

Planning Committee: 11 October 2023

Item Number: 7

Application No: [W 23 / 0985](#)

Town/Parish Council: Rowington

Case Officer: Thomas Senior

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Registration Date: 03/07/23

Expiry Date: 28/08/23

Kingswood Farm, Old Warwick Road, Lapworth, Solihull, B94 6LX

Replacement of existing flat-roof single storey rear extension with a pitched roof, removal of canopy roof to rear of the property and the erection of a first-floor rear extension FOR Mrs Linnett

This application is being presented to Planning Committee as the Parish Council supports the application, and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the replacement of an existing flat-roof single storey rear extension with a pitched roof design, the removal of a canopy roof to the rear of the property and the erection of a first-floor rear extension.

THE SITE AND ITS LOCATION

The application property is a detached Grade II Listed Building located to the southwest of Old Warwick Road, Lapworth. As well as being listed, the property also lies within the Canal Conservation Area.

The dwellinghouse itself was constructed in the 18th Century, with the original house clearly distinguishable through the preservation of its timber-framing. The property itself has benefitted from multiple extensions that extend beyond this original timber framed core, with three gable-ended cross wings extending to the rear, a pitched roof single storey extension and a large modern flat roofed rear extension and associated PVC roofed lean-to extension.

The immediate streetscene is comprised of a mix of properties, ranging from detached, semi-detached, and small rows of terraced dwellings. The terraced row which lies on the opposite side of Old Warwick Road to the application property forms part of a Grade II Listed group, 1 to 5 Old Warwick Road, emphasising the historic character within the immediate streetscene.

RELEVANT PLANNING HISTORY

W/12/1100 - Erection of extension to existing rear dormer to form a bathroom and construction of a pitched roof above existing single storey rear flat roof extension – Granted planning permission on 12/11/2012.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council - Support the application, considering that aesthetically the proposal is far more sympathetic to the original building when compared to the existing flat roof extension.

WDC Conservation - Object to the proposal as it is considered to result in less than substantial harm to the heritage asset and there are no public benefits to outweigh the harm - contrary to the NPPF and Local Plan Policies HE1 and BE1.

Canal and River Trust - No objection.

WCC Ecology - Request a preliminary bat roost assessment.

Public Response - None received.

ASSESSMENT

Design of Development and Impact on Designated Heritage Assets and Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 of the NPPF states 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.

Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be given significant weight and will need to be outweighed by public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1. Para 019 Ref ID:18a-019-20190723 of the Planning Policy Guidance makes it clear that public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

Furthermore, Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they respect and reinforce local architectural and historical distinctiveness, whilst also reinforcing the established character of the streetscene.

Policy HE2 of the Local Plan recommends that the Local Planning Authority should resist any alterations which would have an adverse effect upon the character of a conservation area.

The Conservation Officer has objected to the proposed development, with the proposed replacement roof to the existing flat-roof single storey rear extension *"felt to be visually intrusive and harmful"* to the listed building in question. This stance is shared by Planning Officers, with the proposed alteration considered to result in this already large, modern rear extension becoming far more prominent through the introduction of a hipped and flat roof form, instead of the existing solely flat rear element. Officers do note that whilst the existing form may not be entirely appropriate, a view inferred by the Parish Council within their consultation response, any existing harmful addition should not be further exacerbated through further alterations. It is felt that the proposed replacement will increase the overall visual bulk of the extension through the raising of the roof to create this hipped and flat form, with this considered to result in the extension visually competing with the original historic core of the building. As such, this element of the proposal is considered to lead to a degree of conflict between the existing single storey rear extension and the historic core of the listed building and thus highlights how the scheme fails to preserve the historic character of the listed building and is subsequently considered to contravene policies BE1 and HE1 of the Local Plan.

Whilst the roof of the existing single storey rear extension is set to be altered, the current lightweight, glazed, lean-to extension to the rear of the property is also set to be replaced with a far more solid structure. Whilst the overall floor area at ground floor level is not set to increase, when you combine the introduction of this solid structure and the introduction of a hipped roof to the rear extension it is evident that this will act to further increase the massing and scale to the rear of the property. This excessive massing and visual bulk added to the rear of the

dwellinghouse is considered to result in the existing extensions becoming far more overpowering than how they are perceived at present, further demonstrating how this proposal will act to bring these existing unsympathetic additions into further competition with the original, historic form of this previously modest farmhouse.

Moreover, within the response from the Conservation Officer, concerns are also raised in relation to the proposed first floor rear extension. As aforementioned, the existing gable-ended cross-wings to the rear of the property are not original features of the property, with the heritage statement submitted by the applicant outlining how these additions are felt to have been constructed within the late 18th Century or early 19th Century. Whilst acknowledging that these additions are not original to the timber framed structure, these gable additions are considered to form an important component of the historic narrative of this heritage asset, with these early, historic, additions still clearly legible. It is felt that an additional modern alteration should be resisted, with the original dwelling already subject to a number of unsympathetic additions at ground floor level that have vastly increased the footprint of the original building. As such, it is considered that any further additions to increase the overall footprint of the property to the rear will lead to further harm to the integrity and character of this historic, modest cottage, demonstrating how the proposal contravenes Local Plan Policy HE1. Moreover, the proposed scheme is also contrary to Local Plan Policy HE2 by virtue of the fact that the proposed development would fail to preserve the authenticity of a long-established and important listed building that lies within the Canal Conservation Area.

Structures of this modest width and age will always have more constrictions than a modern dwelling, with smaller, more disjointed footprints often not considered to align or fit with the ideal contemporary living, which is often characterised by the demand for greater, more free flowing space. Owners of historic buildings have a duty of custodianship which can require a delicate balance being struck between meeting the needs or desires of the occupants without compromising or harming the character, fabric and legacy of the heritage asset. Officers consider that the proposed development will result in harm to the character and legacy of this heritage asset, with the proposal considered to overshadow the historic narrative of the building. This overshadowing comes in the form of the additional bulk and mass added to the existing unsympathetic additions to the original property and secondly through further overextending this original modest structure at first floor level.

It has been acknowledged that planning permission was granted eleven years ago for the erection of an *"extension to existing rear dormer to form a bathroom and construction of a pitched roof above existing single storey rear flat roof extension"* (W/12/1100), however, a material lawful commencement was never made within the lifetime of the permission. Policy and design ideals have altered, and it is considered that the proposal no longer aligns with current guidance, having regard not only to the adoption of a new Development Plan but also updates to the NPPF. The 2012 approval is therefore given limited weight and does not constitute a precedent for something similar to be approved today and the application should consider how, or even if, the building can be sensitively adapted in line with contemporary policy and guidance.

Historically, greater stock was put on the front façade, however, the entirety of a listed building is protected, with this including the rear and side elevations as well as other areas that may not be visible from the public realm. The need to respect the plan form of a historic asset is inherently important within listed buildings, with this respect and preservation allowing a wider understanding of a property's historic narrative. Officers consider that the proposal will act to overshadow the historic narrative of the original property and thus consider that the benefits that are derived from the scheme will only be felt by the applicant themselves. Consequently, these resulting private benefits are considered to be small when weighed against the harm to the building itself and are thereby not considered to outweigh the less than substantial harm to this particular heritage asset, highlighting how the proposed scheme is contrary to both local and national policy.

When considering all of the above points, the proposal is considered to fail to comply with the NPPF and Local Plan Policies HE1, HE2 and BE1.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers.

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

The proposed development is not considered to result in an unacceptable impact on the amenity of any neighbouring uses, with the proposal not resulting in a breach of any 45-degree line from neighbouring properties.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The proposed alterations to the existing flat roofed rear extension and glazed lean-to extension will still benefit from acceptable provisions of light and outlook to the habitable rooms in which they serve.

Therefore, the proposal is considered acceptable and to be in accordance with Local Plan Policy BE3.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

The County Ecologist has recommended that a preliminary bat roost assessment is carried out prior to determination of the application. An assessment has not been submitted.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.

SUMMARY AND CONCLUSION

The proposed scheme is considered to result in less than substantial harm to the listed building with there being no public benefits which are considered sufficient to outweigh the harm. The additional bulk and mass added to an already unsympathetic modern addition to the rear of the listed building alongside a further extension at first floor level will act to further overshadow the original historic core, narrative, and plan form of this heritage asset. As such, the development is therefore considered to be contrary to the NPPF and Local Plan Policies HE1, HE2 and BE1. In addition, insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The proposal is therefore recommended for refusal.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposal relates to a Grade II Listed Building within the Canal Conservation Area. In the opinion of the Local Planning Authority, the proposal would be detrimental to the setting of the Listed Building and the character and appearance of the Conservation Area by reason of the proposed development overshadowing the historic core, narrative and plan form of this heritage asset. This overshadowing is created by virtue of the combination of the additional bulk and mass which is set to be added to already existing unsympathetic extensions, combined with the

additional increase in the overall footprint of the property at first floor level. The harm identified amounts to less than substantial, however no public benefits have been identified which would outweigh the harm.

The development is thereby considered to be contrary to the aforementioned policy.

- 2 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

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Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.
