

The application is for full planning permission for the demolition of a house in order to extend the garden area of the adjacent dwelling.

The site is located within the urban area of Kidsgrove, and within the Trent and Mersey Canal Conservation Area, as defined on the Local Development Framework Proposals Map.

The application has been 'called in' to the Planning Committee by two Councillors who support the demolition of the cottage as long as it causes minimal impact on the local residents. The building to be demolished has been significantly renovated by previous owners and has lost most of its character. The building bows on one side and looks a little unstable. Local residents support the demolition as the area has always been overcrowded by properties. The demolition would increase light into surrounding properties. A large garden in this space would be aesthetically pleasing.

The statutory 8 week determination period expires on the 9th August 2014.

RECOMMENDATION

REFUSE as the demolition of the building would be detrimental to the overall character and appearance of the Trent and Mersey Canal Conservation, would not result in any public benefit and it has not been demonstrated that the building is incapable of beneficial use. As such is contrary to policy.

Reason for recommendation

The demolition of this building within the Trent and Mersey Canal Conservation Area would be detrimental to the overall character and appearance of the designated Conservation Area. There would be no public benefit arising from the proposal, and it has not been demonstrated that the building is incapable of beneficial use. The proposal therefore conflicts with Policies B9, B10, B11 and B13 of the Newcastle-under-Lyme Local Plan and the aims and objectives of the National Planning Policy Framework 2012.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

Pre application discussions were held with the applicant where policy concerns were highlighted. This is considered to be an unsustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 adopted 2009

Policy ASP5: Newcastle and Kidsgrove urban neighbourhoods area spatial policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011

Policy B9: Prevention of harm to conservation areas
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area
Policy B11: Demolition in conservation areas
Policy B13: Design and development in conservation areas

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

Relevant Planning History

28 Hardingswood (adjoining property)

98/00817/FUL	Permitted	30.3.1999	Replacement Dwelling
99/00727/FUL	Permitted	6.12.1999	New boundary walls and amended garage position (garage not constructed)
11/00534/FUL	Permitted	19.12.2011	Replacement vehicular access
12/00096/FUL	Permitted	25.4.2012	Replacement vehicular access
13/00387/FUL	Permitted	25.6.2013	Single storey side extension

27 Hardingswood (dwelling proposed to be demolished)

N13383	Permitted	10.7.1984	Alterations to form bathroom
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Views of Consultees

The **Conservation Officer** – The area is designated as a Conservation Area. The area known as Hardingswood junction and Locks opened in 1831. It marks the top locks before the big descent into the Cheshire Plain. In the mid19th century this area was fairly well built up with a tight grain down this lane. No 28, which is a new dwelling, replaces a row of terraces as shown on the OS first edition. Some of the buildings still remain, such as Hardingswood House, the Blue Bell pub which was typical in providing accommodation for boaters. This pub also provided stables and outbuildings and it is possible that no. 27 was a domestic building or a warehouse, which again was typical for storage of goods to transfer to rail, road or other means, serving this growing industrial town. This part of the canal is a relatively unique part of the canal, just before it joins the Macclesfield branch.

The Conservation Officer accepts that the building has lost some of original character, has been domesticated insensitively but nevertheless has retained its structure and its relationship with the canal. Many buildings along the canal are simple buildings with little embellishments. The Conservation Officer disagrees that the area would be improved by its demolition and describes the building even in its altered and rendered condition as not being detrimental to the character and appearance of the Conservation Area. It is a simple structure related to the canal and the historical development of the area and therefore it cannot be simply dismissed as having no significance, having townscape value along the edge of the canal with other historic buildings and contributing to views from and within the conservation area.

Further investigation is needed to better ascertain its former use which may have been warehousing or storage given its orientation gable end onto the canal. The NPPF (p.132) states that “great weight should be given to the asset’s conservation” and “loss should require clear and convincing justification” which is not very robust. Paragraph 133 requires a public benefit to be achieved to outweigh the loss or that the proposal meets a number of criteria. None of these can be met through this proposal. The domestic nature of no. 28 and any resulting garden and walls with gates etc are unlikely to reinforce the prevailing special character of the conservation area.

If the applicant has bought the site, removal of the dividing wall between the two properties and use of garden to no 27 will provide some extra amenity space for no. 28 without the need for demolishing the building and the building perhaps could be modified into a granny annex.

If minded to grant permission and perceive that policy objectives have been met, it is essential that prior to any demolition we record it historically and archaeologically to try to

understand more about this part of the canal and what it represented to the industrial development of the area.

County Council Landscape Archaeologist - The canal and its associated structures and buildings make a positive contribution to the local character and history of the wider landscape of this part of north eastern Staffordshire and therefore is in agreement with the comments and conclusions of the Borough Conservation Officer

However, should planning permission for demolition be granted and taking into account the contribution of the building to the local character and history of Hardingswood it is advised that a building recording survey be carried out prior to its demolition. This work should include a record of the layout, evidence of phasing, architectural detailing, and any surviving fixtures and fittings. This work would equate to a Level 2 survey as identified in the English Heritage volume entitled 'Understanding historic buildings: a guide to good recording practice' (2006).

The comments of the **Conservation Advisory Working Party** have been sought and will be reported.

Representations

One representation has been received on the application and is summarised as follows:

- No outright objection to the proposal however demolition of the property would leave a gap in the building line, detracting from the aesthetic of the street scene. Subject to permission being granted this should be filled in a manner which is sympathetic to the fact that this has been designated a Conservation Area.
- The view of Hardingswood from a train on the Manchester line as it crosses the canal is particularly pleasing. It gives the impression of the small boating community that Hardingswood once was, and which is hoped would be retained.

Applicant/Agent's Submission

The application is accompanied by 7 letters of support. The application is also accompanied by a Heritage statement which is summarised as follows:

- No 27 Hardingswood forms part of a complex of cottages and a new dwelling on the canal lane Hardingswood.
- It is served directly off Hardingswood and also off a subsidiary lane servicing other small cottages. It is considered that the cottage was probably at a sometime in the past 2 attached one up and one down canal workers cottages.
- The building has undergone extensive alterations to its fabric, the roof structure is modern, probably replaced within the last 15 years. The floors have artificial joists, the ground floors have been replaced and the external faces of the external walls have been rendered.
- No original features have been retained.
- The cottage is within the Hardingswood Conservation Area set on an island of developed land directly associated with the canal and its locks. It was probably built in the late 1800's associated with the building or management of the canal system. Constructed from common brick with the building has no architectural merit.
- The cottage has no architectural merit and contributes little to the nature and character of the conservation area.
- There are no features that warrant retention and the quality of the surrounding cottages and new dwelling will be considerably improved by its demolition.
- Its demolition is supported by all owners of the properties within the area surrounding Hardingswood.

The documents are available for full inspection at the Guildhall and on the Council's website www.newcastle-staffs.gov.uk/planning/1400453FUL

Key Issues

The application seeks planning permission for the demolition of a dwelling and the incorporation of the plot into the garden area of the adjoining property.

The property is located within the urban area of Kidsgrove and within the Trent and Mersey Canal Conservation Area, as defined by the Local Development Framework Proposals Map.

The main issue is considered to be the impact of the demolition of this property on the character and appearance of the Trent and Mersey Canal Conservation Area.

The impact of the demolition of this property on the character and appearance of the Trent and Mersey Canal Conservation Area.

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, and in doing so should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The NPPF goes on to state that 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site, and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible, and
- The harm or loss is outweighed by the benefits of bringing the site back into use.

Paragraph 134 of the NPPF states that 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 securing its optimum viable use.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 of the Local Plan sets out the requirement to preserve or enhance the character or appearance of a conservation area, in terms of materials choices, size of development, protecting important views into and out of the area and impact on trees and important open spaces.

Policy B11 of the Local Plan states that consent to demolish a building or any part of a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:

- i) The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area
- ii) Detailed plans for redevelopment are approved where appropriate
- iii) An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate

No evidence has been submitted in support of the application demonstrating that the building is in disrepair. The building appears to be in good condition and capable of being used for habitable purposes. The photographs submitted in the heritage asset statement illustrate the building is of sound construction and supports the case that the building is not wholly beyond repair, and is capable of reasonably beneficial use.

The supporting information describes the building as having no architectural merit and no features of interest and that the area would be improved by its demolition. Whilst it is

accepted that the building has lost some of original character through insensitive alteration, it nevertheless has retained its original structure and its relationship with the canal. The building has townscape value along the edge of the canal when viewed in the context of other historic buildings and contributes to views into and out of the conservation area and particularly from the canal and towpath. It is considered that the area would not be improved by the demolition of this building, as the building is not in any way detrimental to the character of the Conservation Area. It is a simple structure relating positively to the canal and the historical development of the area and therefore it cannot be simply dismissed as having no significance.

The site, following the demolition of the building, is proposed to be used for private domestic garden to the adjoining property. The end use proposed would not, therefore, result in any public benefit. In addition it is considered that the benefits to the occupier of the adjoining property through an increase in amenity space would not be so significant that it outweighed the harm that arises from the loss of a building that adds to the character of the area.

Conclusion

Overall, the proposed demolition of the property to create a private garden for the neighbouring dwelling conflicts with Policies B9, B10, B11 and B13 of the Local Plan and the aims and objectives of the National Planning Policy, and for this reason the application should be refused.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

17th July 2014