

The application is for full planning permission for the demolition of 27 Hardingswood Road in order to extend the garden area of the adjacent dwelling, 28 Hardingswood Road.

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 house.

The statutory 8 week determination period expires on the 20th April 2015.

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

This is considered to be an unsustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

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, 28 Hardingswood.

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.

This is a re submission of the previously refused planning application 14/00453/FUL, which was refused at planning committee on 5th August 2014 for the following reason:

- 1. 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 through the loss of the building which has value when viewed in the context of other buildings and the gap that would arise. 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.*

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

In an attempt to demonstrate that the building is incapable of reasonably beneficial use, a local property maintenance business has provided a quotation and estimate for a list of works that they consider are required to bring the property up to habitable use. This states that the property is in a very poor state of repair, and lists various things that need work on prior to the dwelling being habitable. No independent structural advice has been sought.

A site visit was undertaken with the Conservation Officer and a Building Control Officer (BCO) from Stoke on Trent City Council to assess the state of the building both internally and externally. The BCO reported no major structural problems with the property and that no essential work is required to bring it up to habitable condition. In addition the BCO advised the property has a good solid roof, the chimney is not leaning, and that there is no justifiable reason to take the building down. The building is structurally sound, not damp and does not require a damp proof course, the roof structure is new and there are no visible issues with the chimneys and no obvious defects with the building. The quotation for the new bathroom and kitchen is not essential and there is no requirement for floor insulation. The windows and doors are not broken or in urgent need of replacement, this is just down to personal choice and decoration.

The building is therefore capable of habitation in its current state, and the only obvious defect was a small patch of water penetration behind a failed section of the render on the front elevation which needs a patch repair.

The supporting information states that the removal of the dwelling and its replacement with a "canal side style" wall would enhance the Conservation Area. It goes on to state that the upvc windows, Juliette balcony external porch canopy and white picket fence are not original and none are appropriate to or sympathetic with the character or appearance of the area.

Whilst it is accepted that the building has lost some of its 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. The buildings in and around the canals were connected to the canal and add to the historical significance of the area. Your officers do not agree with the applicant's assertion that the property to be demolished has little or no historical connection with the canal as most canal side cottages, pubs and other buildings had a connection to the canal, that is why they were there, whether for trade or otherwise. No formal evidence of what the building was used for does not mean it can be discarded as having no value. No clear research has been undertaken to try to find out any previous uses or what the occupation of previous residents were, which may indicate an association with the canal. 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 and additional light to rear facing windows (none of which are principal windows – the lounge has two windows of identical size, one on the front and one on the rear) 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, and that is structurally sound and capable of beneficial use.

The design of the proposed boundary wall, whilst not detrimental to the character of the conservation area, it is not of what could be considered to be of a "canal side style", and would not be considered to enhance the character of the Conservation Area when judged in the context of the loss of the building.

Conclusion

Overall, the proposed demolition of the property to create a private garden with boundary wall 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.

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)
Planning Practice Guidance (2014)

Relevant Planning History

28 Hardingswood (adjoining property)

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

27 Hardingswood (dwelling proposed to be demolished)

N13383	Permitted	Alterations to form bathroom
14/00453/FUL	Refused	Demolition of property

Views of Consultees

The **Conservation Officer** (CO) advises that the buildings in and around the canals were connected to the canal and add to the historical significance of the area. The CO does not agree with the applicant's assertion that the property to be demolished has little or no historical connection with the canal and does not accept that the building is incapable of beneficial use as asserted within the application following advice from a Building Control Officer.

The County Council **Landscape Archaeologist** responded to the consultation on the previous application (14/00453/FUL) and commented that 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.

The **Environmental Protection** Division has been consulted, and their comments had not been received at the time of writing the report. Any comments that they make will be reported via a supplementary.

Kidsgrove Town Council had not responded to the consultation at the time of writing the report and have requested an extension of time to the 20th March to comment. Any comments made will be reported via a supplementary.

Representations

None received at the time of writing the report. Any that are received will be reported via a supplementary.

Applicant/Agent's Submission

The application is accompanied by a heritage statement and a quotation and estimate for works to make the dwelling habitable by Robert Finney Property Maintenance.

The documents are available for full inspection at the Guildhall and on the Council's website www.newcastle-staffs.gov.uk/planning/1400941FUL

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

12th March 2015