upon the neighbouring property and will project above the boundary wall 0.3m less than did the old outbuilding. Its re-siting will not result in an unacceptable loss of light to/outlook from the gable windows or grounds of Gregory Fold Barn - the gable windows are 7m from the boundary wall, which exceeds 2m in height and the eaves-height of the proposed outbuilding is only marginally higher than the boundary wall.

As such, Officers are satisfied that the scheme will not have an unacceptable impact on the amenity of any neighbours.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and, subject to the conditions, will not unduly affect any heritage asset or neighbour amenity. The development is therefore considered to accord with the National Planning Policy Framework and Policies AVP6 / 1 / 16 / 23 of the Council's adopted Core Strategy (2011) and its adopted Alterations and Extensions to Residential Properties SPD (2008).

10. RECOMMENDATION

Planning Application 2019/0501

That Permission be granted, subject to Conditions.

CONDITIONS

1. The outbuilding hereby permitted shall be completed in not more than 6 months from the date of this decision, in accordance with the following drawings/documents, unless otherwise required by the conditions below:

Title	Drwg No	Date Recd
Outbuilding Plans	R-0585-10 rev D	18 / 02 / 20

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure the development complies with the approved plans and submitted details.

2. The roof of the outbuilding hereby permitted shall be covered with natural slates matching in size, colour and surface-finish those on the roof of the house.

Reason: In the interests of visual amenity.

3. Prior to first use of the outbuilding hereby consented, the section of boundary wall at the North end, the upper 0.5m of which has tumbled over, shall be re-built with stone and mortar to match the wall, using the loose stones now resting against the side of the neighbour's garage as far as reasonably practicable, any shortfall in stone to be made good using locally-sourced natural stone to match.

Reason: To preserve and enhance the character and appearance of a wall bounding Gregory Fold Barn, a Grade II Listed Building.

Listed Building Consent Application 2019/0502

That Listed Building Consent be granted, subject to Conditions.

CONDITIONS

1. The outbuilding hereby consented shall be completed in not more than 6 months from the date of this decision, in accordance with the following drawings/documents, unless otherwise required by the conditions below :

Title	Drwg No	Date Recd
Outbuilding Plans	R-0585-10 rev D	18 / 02 / 20

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure the development complies with the approved plans and submitted details.

2. The roof of the outbuilding hereby consented shall be covered with natural slates matching in size, colour and surface-finish those on the roof of the house.

Reason: In the interests of visual amenity.

3. Prior to first use of the outbuilding hereby consented, the section of boundary wall at the North end, the upper 0.5m of which has tumbled over, shall be re-built with stone and mortar to match the wall, using the loose stones now resting against the side of the neighbour's garage as far as reasonably practicable, any shortfall in stone to be made good using locally-sourced natural stone to match.

Reason: To preserve and enhance the character and appearance of a wall bounding Gregory Fold Barn, a Grade II Listed Building.