

COMMITTEE REPORT

Date: 14 June 2023 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 22/02603/FUL
Application at: Mudd And Co 5 Peckitt Street York YO1 9SF
For: Change of use from office to residential (use class C3) single storey rear extension following demolition of existing single storey rear extension, and dormer to rear (resubmission)
By: Mr T Mudd
Application Type: Full Application
Target Date: 20 April 2023
Recommendation: Refuse

1.0 PROPOSAL

1.1 The property is a Grade II listed building that is located in the city centre and within the Central Historic Core conservation area and an Area of Archaeological Importance. This application seeks planning permission for the change of use of the property from office to residential and the erection of a single storey rear extension, following demolition of an existing single storey rear kitchen range extension and outbuildings, and erection of a rear dormer. There is a concurrent application for listed building consent for internal and external alterations including erection of a single storey rear extension and rear dormer (22/02604/LBC).

1.2 Applications for listed building consent and planning permission for the same scheme, with some slight variations, were refused in February 2021 (19/01455/LBC and 19/01454/FUL). Appeals against these decisions were subsequently dismissed by the Planning Inspectorate in February 2022.

Previous Refusals and Appeal Dismissals

1.3 The previous applications were refused on the grounds that:

- a) The existing rear kitchen range and outbuildings were of important heritage and aesthetic value and their demolition would result in harm to the significance of the building
- b) They were also considered to add greatly to the character of the listed building, whereas the proposed extension was notably taller and wider and would appear awkward

- c) The proposed rear dormer would create an incongruous feature within the roofscape.

1.4 The Planning Inspector's reasons for dismissing the appeal were:

- a) The removal of the kitchen range and outbuildings would result in the loss of features of special interest that contribute to the overall significance of the listed building and would cause clear harm (pp.13)
- b) The increased scale and massing of the proposed extension would be conspicuous and would partially obscure a ground floor sash window, thereby appearing overall as a discordant addition that would diminish the building's significance (pp.14)
- c) The proximity of the steps and railings on the proposed extension to the ground floor rear window would clutter the rear elevation and detract from a feature of architectural significance (pp.14)
- d) The rear dormer would be at odds with the simpler character of the property and would harm the character and appearance of the conservation area (pp.16)

1.5 In his decision the Inspector provided an outline of those aspects he considered contributed strongly to the history and significance of the building. It is important to bear this in mind when considering this current submission in order to ascertain if they have been safeguarded in the new application. In this respect he made the following comments:

- a) The significance of the listed building is principally derived from its age, character and well-preserved appearance, illustrative of middle-class housing and the development of York in the mid-19th century.....This includes the composition of its built form and internal layout which remains legible...' (pp.8)
- b) The single storey kitchen range and outbuildings.....make a positive contribution to the significance of the building, providing an historical narrative of how the property was lived in and developed.....the fact that neighbouring properties have been subject to large rear extensions, which detract from their historical interest, makes the existing kitchen and range of outbuildings at no.5 even more significant in heritage terms (pp.9)

The appeal decision is a material consideration in determining this planning application.

Revisions to the Previously Refused Scheme

1.6 The changes that have been made to the scheme are:

- The entrance door and steps have been moved from a point abutting the rear elevation of the house to the rear of the proposed extension

- The roof of the dormer has been changed from a shallow pitch to a flat roof
- The height of the extension has increased from 4.7m to 4.95m

Committee Call-in

1.7 The application has been called in by Councillor Fitzpatrick for the following reasons:

- Significant changes have been made to the original application, e.g. a different arrangement of the rear window and rear dormer
- This change is of little difference to changes that have been made to neighbouring properties within this conservation area.
- The Conservation Officer has not visited the property to speak to the applicant and have an essential view of the rear of the property.
- Peckitt Street and the surrounding area are subject to a planning application from the Environment Agency re: flooding mitigations on Tower Street. If successful it will place this property and others on Peckitt Street and environs at a greater risk of flooding. In arguing for a preservation of conversation status and 5 Peckitt Street will be allowed to rot over time, instead of making it stronger and have better flood defences.
- This applicant wants to effect these changes to his property to enable him to live there as his sole residence. York needs more city centre housing.

2.0 POLICY CONTEXT

Emerging Local Plan

Policy D4: Conservation Areas

Policy D5: Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design Conservation & Sustainable Development

3.1 The proposal scheme is in essence a resubmission of 19/01454/FUL and 19/01455/LBC, which were refused at appeal. There are fundamental/remaining concerns due to deviations from policy and guidance. The application cannot be supported on the grounds of harm to character of listed building and conservation area.

3.2 Minor differences from the preceding scheme are a different arrangement of windows on the proposed extension and a redesign of the proposed dormer and in this respect:

- a) The revised window arrangement on the rear extension has a neutral impact compared to the refused scheme.
- b) The now flat roofed dormer is of poor design and at odds with the character of the building resulting in a significantly more harmful impact on the character of the building.

3.3 Notwithstanding the minor changes to the scheme, the resubmission remains substantially the same as the scheme dismissed at appeal. Listed building consent and planning permission should be refused.

City Archaeologist

3.4 Archaeological comments were submitted on a similar application from 2019. A watching brief was requested, despite the relatively small-scale proposals, as a precaution given the archaeological sensitivity of the area. Since the submission of that application there has been further archaeological work undertaken in the area (watching brief at 7 Tower St) and given the scale of the proposed works and the relatively shallow foundations required I do not think a watching brief will produce any meaningful results, therefore no requirements on this current application.

Senior Flood Risk Engineer

3.5 The Senior Flood Risk Engineer has confirmed that his comments are the same as on the previous application. In essence these are:

- As the rear area is surrounded by a high wall, he considered that the development would not represent a loss of flood storage.
- The non-return valve and pumping system prevents flood water from entering the rear area through the drains.

Public Protection

3.6 Due to the proposed use of the site being for residential a condition is recommended requiring that any unexpected contamination found when carrying out the development must be reported in writing to the Local Planning Authority and an investigation and risk assessment must be undertaken, including a remediation strategy if necessary.

EXTERNAL

Guildhall Planning Panel

3.7 We appreciate the design but are concerned about the loss of outside space.

4.0 REPRESENTATIONS

York Civic Trust

4.1 The building's significance lies around its aesthetic design value as a 19th-century townhouse in York and the rear elevation appears to be unaltered with a single storey service building still surviving. This row of buildings has been listed together due to their group value and the rear roofs have been largely unaltered except for one skylight on 3 Peckitt Street.

4.2 The Trust supports the principle of conversion to residential but objects to the large dormer window that would have a negative effect on the unaltered façade and on the conservation area and on the aesthetic value as a collective group (nos.1-7); this being one of the major reasons these buildings were listed. It would set a precedent for this row of listed buildings and possibly other group-valued listed buildings on the street.

4.3 Although the design of dormer has been altered from the previous application, any dormer would distract from the listed building. Dormers have been added to other properties in the vicinity but there is not a precedent for dormers on this row of group value listed buildings. Internally, the installation of a wall on the ground floor that will reinstate the original layout is welcome and the reposition and addition of the double doors may result in a slight loss of historic fabric but a long-term viable use outweighs the harm.

Other Representations

4.4 Comments have been received from three residents of Peckitt Street and one from Stockton Lane outlining support, comments include:

- Houses on Peckitt Street need to be modernized and maintained so that the street can keep its character as a lived in and attractive historic housing group.
- Proposal would bring the property in line with other residential properties in the street
- The existing rear extension would benefit from proposed improvements of damp proofing and insulation
- Raising the floor to the rear would mitigate the risk of flooding
- The proposed improvements will enable those at no.6 to maintain their property which at present they are unable to do
- The property would benefit from light and warmth from the south facing aspect
- The applicant will live in the property so we won't have another Airbnb property in the street.
- The change will mean less business traffic in the street.
- The improvements to the rear will not be visible to neighbours given the high walls to no.5

Environment Agency

4.5 The Environment Agency raised no objections subject to the proposed development being carried out in accordance with the submitted flood risk assessment.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the character and appearance of the building and the conservation area.

LEGISLATIVE BACKGROUND

5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, 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

POLICY CONTEXT

National Planning Policy Framework

5.3 The National Planning Policy Framework sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development.

5.4 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.5 The NPPF also places great importance on good design. Paragraph 134 says that development which is not well designed should be refused.

5.6 Paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 197 advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of a listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 199 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 (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to a designated heritage asset should require clear and convincing justification. 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 should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan Policies

City of York Publication Draft Local Plan 2018

5.7 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. The emerging Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.8 Policy D4: Conservation Areas states that development proposals within a conservation area will be supported where they are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area, ii would enhance or better reveal its significance or would help secure a sustainable future for a building. Harm to buildings which make a positive contribution to a Conservation Area will be permitted only where this is outweighed by the public benefits of the proposal. Policy D5: Listed Buildings states that proposals affecting a Listed Building will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Changes of use will be supported where it has been demonstrated that the proposed new use of the building would help sustain a sustainable future for a building at risk. Harm will only be permitted where this is outweighed by public benefits.

5.9 Policies D4 and D5 as summarised above were subject to modification in Jan 2023 to ensure consistency with the NPPF and the 1990 Act. They are considered to have moderate weight in the decision making process.

ASSESSMENT

5.10 It is not considered that the changes that have been made to the proposals are significant and they have not addressed the main objections that both the LPA and the Planning Inspectorate had with regard to the scale and massing of the proposed extension, the loss of the original and historically important range and outbuildings and the adverse impact that all of this would have on the significance of the listed building. In addition, it is considered that some of the minor changes that have been made, in terms of introducing a flat roof to the dormer and slightly increasing the height of the proposed extension, have actually made the scheme more adverse in terms of its impact.

Importance of the Historic Kitchen Range and Outbuildings

5.11 The existing kitchen range and attached outbuildings are of small scale and comprise a modest extension to the property. This subservience is important not only in aesthetic terms but also in historic illustrative value terms, because it highlights that the kitchen range and outbuildings are minor service structures and it demonstrates how the building was used in the past.

5.12 The applicant's Heritage Statement acknowledges this when it refers to the surviving plan form being of specific significance to the listing as it reflects its historic use as a simple middle class/skilled working-class house. Furthermore, the Heritage Statement considers that the existing kitchen range and rear outbuildings are of some historic significance as an illustration of how the property was lived in and developed.

5.13 This importance to significance is also highlighted in the Inspector's report:

'The single storey kitchen range and outbuildings.....make a positive contribution to the significance of the building, providing an historical narrative of how the property was lived in and developed.'

5.14 The modest scale of these buildings means that they sit most sympathetically on the rear elevation. Their combination of low height and narrow width combined with the variation in fenestration, floorplan and roof form creates a very pleasing composition that contributes significantly to the setting of the listed building.

Proposed Extension

5.15 In comparison, the proposed extension with its considerably increased scale and massing would appear as an ungainly and uncomfortable addition to the property and would erode the historic order and balance that currently exists between the extension and host building. It would also still partially obscure a rear

facing sliding sash window, which the Inspector referred to as being an unacceptable aspect in his reasons for dismissal.

5.16 The proposed extension is also considered to be unsympathetic in design terms, especially when compared to the existing historic extension that it would replace. The low scale of the latter combined with the variation of form in its windows and doors, responds well to the irregular size positioning of fenestration on the main rear elevation. This creates a sympathetic and subservient annex that appears to have grown organically from the main building.

5.17 In contrast the design of the proposed extension feels utilitarian and heavy-handed. The fenestration appears too ordered and regular with 4 six-paned windows all of the same size in a row along the side elevation. The two skylights are over-large and compound the regularity of the approach by being positioned directly above two of the windows and being of the same width. The rear door to the extension is bland compared to the finely detailed part-glazed door on the existing range and the external staircase and railings appear as an uncomfortable addition.

5.18 In essence, the proposals would replace an historic range that makes a delightful contribution to the property with an unbalanced, over-large and incongruous extension that would diminish the significance of the building. In respect of who would be able to see the extensions, it is important to note that listed buildings are protected for their inherent qualities, irrespective of whether they are visible to the people outside the site.

5.19 With regard to flooding, there is no evidence that retaining the historic range and outbuildings would mean 5 Peckitt Street would rot over time due to this issue. The Council's Senior Flood Risk Engineer has inspected the non-return valve and pumping system that prevents flood water from entering through the drains and has confirmed that potential flooding issues have been addressed.

Proposed Dormer

5.20 Both officers and the Inspector have concluded that the principle of a dormer on the building is unacceptable, as it would be at odds with the simpler character of the host property and would harm the character and appearance of the conservation area. This position is supported by the Civic Trust who have advised of the negative effect it would have on the unaltered façade of the property and on the conservation area, emphasising that it would be particularly adverse due to there being no other dormers on nos.1-7 Peckitt Street and because it is their aesthetic value as a collective group that is one of the main reasons for nos.1-7 being listed.

5.21 The dormer in this latest submission is shown in the same position as the previously refused scheme. The form has been changed with a pitched roof being replaced by a flat roof, a six-paned window on the front being changed to a four-

paned window and the two windows on either side of the dormer having glazing bars introduced. However, officers' position remains that the principle of a dormer is unacceptable with the introduction of the flat roof making the dormer appear even more incongruous, the four-paned front window appearing out of balance with the original sash windows on the rear elevation and the addition of glazing bars to the side feeling over-complicated and awkward.

Principle of Use

5.22 The principle of converting the application property to residential is acceptable in principle, but it is considered that any proposed scheme of conversion must adopt an approach that conserves heritage assets. The NPPF says that great weight should be given to the asset's conservation irrespective of the level of harm identified, also that any loss or harm need clear and convincing justification (para 200) and need to meet the relevant public benefits test. Officers consider that alternative approaches are possible that could achieve such aims. In this respect, the proposed plans show that the rear ground floor room would be used as a separate dining room. This room and the existing kitchen range could be used together as a combined kitchen/dining area, thereby facilitating the introduction of residential use in a way that respects the historic planform and avoids the demolition of the original kitchen range and outbuildings. Officers also consider residential use of the attic could be made possible via the use of a conservation rooflight rather than a dormer. In this way a successful and sympathetic conversion could be secured.

Legislative and NPPF Policy Compliance

5.23 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of this listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 197 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 199 of the NPPF, and have judged that there will be harm.

5.24 As it is considered there will be harm to both the listed building and conservation area, there is a need to weigh the proposal against the public benefits of the proposal including where appropriate, securing its optimum viable use, as outlined in Paragraph 202 of the NPPF. The harm that would be caused is significant but less than substantial. Paragraph 020 of Planning Practice Guidance states that public benefits should be of a nature or scale that are of benefit to the public at large not just a private benefit.

5.25 In respect of the proposals for no.5 Peckitt Street, the applicant has advised that he wishes to undertake the works to enable him to live there as his sole

residence. The application states that the building is in partial residential use, the proposal would result in a very minor increase to the housing floorspace. Other benefits include the removal of the soil vent pipe and uPVC vent from the principal elevation and also internal works that would partially reinstate the building's historic plan form. The proposal would also result in a more thermally efficient and flood resilient property. The public benefits are limited in scale and do not outweigh the harm to heritage assets (i.e. listed building and conservation area). It is considered that the application should be refused, especially as residential use can be introduced into the building in a sensitive manner without demolition and incongruous additions.

5.26 It is considered that in refusing this application the Local Planning Authority would be properly exercising its duty under Section 16 (2) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 CONCLUSION

6.1 The proposal would have an adverse impact on the historic character of the application property and the character of the conservation area and be in conflict with paragraphs 130, 134, 189, 197 and 199 of the NPPF, and emerging Local Plan Policy D4 and Policy D5. It is therefore considered that planning permission should be refused.

7.0 RECOMMENDATION: Refuse

1 The existing rear extension is of important heritage value in respect of the building's history and is also of aesthetic value because of its form and appearance, and thereby adds further interest to the listed building. As a result, it is considered that demolition of this structure would result in harm to the significance of the listed building. It is considered that the scale, composition and variation in massing of the existing extensions adds greatly to the character of the listed building, whereas the proposed extension is notably taller and wider and appears awkward and incongruous in comparison. The additional scale cramps the rear facade and diminishes the clear separation between the house and its ancillary range, detracting from the character and setting and it is considered that the proposed rear dormer would appear as an incongruous feature within the roofscape.

As a result, the proposals would have an adverse impact on the architectural and historic importance of the building and thus would detract from the character and appearance of the conservation area and the significance of the listed building. For this reason, the proposal would be in conflict with paragraphs 130, 134, 189, 197 and 199 of the NPPF, and emerging Local Plan Policy D4 and D5

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Having assessed the scheme against relevant local and national policy, it was not considered that amendments could reasonably be sought to overcome the problems that were identified, resulting in planning permission being refused for the reason stated.

Contact details:

Case Officer: David Johnson

Tel No: 01904 551665