

THE COTTAGE, BOWSEY WOOD LANE, NEWCASTLE
MR & MRS CURRY

19/00938/FUL & 19/00939LBC

These applications are for full planning permission and listed building consent for the demolition, alteration and extension of this residential dwellinghouse that is a Grade II Listed Building.

The application site is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Maintenance (policy N19), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 24th January but the applicant has agreed an extension of time to the statutory determination period to the 7th April 2020.

RECOMMENDATION

A) Application 19/00938/FUL:

Permit, subject to the following conditions relating to;

- Time limit condition
- Approved plans
- Submission and approval of sample facing materials, including doors, windows and guttering
- Conservation style roof lights
- Section drawings of glazed link
- Outbuildings to be demolished and removed from site
- Details of fabric repairs to the listed building
- Fabric repairs carried out prior to the occupation of the proposed extension
- Details of design and finish of louvered canopy
- Timber frame repairs and archaeological reporting
- Archaeological/ heritage watching brief
- Alignment of Utility Apparatus
- Approval of an Arboricultural Method Statement

B) Application 19/00939/LBC:

Permit, subject to the following conditions relating to;

- Time limit condition
- Approved plans
- Submission and approval of sample facing materials, including doors, windows and guttering
- Conservation style roof lights
- Section drawings of glazed link
- Details of fabric repairs to the listed building
- Timber frame repairs and archaeological reporting
- Archaeological/ heritage watching brief

Reason for Recommendations

Whilst the proposed development represents inappropriate development within the Green Belt it is accepted that there are very special circumstances that would outweigh any harm to the openness of the Green Belt and purposes for including land within the Green Belt, namely the removal of existing extensions and the proposed extension would help to ensure that a vulnerable listed building can function better. The proposed development is now of a scale, design and appearance that would respect and protect the historic features of the listed building whilst preserving the character and

quality of the landscape also. As such the Local Planning Authority has exercised the legal requirements, when making a decision on any planning application for development that affects a listed building or its setting to have special regard to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest that it possesses. In addition the proposed development accords with Policies S3, B5, B6, N17 and Newcastle under Lyme Local Plan 2011, Policies CSP1 & CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the NPPF.

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

Pre application advice was given and significant amendments have been sought during the consideration of the application. Those amendments have now been achieved and the proposed development is now considered acceptable.

KEY ISSUES

These applications are for full planning permission and listed building consent for the demolition, alteration and extension of the dwelling which is a Grade II Listed Building.

The application site is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Maintenance (policy N19), as indicated on the Local Development Framework Proposals Map.

Trees on this site are affected by Tree Preservation Order ref T/3.

The proposed development does not raise issues of residential amenity or highways safety and on this basis the main issues for consideration of the planning application are;

- Is the proposal appropriate development within the Green Belt?
- Does the proposal preserve the special character and appearance of this listed building?
- The design and impact on the landscape, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

It is considered that the key issue in the determination of the application for listed building consent is:

- Does the proposal preserve the special character and appearance of this listed building?

Is the proposal appropriate development within the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate. Exceptions include: the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal is for the extension of the existing dwelling which will include existing extensions and outbuildings being removed.

The application is supported by volume calculations which set out the volume of the original building that existed pre 1948, the volume of the existing extensions and outbuildings (to be removed) and the volume of the proposed extension.

The scheme has been amended during the consideration of the application due to concerns raised by your officers about the scale of the proposed extension.

Notwithstanding the reductions to the volume of the proposed extension the proposal still amounts to a 52% increase over and above the size of the original dwelling. On this basis it is considered that the proposed extension represents a disproportionate addition and is inappropriate development within the Green Belt.

Does the proposal preserve the special character and appearance of this listed building?

When considering applications for alterations to a listed building, the Local Planning Authority is required to have special regard to the desirability or preserving the building or its setting or any features of special architectural or historic interests which it possesses.

Paragraph 193 of the NPPF details that “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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Policy B6 of the Local Plan states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

The proposal is for an extension to this grade II listed building which is in use as a residential dwelling.

The proposals include the demolition of existing extensions and alterations to the existing building also.

The listed building (asset) has been vulnerable and at risk for a number of years and the application is supported by a comprehensive heritage statement (HS) which sets out the history and evolution of the asset including three unsympathetic 20th Century extensions to the north, east and west elevations. The HS also identifies internal features which are recommended to be retained.

The removal of the previous extensions is supported by your officers on the basis that they are of limited design quality due to their age and the removal would open up the original fabric of the building.

The conservation officer and CAWP broadly agree with the removal of the existing extensions subject to conditions which ensure that these works are carried out appropriately and include archaeological reporting and a watching brief. Conditions which secure appropriate repairs to the fabric of the building (following the demolition of the existing extensions), including the timber frame, are necessary in the interests of preserving the special character and appearance of the listed building also. It is considered necessary to ensure that these works are carried out prior to any new extension being fully occupied and this again can be the subject of a suitably worded condition.

Notwithstanding the above, your officers and CAWP had concerns about the proposed extension and how it would dominate the original building due to its scale. There were also concerns about design features of the proposed extension. However, amended plans have now been submitted which reduce the size of the proposed extension and your officers now accept that the proposal would not unduly dominate the character and appearance of the asset. Design improvements have also been made which would enhance the appearance of the extension.

Your officers have expressed some concerns regarding a louvered canopy on the rear elevation. The applicant has indicated that they would prefer this feature to be maintained and subject to the final design and finish it is accepted that a fundamental objection cannot be raised.

The asset has been recognised as vulnerable for a number of years and it is considered that the removal of the existing extensions and the repair works to the existing building, along with the proposed extension, will improve the function of the building as a residential dwelling.

The proposed development, subject to conditions, which ensure that acceptable facing and roofing materials are submitted, it is considered that the proposed extension would not result in significant harm to this heritage asset or its setting and would comply with Policy B6 of the local plan, policy CSP2 of the CSS and requirements of the NPPF. The proposed development is therefore supported by your officers.

The design and impact on the character and appearance of the area

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The application site is also located within an area of Landscape Maintenance (policy N19) which indicates that the Council will support proposals that will help to restore the character and improve the quality of the landscape.

The general design of the proposed extension is a considered acceptable and despite its size it would have limited views from any main vantage points due to its location and heavy tree screening in the locality.

Trees on this site are affected by Tree Preservation Order ref T/3 but the proposals should not harm TPO trees, subject to the conditions advised by the Landscape Development Section (LDS).

The proposal is also considered to maintain the appearance of the landscape, as required by policy N19 of the local plan.

Subject to conditions which secure appropriate facing and roof materials the design and impact of the proposal on the character of the landscape is considered acceptable. A landscape scheme, as advised by LDS) is not considered relevant in this instance

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open.

The proposed extension due to its size would result in some harm to the openness of the Green Belt by virtue of it being a disproportionate addition. However, the harm to the openness of the Green Belt would only be marginally greater than the existing extensions and outbuildings to be removed and these do not preserve the special character and appearance of the building. Therefore their removal would be a benefit.

There are also a number of other significant benefits, including making the existing vulnerable building more viable and restoring the fabric of the existing building. In this respect it is considered necessary to ensure that the restoration works to the listed building are carried out prior to the occupation of the new extension on the basis of the very special circumstances that being accepted.

Your officers have considered the possibility of removing permitted development rights for future outbuildings on the site but there are no such permitted development rights for outbuildings within the curtilage of a listed building i.e. planning permission is always required for an outbuilding within the curtilage of a listed building. Future extensions and additions could be carried out without permission, subject to the position and size, but any extensions and additions would be restricted and would require listed building consent. Therefore in Green Belt terms the removal of permitted development rights is not considered justified in this instance.

It is considered that the above represents the very special circumstances that are required to justify the proposed development in this instance.

APPENDIX

Policies and Proposals in the approved development plan relevant to the decision on the planning application:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N19: Area of Landscape Maintenance

Policies and Proposals in the approved development plan relevant to the decision on the application for listed building consent:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings

Other Material Considerations include:

[National Planning Policy Framework](#) (2019)
[Planning Practice Guidance](#) (2018)

Supplementary Planning Documents/Guidance

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

N2715 (1976) Extension to existing cottage of rear porch and cloakrooms Permit

NNR313 (1950) Alterations and Additions to Cottage Permit

Consultation Responses

Madeley Parish Council raises no objections.

The **Urban Design and Conservation Officer** originally raised significant concerns about the proposals but following the submission of amended plans she has indicated that the applicant has responded very positively to the issues that were raised with the original scheme and the reduction in size on all aspects has made a considerable difference to the relationship between the historic asset and the new proposal, including the link. Other key issues are the alterations to the functionality of both of the buildings which will enable the two to co-exist rather than making the historic building redundant with only occasional use. The removal of the raised platform (decking) from the scheme is supported but concerns now remain regarding a louvered canopy feature. Conditions to secure the following are advised;

- Fabric repairs to the Listed Building;
- Making good and timber framed repairs including any additional archaeological reporting;
- A watching brief;

The **Conservation Advisory Working Party (CAWP)** objects to the original scheme that was submitted on the grounds of the design and the lost opportunity to make the extension something special. The proposed extension is potentially oppressive given it competes and dominates the modest listed building. If this design is retained then it should be smaller and further away to give greater separation. The glazed gable feature is not supported and any timber framing that is revealed should be appropriately dealt via a method statement. They support the demolition of the extensions and the sentiment to refurbish and improve the heritage asset.

The **Highways Authority** raises no objections subject to conditions which secure the widening and completion of the existing access and parking provision.

Landscape Development Section raises no objections subject to conditions which secure the alignment of utility apparatus, approval of an arboricultural method statement and full hard and soft landscaping proposals.

Representations

No letters of representation have been received.

Applicants/agents submission

The application is supported by a detailed Heritage Statement, Design and Access Statement and the requisite amended plans. These documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00938/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00939/LBC>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

1st April 2020