

When calling or telephoning please ask for  
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Direct line or ext  
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My ref  
GD/EVB – R82/48

18 September 2009

To the Chair and Members

of the

CONSERVATION ADVISORY  
WORKING PARTY

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 29 SEPTEMBER 2009** at **7pm**.

#### AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 8 September 2009 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

**P W CLISBY**

Head of Central Services

**Members: Councillors Miss Cooper, Heesom, Mrs Naylor, Slater and Mrs Williams**

**Outside Representatives: Messrs Chatterton, Ferrington, Heeks, Manning, McNair Lewis, Tribbeck and Worgan**

**The appropriate Parish Council representative(s)**

**DECISIONS OF THE BOROUGH COUNCIL ON APPLICATIONS WHICH  
HAVE PREVIOUSLY BEEN CONSIDERED BY THE WORKING PARTY**

**APPENDIX 'A'  
(Blue Paper)**

For reports on all committee decisions, please follow the minutes and agendas search on the Council's website or refer to your copy of the Planning agenda for the permitted date. Reports for delegated items are attached to the agenda (pink paper).

<b>Reference</b>	<b>Location and Applicant</b>	<b>Development</b>	<b>Working Party Comments</b>	<b>Planning Decision and Comments made with regard to Conservation Areas</b>
<b>08/924/FUL</b>	The Spinney, Bowhill Lane, Betley. J Stanchowsky.	Ground floor side extension.	No objections.	Approved under delegated powers 3 August, 2009  Note: On your agenda for 28 July, 2009 this application was incorrectly stated as being withdrawn.
<b>09/317/FUL</b>	16 Wilbrahams Walk, Audley Beth Johnson. Home Improvement Agency.	Two storey rear extension.	Although the necessity of certain design elements of the building for its end use were recognised, the Conservation Advisory Working Party would like to see more attention to detail to enhance the building in accordance with Policy B14 of the Newcastle-under-Lyme Local Plan. Concerns were raised regarding the design of the windows differing from the overall fenestration of the building.	Permitted under delegated powers 7 September 2009
<b>09/373/ADV</b>	7 Queens Parade, Newcastle. Swinton Colonnade.	Internally illuminated fascia sign.	No objections.	Permitted under delegated powers 20 August 2009.
<b>09/382/FUL</b>	Park Manor, Butterton. Dr M. Popat.	Boundary wall to south east and entrance (retrospective).	Strongly object as the character, materials and style of the wall, as built, are out of keeping with, and detrimental to the appearance of the surrounding area. The Working Party would also support any resolution to take enforcement action to secure the removal of this new wall.	Permitted under delegated powers 25 August 2009.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
09/385/FUL	7 Brassington Street, Betley. Mr P Johnson.	Two storey side extension.	The Working Party had concerns regarding the final design of the building in accordance with Policy B10 of the Newcastle-under-Lyme Local Plan. Members also felt that the insufficient detail shown on the plan did not give enough detail on which to comment further.	Permitted under delegated powers 27 August 2009.

**CONSERVATION ADVISORY WORKING PARTY**

<b>Reference</b>	<b>Location and Applicant</b>	<b>Development</b>	<b>Remarks</b>	<b>Ward Councillors</b>
<b>09/422/FUL</b>	46-48 High Street, Newcastle. Mr M Koliassnikoff.	Installation of additional ATM and surround.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
<b>09/488/ADV</b>	46-48 High Street, Newcastle. Mr M Koliassnikoff.	Two illuminated ATM advertisement signs.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
<b>09/484/COU</b>	21 London Road, Newcastle. Mrs J Bargna.	Change of use from offices to private nursery.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
<b>09/486/ADV</b>	96 High Street, Newcastle. Mr G Loughran.	Projecting and fascia advertisement signs.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** V Stanchovsky  
**Application No:** 08/924//FUL  
**Location:** The Spinney, Bow Hill Lane, Betley  
**Description:** Side extension and new rear dormer

### **Policies and Proposals in the Development Plan Relevant to This Decision:**

#### West Midlands Regional Spatial Strategy

Nil

#### Staffordshire and Stoke on Trent Structure Plan 2011

Policy D2: The Design and Environmental Quality of Development  
Policy D5B: Development in the Green Belt  
Policy NC19: Conservation Areas

#### Newcastle Under Lyme Local Plan 2011

Policy H18: Design of residential extensions  
Policy S3: Development in the Green Belt  
Policy N20: Areas of Landscape Enhancement  
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 B13: Design and Development in Conservation Areas

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

PPS1: General Policy and Principles (February 1997)  
PPG2: Green Belts (January 2005)  
PPG15: Planning and the Historic Environment (September 1994)

#### **Supplementary Planning Guidance**

Space about Dwellings

#### **Planning History**

1999	99/706/FUL	Permit – proposed extension
2002	02/623/FUL	alternative scheme for extensions and alterations – refused and dismissed on appeal October 2003
2004	04/1032/FUL	Renewal of planning permission 99/706/FUL for front and rear single storey extensions

#### **Views of Consultees**

**Betley Parish Council** have been consulted - no response received.

**Conservation Advisory Working Party** – no objections.

#### **Applicant's Agent's Submission**

The applicant is accompanied by a unilateral undertaking which revokes the extant unimplemented permission 04/1032/FUL

### **Key Issues**

This application is for full planning permission for a two storey side extension (albeit the first floor accommodation is provided within the roof space) at the side of this detached bungalow which has existing accommodation at first floor level. The proposal also involves the creation of a dormer on the rear elevation. The proposal would replace a single flat roof extension accommodating a double garage and also involves the removal of an existing conservatory.

The detached bungalow located in a Conservation Area and within the Green Belt.

The extensions would provide a replacement garage, entrance hall/garden room with enlarged master bedroom and new bedroom and en-suite facility at first floor level.

The main issues for consideration in the determination of this application are the effect of the development on the character and appearance of the CA, visual amenity, Green Belt and residential amenity.

### **Visual amenity and impact of the proposal on the character and appearance of the Conservation Area.**

Policy B9 of the Local Plan requires the Council to resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 sets out criteria by which development should preserve or enhance the character or appearance of the Conservation Area.

Policy H18 of the Local Plan requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling. In achieving this, the form, size and location of the extension should be subordinate to the design of the original dwelling. It is also required that an extension must not detract materially from the integrity of the original design of the group of dwellings that form the street scene or the setting.

The side extension has two main design features – the new entrance hall/garden room would be predominantly glazed, this area would also provide the staircase and gallery landing to the first floor accommodation. The second element of the design is a traditionally built section accommodating the replacement garage and new bedroom and en-suite facility. The glazed section of the extension would be sited between the existing dwelling and the traditional part of the extension. The other part of the extension would be the new pitched roof dormer to the rear of the property.

The proposal would provide a contemporary extension to the existing dwelling whilst still respecting the style of the main part of the existing dwelling. It is considered the proposal would not have a detrimental impact on either the character or appearance of Betley Conservation Area. The proposal complies with development plan policies relating to design and is considered acceptable in design terms within this context.

The Conservation Advisory Working Party has no objections to the proposal.

### **Residential amenity**

The proposal will not result in the overlooking or overshadowing of the principal habitable room windows of neighbouring dwellings in accordance with the SPG. The site is well landscaped having mature boundary treatments ensuring there are no privacy or overlooking issues likely to arise as a result of permitting this application. Therefore the proposal is acceptable in terms of its impact upon the residential amenity of the occupants of neighbouring dwellings.

### **Green Belt**

The property has the benefit of an extant, unimplemented, planning permission 04/1032/FUL. This permission remains 'live' and capable of a lawful implementation until November 2009, and would provide two reasonably large extensions one to the front accommodating a bedroom extension and to the rear of the property accommodation a porch/conservatory. This permission was originally granted in 1999 and renewed in 2004.

The applicant has provided a unilateral undertaking not to implement the extant if this current application is permitted. The reasoning behind this is that if both the unimplemented permission and the current proposal were to be constructed this would result in a disproportionate sized dwelling above the original dwelling and as such contrary to Green Belt policy.

In terms of the scale of the footprint increase and the overall volume increase of the dwelling the permitted scheme and the current proposal are similar.

In terms of the appropriateness of the proposal in Green Belt terms given the similarity in scale with the previous proposal and an unilateral undertaking is in place which revokes the previous permission, it is considered the proposal should be considered as being appropriate in terms of Green Belt planning policy. The current proposal also has the benefit of improving the design quality of the dwelling and the wider Conservation Area by removing an unsympathetic flat roofed element of the existing dwelling

### **Reasons for the Grant of Planning Permission**

With the unilateral undertaking in place the proposal accords with the provision of the development plan and there are no material planning consideration which would warrant refusal of planning permission.

### **Recommendation**

Permit subject to:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1 To comply with the provisions of Section 91 of the Town and Country Planning Act .
2. The materials to be used in the construction of the side walls and roof of the development hereby permitted shall match in all respects (size, texture and colour) those of the existing building.
- R2 To protect amenity in accordance with Policies H18 and B13 of Newcastle under Lyme Local Plan 2011 and the aims and objectives of PPS1.

### **Informative**

1. The decision hereby issued was made following consideration of the following plans and supporting information:-
  - Ian Taylor drawing "Proposed Extension and Replacement Garage" received 24 October 2008.
  - Design and Access Statement prepared by Ian Taylor dated October 2008 ref 595
  - Unilateral Undertaking signed 3 August 2009

### **Note to Applicant**

Policy N10 - Crime and Disorder note.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>05/12/08</b>	Decision Sent Out	
Case Officer Recommendation	<b>03/08/09</b>	8 Week Determination	<b>19/12/08</b>
Management check	<b>Varied 6/8/09 ESM</b>		



## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Beth Johnson Home Improvement Agency

**Application No:** 09/00317/FUL

**Location:** 16, Wilbrahams Walk, Audley

**Description:** Two-storey rear extension

### **Policies and Proposals in the Development Plan Relevant to This Decision:**

#### West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all

#### Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

#### Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, Where Subject to Planning Control

Policy B14: Development in or Adjoining the Boundary of Conservation Areas

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development (2005)

PPG15: Planning and the Historic Environment (2004)

Companion Guide to PPS1 "The Planning System: General Principles"

#### **Supplementary Planning Guidance**

Space Around Dwellings (July 2004)

#### **Planning History**

Nil

#### **Views of Consultees**

**Audley Parish Council** supports the application.

**Conservation Advisory Working Party** states that although the necessity of certain elements of the building for its end use were recognised, Members would like to see more attention to detail to enhance the building in accordance with Policy B14 of the Local Plan. Concerns were raised regarding the design of the windows differing from the overall fenestration of the building.

#### **Representations**

Nil

## **Applicant's/Agent's Submission**

A Design and Access Statement has been submitted.

## **Key Issues**

Full planning permission is sought for a two storey extension to the rear of the property to form a utility room at ground floor with a shower room and an area for a lift above for the benefit of a disabled child. The extension would project 4.5m to the rear of the dwelling and it would have a maximum height of 7.5m. The property is just outside the Conservation Area, but adjacent to it.

The key issues in the determination of the application are:

- Design and impact on streetscene
- Impact on Conservation Area
- Impact on residential amenity

## **Design**

Policy H18 of the Local Plan states that the form, size and location of the extension should be subordinate to the design of the original dwelling and the materials should fit in with those of the dwelling to be extended. The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the streetscene or the setting.

The ridge line of the proposed extension would be set down 2.3m below the height of the existing dwelling and the materials would match the existing. The extension would be subordinate to the design of the original dwelling and it is not considered therefore, that there would be any material harm caused to the character of the property. Given that the extension would be to the rear, there would be no significant impact on the streetscene. Accordingly the proposal is considered to comply with Policy H18 of the Local Plan.

## **Impact on the Conservation Area**

The property falls just outside the Audley Conservation Area, but adjacent to it. Policy B14 of the Local Plan states that in determining applications for building in a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. Because of this, outline planning permission will be resisted for proposals in a Conservation Area. Exceptionally, where proposed development immediately adjacent to the Conservation Area would be likely to affect the Conservation Area adversely, similar constraints may be applied.

The proposal is to the rear of the property and replaces a fairly modern single storey lean to extension. The Conservation Advisory Working Party would like to see more attention to detail to enhance the building in accordance with Policy B14 of the Local Plan, but given that the property is outside the Conservation Area, it is not considered that the proposed extension would have any significant adverse impact upon the character or appearance of the Conservation Area.

## **Residential amenity**

The proposal accords with the guidance in the Council's Supplementary Planning Guidance on Space Around Dwellings and it is not considered that there would be any adverse impact on residential amenity.

## **Reasons for the Grant of Planning Permission**

The proposal accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations that would justify a refusal of planning permission.

**Recommendation**

**Permit** subject to the following conditions:

- 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
- 2. The external facing materials to be used in the construction of the development hereby permitted shall match as closely as possible in all respects (size, texture and colour) those of the existing dwelling.
- R2. In the interests of amenity to comply with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy H18 of the Newcastle-under-Lyme Local Plan 2011.

**Informative**

**The decision hereby issued was made following consideration of the following plans and supporting information:**

**Drawing No. NDFG/11806/001  
Design and Access Statement**

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>4.9.09</b>	Decision Sent Out	
Case Officer Recommendation	<b>7.9.09</b>	8 Week Determination	<b>11.9.09</b>
Management check			

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Sarah Johnson  
**Application No:** 09/00373/ADV  
**Location:** 7 Queens Parade, Newcastle under Lyme  
**Description:** Non illuminated fascia sign

### **Policies and Proposals in the Approved Development Plan Relevant to This Decision:**

#### West Midlands Regional Spatial Strategy

Policy QE3: Creating a High Quality Built Environment for All

#### Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development.  
Policy D2: The Design & Environmental Quality of Development.  
Policy T13: Local Roads  
Policy NC19: Conservation Areas

#### 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 B13: Design and Development in Conservation Areas  
Policy B20: Illuminated Fascia and other signs in Conservation Areas

### **Other Material Considerations include:**

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (February 2005)  
Companion Guide to PPS1: The Planning System: General Principles.  
PPG19: Outdoor Advertisement Control (March 1992)  
Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007  
Staffordshire County Council – Highways Standing Advice 2004

#### **Relevant Planning History**

N1A	Permitted – 31/07/74 – double sided non-illuminated projecting sign
NNB08202	Permitted – 17/02/69 – alterations to shop front

#### **Views of Consultees**

**Conservation Advisory Working Party – No objections**

#### **Representations**

Nil

#### **Applicants/Agents Submission**

Nil

## Key Issues

Advertisement Consent is sought for one non illuminated fascia sign, one at 7 Queens Parade, Newcastle under Lyme. The property is located within the Town Centre Conservation Area and urban area, as designated by the Local Plan proposals map.

The fascia sign was originally proposed to be internally illuminated, however amended plans have been submitted showing a non illuminated fascia sign. The proposed sign would measure 4990mm overall in width, and 650mm in height. The sign is proposed to be a folded aluminium sign panel finished corporate blue to match Pantone 313, complete with white outline and returns. The logo and lettering is to be applied vinyl to the face of the fascia,

PPG 19 "Outdoor Advertisement Control" states that the display of outdoor advertisements can only be controlled in the interest of "amenity" and "public safety". Paragraphs 11-14 of PPG 19 explain what is meant by the term amenity – the effect on the appearance of a building or on the visual amenity in the immediate neighbourhood in which the sign is to be developed.

The main issues to address are therefore:

- Impact upon the character and appearance of the Conservation Area
- The impact of the fascia signs and projecting signs on the amenity of the property they relate to and the surrounding area
- The impact upon public and highway safety

### Impact upon the character and appearance of the Conservation Area

PPG 15 "Planning and the Historic Environment" states the importance of protecting and enhancing the character and appearance of Conservation Areas. Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan reflects this national policy by stating that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features which contribute to their special character, appearance or interest. New development within Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials, and only generate levels of activity which will support their preservation and economic viability. The Local Plan contains several policies aimed at the preservation and enhancement of Conservation Areas. Those being relevant in the determination of this application are Policies B9, B10, B13 and B20.

Policy B13 "Design and Development in Conservation Areas" states that applicants should demonstrate how they have taken into account the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals."

The sign was originally proposed to be internally illuminated, however following consultation with the Conservation Officer, the applicant now proposes a non illuminated fascia sign, which is considered more in keeping with the character and appearance of the Conservation Area. Furthermore, the proposed sign would now be more in keeping with the fascia signs on surrounding properties, meaning that it would not detract from the character and appearance of this part of the Conservation Area.

Therefore, the proposal would be considered to comply with the aims and objectives of Policies B9, B10, B13 and B20 of the Local Plan, Policy NC19 of the Structure Plan and PPG 15.

### The impact of the signs on the amenity of the property it relates to and the surrounding area

Paragraph 33 of PPS 1 states that "Good Design is indivisible from Good Planning." In paragraph 34 it goes on to state that "Good design should contribute positively to making places better for people, and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted."

PPG 19 "Outdoor Advertisement Control" states that outdoor advertising is essential to commercial

activity in a free and diverse economy. Outdoor advertisements take many forms, communicating information or a message to passers by. It goes on to state in paragraph 4 that poorly designed signs can spoil the appearance of a good building.

The building is not of special architectural character or appearance, and the signs therefore do not detract from the character of the building. In terms of the aims and objectives of PPS 1, it is considered that the design of the signs do not detract from the character or appearance of the area or street scene.

Overall the signage is considered acceptable in terms of the aims and objectives of PPG 19 and PPS 1.

Public safety and highway safety

It is considered that the fascia signs would not cause any undue harm to public safety. Policy T13 'Local Roads' of the Staffordshire and Stoke-on-Trent Structure Plan states that the priorities for local roads will be to improve safety for all users.

The sign is not illuminated, therefore would not detract from users of the highway.

**Recommendation**

**Approve** subject to conditions:

1. No direct light source shall be visible to users of the highway.
- R1: In the interest of highway safety, in accordance with policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and PPG19.

**Note to the applicant**

1. This decision has been made following consideration of the following plans and supporting documents:
  - Drawing No. 107528 revision B (amended plan)
  - Location Plan 1:1250

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>31/7/09</b>	Decision Sent Out	
Case Officer Recommendation	<b>20/8/09</b>	8 Week Determination	<b>2/9/09</b>
Report checked by Back Office			
Management check	<b>Amended RK 25.8.09</b>		

## OFFICER REPORT ON DELEGATED ITEMS

**Applicant:** Dr M. Popat  
**Application No:** 09/00382/FUL  
**Location:** Park Manor Butterton Road Butterton  
**Description:** Retrospective boundary wall and new entrance gates

### **Policies and Proposals in the Development Plan Relevant to This Decision:**

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE1: Conserving & Enhancing the Environment  
Policy QE3: Creating a High Quality Built Environment for all  
Policy QE5: Protection and enhancement of the Historic Environment

#### **Staffordshire and Stoke on Trent Structure Plan 1996-2011**

Policy D1: Sustainable Development  
Policy D2: The Design and Environmental Quality of Development  
Policy NC18: Listed Buildings  
Policy NC19: Conservation Areas

#### **Newcastle Under Lyme Local Plan 2011**

Policy B5: Control of Development Affecting The Setting of a Listed Building  
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 B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

#### **Other Material Considerations**

Space Around Dwellings (July 2004)  
Town and Country Planning (General Permitted Development) Order 1995 Article 4(2) Direction – Butterton Conservation Area  
Butterton Conservation Area Appraisal and Management Plan (NULBC, August 2007)

#### **Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development (February 2005)  
Companion Guide to PPS1 “The Planning System: General Principles”  
PPG15 Historic Environment (2002)

#### **Relevant Planning History**

2007	07/316/207	Enforcement enquiry
2008	08/722/FUL	Retrospective boundary walling and new entrance gates, alterations – <i>Returned</i> - to vehicular and pedestrian access

#### **Views of Consultees**

**Whitmore Parish Council** – Strongly objects to the application on the basis that the wall is too big for a Conservation Area, is incorrectly placed outside the property boundary line, partly on the highway,

and is made of a reconstituted material that is not suitable and an eyesore that will not improve with time. The Parish Council also requests that the wall be replaced with one that is correctly sited, of approved dimensions and of suitable stone and meets the total approval of the Planning Authority. However, if the Planning Authority decides to let the wall stand (which would be a total abdication of its duty), then it requests that a substantial fine should be imposed as a penalty and a warning to others who might wish to disregard Planning Regulations

It should be noted that when consulted under returned application 08/00722/FUL the Parish Council had no objections to the proposal but did raise concerns over the selection of building materials and that the wall is built on public highway land.

**Highway Authority** – Have no objections to the development. They also comment that from on-site observations and the location of service provider's apparatus it would appear that boundary wall may have been constructed on highway land. This matter has now been investigated by the Divisional Highway Manager and it is still unclear whether the wall has been constructed on the original line. The Divisional Highway Manager states that he believes it is not in the public interest to attempt to prove ownership of land at this location.

**Conservation Area Working Party** – Strongly object to the development as the character, materials and style of the wall, as built, are out of keeping with, and detrimental to the appearance of the surrounding area. The Working Party would also support any resolution to take enforcement action to secure the removal of the wall.

### **Representations**

A site notice and press notice was displayed advertising the application. 6 letters from neighbouring occupiers have been received in support of the application stating that the visual appearance of the wall is acceptable and it assists in retaining the previously unsupported embankment which was hazardous to highway safety.

### **Applicants/Agents Submission**

A **Design and Access Statement** has been submitted raising some of the following points:-

- It is considered that the local area will not be affected by the boundary wall as it is in keeping with other boundary walls in the area.
- The wall was built approximately 2 years ago and has begun to naturally age. A landscape architect has produced a scheme for landscaping in order to soften the impact of the wall.
- To accelerate the aging process of the wall a solution of milk/yogurt is to be applied to it to accelerate moss and algal growth.
- Subject to the landscaping and artificial aging of the wall it is considered that the wall should be retained.

### **Key Issues**

This is a retrospective application for retention of a wall that lies within Butterton Conservation Area. The erected wall entails a series of capped piers measuring 1.8 metres in height with intervening sections of capped walling ranging between 1 metre and 1.5 metres in height due to the sloping nature of Butterton Road. Importantly, the erected wall has not replaced a previous wall. A timber fence measuring 1.2 metres in height has also been erected behind the millstone wall which is also depicted in the submitted plans.

The key issues to consider are the impact on the character and appearance of the Butterton Conservation Area and on the setting of Park Lodge and the stone piers marking the former entrance of the Butterton Estate which are both Grade II Listed Buildings.

The impact on the character and appearance of the Butterton Conservation Area and on the setting of Park Lodge and the Gate Piers at Park Lodge which are both Grade II Listed Buildings

Local Plan Policy B9 states that the Council will resist development that would harm the special



architectural or historic character or appearance of Conservation Areas. Policies B10 and B13 similarly seek to protect the special character and appearance of Conservation Areas.

Local Plan Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The boundary of the Butterton Conservation area has been drawn to include the stone walls at the former entrance of the Butterton Estate. The former lodge (Park Lodge) to the estate is opposite the corner of the wall in question and is a listed building as are the gate piers to the south west of the lodge. There are sandstone walls, in regularly coursed stone to the corner boundary with stone capping. There is also a small section just before the proposed wall of irregular coursed stone walling. Opposite the site is a dry stone wall which is partially covered in vegetation blending into the semi rural landscape. These natural stone walls are a key feature in this part of the Conservation Area.

The scale and design of the new wall are considered to be acceptable however the choice of building materials does generate concern. The wall is built from "millstone" as set out in the planning application and the materials are in contrast to the adjacent historic walls. However, there is an important fall-back position to consider.

An Article 4(2) direction was made in respect of the Butterton Conservation Area in April 2007. As a result, amongst other types of minor development, the following classes of development now require planning permission; Class A of Part 2 of that Schedule, where the gate, fence wall or other means of enclosure would be within the curtilage of a dwellinghouse; and Class B of Part 31 of that Schedule, consisting of the demolition of all or part of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse. In this instance, it is considered that the wall does not lie within the domestic curtilage of the property and therefore, the terms of the Article 4 (2) direction do not apply. Photos of the site prior to the erection of the wall show a boundary hedge along the top of the bank with no boundary treatment along the line of the new wall. The bank, which contains trees and telegraph poles within it, appears to be part of the highway. Given this conclusion, under Part 2 Class A of the GPDO, a wall could be erected in this location up to 1m in height without planning permission. Given this fall-back position, it is important to assess whether the wall as built has a significantly greater impact on the character of the conservation Area or the setting of the Listed Buildings than that which could be built without planning permission.

The height of the wall varies due to the change in ground levels but generally, it measures between 1m and a maximum of 1.5m. The wall has been erected for approximately 2 years and during that time, its appearance has weathered and softened slightly. The applicant has proposed a landscaping scheme and also the application of a solution to encourage moss and algae growth to artificially age the wall.

Given the fall-back position referred to above, it is not considered that the additional height of the wall has such an adverse impact on the character and appearance of the Conservation Area or the setting of the listed buildings, to justify a refusal.

### **Reasons for the Grant of Planning Permission**

Although the materials of the wall are not in keeping with the character and appearance of the Conservation Area, its appearance has softened with time, and given the fall-back position, that a wall of 1m in height could be built without the benefit of planning permission, it is not considered that a refusal of planning permission could be sustained.

### **Recommendation**

**Permit**, subject to the following conditions:

No time limit condition.

1. Within 3 months of the date of this permission, a landscaping scheme shall be implemented in full accordance with the details contained in FFC Landscape Architects Drawing No.

M9/1029/01.

- R1. In the interests of visual amenity in accordance with Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan, Policies B5, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPG15.
2. Any trees or plants comprised in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
- R2. In the interests of visual amenity in accordance with Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan, Policies B5, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPG15.
3. Within 3 months of the date of this permission, the wall shall be artificially aged in accordance with the details contained in FFC Landscape Architects Drawing No. M9/1029/01.
- R3. In the interests of visual amenity in accordance with Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan, Policies B5, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPG15.

### **Informative**

The decision hereby issued was made following consideration of the following plans and supporting information:

Design and Access Statement

Location Plan 1:1250

FFC Landscape Architects Drawing No. M9/1029/01

FFC Landscape Architects Drawing No. M9/1029/02

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>14.8.09</b>	Decision Sent Out	
Case Officer Recommendation	<b>25.08.09</b>	8 Week Determination	<b>9.9.09</b>
Management check	<b>Revised 9.9.09</b>	<b>RK</b>	

## OFFICER REPORT ON DELEGATED ITEMS

**Applicant:** Mr P Johnson  
**Application No:** 09/00385/FUL  
**Location:** 7 Brassington Street Betley  
**Description:** Two storey side extension

### **Policies and proposals in the Development Plan relevant to this decision:**

#### West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving & Enhancing the Environment  
Policy QE3: Creating a High Quality Built Environment for all  
Policy QE5: Protection and enhancement of the Historic Environment

#### **Staffordshire and Stoke on Trent Structure Plan 1996-2011**

Policy D1: Sustainable Development  
Policy D2: The Design and Environmental Quality of Development  
Policy NC19: Conservation Areas

#### **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 B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

#### **Other Material Considerations**

Space Around Dwellings (July 2004)  
Listed Buildings and Conservation Areas In the Borough of Newcastle under Lyme (Planning and Development Department Newcastle under Lyme Borough Council)  
Betley Conservation Area Character Appraisal (The Conservation Studio, December 2008)  
Betley Conservation Area Management Proposal (The Conservation Studio, December 2008)

#### **Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development (February 2005)  
Companion Guide to PPS1 "The Planning System: General Principles"  
PPG15 Historic Environment (2002)

#### **Relevant Planning History**

None considered relevant.

#### **Views of Consultees**

**Betley, Balterley & Wrinehill Parish Council** – Supports the application and notes the proposal to build in a style in keeping with the original, with use of reclaimed materials from the lean-to which, by preference, should form the front elevation of the extension, as indicated within the application.

**Conservation Area Working Party** – Working Party had concerns regarding the final design of the building in accordance with Local Plan Policy B10. Members also felt that due to insufficient detail shown on the plans they could not comment further.

## **Representations**

No letters of representation have been received.

## **Applicants/Agents Submission**

A **Design and Access Statement** has been submitted raising some of the following points:-

- The property has inadequate living space for modern day living.
- The proposed works would address internal space problems.
- The windows serving the property are currently softwood spring loaded sashes, these are to be replaced with like for like windows. New cills will match those presently elsewhere on the property.
- Reclaimed bricks and roof tiles are to be used for the front elevation of the extension from the demolition of an existing lean to extension.

## **Key Issues**

The proposed two storey side extension measures 5.8 metres by 8.7 metres by 12.4 metres in maximum width, length and roof height. A pitched roof is proposed. Internally the development is to serve as a kitchen on the ground floor and a bedroom on the first floor. The application site lies within the Betley Conservation Area as defined on the Proposals Map of the Local Plan. The key issues to consider are:

- The design of the development and its impact to the character and appearance of the Betley Conservation Area
- The impact to residential amenity

### **The design of the development and the impact to the character and appearance of the Betley Conservation Area**

Policy H18 of the adopted Local Plan requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling. In achieving this, the form, size and location of the extension should be subordinate to the design of the original dwelling. It is also required that an extension must not detract materially from the integrity of the original design of the group of dwellings that form the street scene or the setting.

Number 7 Brassington Street is currently being refurbished. Although views of the property can be obtained from Brassington Street these are quite limited due to a substantial set back from the highway verge and also due to landscaping in the front garden area.

The proposed extension is set back from the front elevation of the property by 1.2 metres and has a roof ridge height equal to that of the main dwelling house.

Local Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Further to this Local Plan Policies B10, B13 and B14 all seek to protect the special character and appearance of Conservation Areas.

The Conservation Working Party has not raised any objections to the submitted proposal but has raised some concerns regarding the finer details of the development once erected. The Council's Conservation Officer has suggested that specific controls should be applied to ensure the finish of the development once completed is to the standard expected within a Conservation Area.

It is considered that planning conditions should be imposed concerning the proposed window treatments, eaves roof/ eaves detailing and the external facing materials to ensure the development is acceptable.

Whilst strictly speaking the extension applied for is not a subordinate addition, in the absence of any identified harm to the character of the main dwelling house or to the street scene in this location it is considered to be within the spirit of policy H18 and subject to planning conditions the development complies with policies B9, B10, B13 and B14 of the Local Plan.

#### The impact to residential amenity

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations. There are existing windows on the rear elevation of Wesley Court to consider. Taking these windows into account which do not directly face the proposed extension, the proposal complies with the relevant advice contained within the SPG and is not considered adverse to residential amenity.

#### Reason for the grant of planning permission

It is considered that the proposal does not have any detrimental impact on the special and character appearance of the Betley Conservation Area. The proposal complies with the relevant policies in the development plan indicated in the decision notice and there are no other material considerations which would justify refusal of planning permission in this case.

#### Recommendation

**Permit** subject to the following conditions;

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1 To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. No development shall commence until the external facing materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the agreed details.
- R2 To protect the special character and appearance of the Conservation Area and in the interests of amenity to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18, B9, B10, B13, B14 of the Newcastle-under-Lyme Local Plan 2011 and PPG15.
3. No development shall commence until further details concerning the eaves detailing of the two storey extension and eaves and roof detail of the front elevation of the extension which features an overhang has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the agreed details.
- R3 To protect the special character and appearance of the Conservation Area and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18, B9, B10, B13, B14 of the Newcastle-under-Lyme Local Plan 2011 and PPG15 and for the avoidance of doubt.
4. The windows of the extension hereby permitted shall be of a sash design constructed from wood in accordance with the submitted Design and Access Statement received on the 9<sup>th</sup> July by Marrinton Construction Ltd.
- R4 To protect the special character and appearance of the Conservation Area and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18, B9, B10, B13, B14 of the Newcastle-under-Lyme Local Plan 2011 and PPG15.
5. The window proposed on the rear elevation of the two storey extension hereby permitted shall be obscure glazed for the life of the development.

R5 To protect the amenity in accordance with the aims and objectives of PPS1.

**Note to the applicant**

1. The decision hereby issued was made following consideration of the following plans and supporting information:-
  - Scale 1:500 Site Plan, Elevation and Floor Plan drawings received on the 2<sup>nd</sup> July 2009.
  - Design and Access Statement received 9<sup>th</sup> July and additional associated details received 20<sup>th</sup> July.
2. It is recommended that existing property is re-pointed flush joint with a lime mix mortar.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>4.9.09</b>	Decision Sent Out	
Case Officer Recommendation	<b>26.8.09</b>	8 Week Determination	<b>14.9.09</b>
Management check	<b>Amended RK 7.9.09</b>		