

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Clifton
Team: Householder and **Parish:** Clifton Planning Panel
 Small Scale Team

Reference: 11/02488/LBC
Application at: 25 Shipton Road Clifton York YO30 5RE
For: Construction of outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.
By: Mr Darren Broadbent
Application Type: Listed Building Consent
Target Date: 9 November 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a large detached villa with substantial grounds to the rear. The gardens extend to the rear of 21 and 23 Shipton Road. The Villa is Grade II listed and located in the Clifton conservation area. The south western boundary of the conservation area runs approximately in line with the rear garden boundary of 21 Shipton Road.

1.2 The Listed Building Consent application comprises the following elements:

Erection of porous asphalt tennis court enclosed by 2.75m high chain link fencing. A small storage shed was proposed adjacent to the tennis court. The shed has now been removed from the application, however, a small retaining wall and concrete base is proposed (this has already been constructed).

Replacement of recently demolished greenhouse with new structure on the existing base, along with enhancement of adjacent existing potting shed.

Creation of outdoor unenclosed swimming pool (approximately 4m x 10m). A small shed is proposed nearby to house the filtration plant.

Planning History

1.3 Recent history of significance is:

2004 - Planning permission and listed building consent granted for works to the property including a one and two-storey side extension, garden room and new walling.

2003 and 2008 - Planning permission refused for the erection of a new dwelling on land to the west of the existing potting shed and proposed green house. The 2008 scheme was for a large bungalow. It was refused because it was considered that the erection of the proposed dwelling in this location would have a significantly detrimental impact on the character, appearance and views into and out of Clifton Conservation Area and detract from the setting of the adjacent Grade II Listed Buildings at 21, 23 and 25 Shipton Road. The applicant appealed against the decision, however, the appeal was dismissed.

2010 - Planning and listed building consent applications were submitted for works including a proposed garage to the front, an outdoor pool and a floodlit tennis court. The applications were withdrawn.

1.4 The current planning application is brought to committee at the request of Cllr Douglas. The request is made because of the home's listed status within the conservation area and the recent planning history relating to the refusal of permission for a dwelling close to the site where the tennis court is now proposed.

1.5 This listed building consent application is being considered at the same time as a full application for the proposals described above.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Clifton CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 2; 25 Shipton Road York YO3 6RE 0261

Listed Buildings GMS Constraints: Grade 2; Former Coach House To No 25 Shipton Road 0262

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

CONSERVATION OFFICER

3.1 The metal shed adjacent to the tennis court is unacceptable (the shed has now been removed from the scheme - case officer). Do not consider that the hard standing or dwarf wall that has been erected for the siting of the shed detracts from the setting of the ha-ha or listed building.

3.2 Consider that the location, form and proportions of the proposed swimming pool are in the spirit of the layout of formal water gardens of the Georgian/Victorian period. However, details including the colour of tiling, the level of lighting and pool cover need careful attention. Further details have been received in respect to this, however, this element should be covered by condition. The shed housing the pool's filtration plant is largely concealed from view by a mature hedge. The colour and finish of the shed should be agreed by condition.

3.3 The tennis court and chain link surrounding fence is enclosed in an informal area of the garden already compartmentalised by a hedge and shrubs and trees. The tennis court and fence is largely concealed from public view from the south west and is unlikely to detract from the existing character of the gardens and open space beyond. Conditions are recommended in respect to the type of mesh fencing used.

3.4 The greenhouse replaces a timber framed greenhouse that was in poor condition with self-seeded trees present within the structure. Consider that the greenhouse was constructed after 1948 and is therefore not a curtilage listed structure. The design of the proposed replacement greenhouse attached to the retained brick store and on the previous building footprint is unlikely to harm the setting of the Listed Building.

3.5 External

Planning Panel - No objections.

NEIGHBOURS

21 Shipton Road - The occupier objects to the proposals. The key issues are summarised below:

Application Reference Number: 11/02488/LBC

Item No: 5e

Page 3 of 9

3.6 21, 23 and 25 Shipton Road were built and occupied by a single extended family in 1845. The properties were arranged to enjoy views down and across the Ings. A ha-ha was erected at the end of the formal gardens to keep out grazing animals and form a barrier to flood waters. Related family members lived in the three properties until the 1950's. Since this time three unrelated families have lived in the properties, though there has been limited change in their occupancy. The nature of occupancy over the past 165 years has meant that the original buildings and their settings have been preserved well.

3.7 The bottom half of the garden of 23 was sold to number 25 in the 1970's.

3.8 In 1975 the formal gardens and houses were incorporated into the Clifton Conservation area.

3.9 In 1983, 21, 23 and 25 Shipton Road and their curtilage were grade II listed.

3.10 A flood bank was built on the Ings in the 1980's but other than this the general vista is as built.

3.11 Number 21 retains a right of way along an original grassy track that runs between the coach house and stables in the rear garden of 21, between the side gardens of 23 and 25 and on to Shipton Road. The applicant has undertaken works to this track including excavation at the area where the retaining wall and hard surfacing have been created for the shed.

3.12 It is considered that views from the house and garden of number 21 towards the Ings are essential to its character. The rear boundary is only marked by a ha-ha and low fence. It is considered that the link between town and country is essential to its historic character. Consider that the proposed development conflicts with this.

3.13 Consider that the scale and design of the shed is inappropriate (case officer - this element has now been removed).

3.14 Excavation works to the track break the historic unity of the group of houses, damages roots and puts at risk the wellbeing of the ha-ha.

3.15 The proposed surfacing of the tennis court would be an inappropriate intrusion and the surrounding hedging that has been planted will break the continuity of views to the wider space.

3.16 Disagree with the Conservation officer's view that the Greenhouse pre-dates 1948 and therefore should not be considered as a curtilage listed structure.

3.17 Consider that the location of the swimming pool should be re-considered and that the design and underwater lighting is unconvincing and harmful to the setting of the listed building.

3.18 Number 25 has been much altered and extended in recent years. Consider that cumulatively these changes are harmful. Particular concern that the changes and modifications are threatening the setting of number 21.

3.19 Regard should be had to the Planning Inspectors comments on an appeal relating to the refusal of consent for a proposed new house near the site of the tennis court (08/00311/FUL) that was dismissed 16 November 2009. (case officer comment - the Inspector stated in his appeal decision that "the unique setting provided by the extensive gardens and the open space beyond, retaining the distinctive relationship between town and country at the edge of the built-up area, makes an important contribution to the character of the listed buildings and of the edge of the conservation area.").

3.20 Case officer comment - The letter of objection makes reference in several places to advice within PPG 15 (Planning Policy Guidance Note 15 (Planning and the Historic Environment)). Readers of the letter should note that this guidance has been cancelled and replaced by Planning Policy Statement 5: Planning for the Historic Environment (PPS5) published on 23 March 2010. However it is not considered that this has a significant bearing on the thrust of the neighbour's objections.

4.0 APPRAISAL

4.1 The key issue in assessing the Listed Building Consent application is the impact on the application property and the setting of other nearby listed buildings.

4.2 Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" emphasises the importance of conserving heritage assets to a degree proportionate to the importance of the heritage asset. The application property and number 21 and 23 Shipton Road are all grade II listed. Local Plan Policy HE4 states that development will only be allowed within the vicinity of listed buildings where there is no adverse effect on the character, appearance or setting of the building.

IMPACT ON LISTED BUILDING AND ITS SETTING

4.3 The impact that each of the proposed elements will have on listed buildings is assessed separately below:

Swimming pool and shed

4.4 The pool will only impact to any significant degree upon the setting of 25 Shipton Road. The swimming pool's proposed shape, size and location is intended to reflect that of a formal pond. It is noted that the design of this part of the rear garden is formal and largely symmetrical. The conservation officer considers that subject to the colour and material of the swimming pool tiling being subdued it would be acceptable. It is noted that for much of the year the pool will be covered. This element has been conditioned to ensure that the cover is of a simple low profile design and any lighting is not unduly bright.

4.5 The proposed shed is located relatively discretely near the edge of the garden and will not have a significant impact on the setting or appearance of the listed building.

Replacement Greenhouse

4.6 It is understood that the greenhouse replaces a timber greenhouse constructed after 1948. As the greenhouse was constructed after 1948 it is not considered to be a listed curtilage structure. The design of the new greenhouse is Victorian in style and has white aluminium frames on a brick plinth. It is not considered that its design or location would detract from the setting or appearance of a listed building.

Tennis Court

4.7 The tennis court is proposed to be located to the rear of number 21. It will have little impact on the setting of number 25. The key issue is the impact on the setting of number 21. There is a ha-ha forming the rear garden boundary. A grass track dating from the 1840's runs below the ha-ha. The proposal would also have a visual relationship with a former coach house located in the rear garden. There are some views from the ground floor of the house on to and over the garden owned by 25.

4.8 It is considered that a single tennis court would be a facility that would be expected to be seen in a large garden or parkland setting. It is considered that it reads as a separate development/character area to the garden of 21 bounded by the ha-ha. The applicant has already planted hedging to form a screen between the two and has agreed to a condition that this is maintained at a height of around 2m above the garden height of 21.

4.9 The development will reduce the openness that is an important characteristic of the area, however, because the tennis court fencing is constructed on land that is around 1.2m lower than the garden of number 21 it is not considered in the context that the change would have an adverse impact.

4.10 The applicant had erected a relatively large metal shed adjacent to the tennis court. This has now been removed and deleted from the application. A low dwarf wall and concrete hardstanding remains. It is not considered that this would impact on views from number 21 and is not of a scale or nature to be considered to have an adverse impact on the setting of the ha-ha.

Grass track

4.11 The occupier of number 21 has written to express his views relating to excavation work affecting the grass track that runs between the end of his garden and the birch hedgerow that has been planted to screen the proposed tennis court. It is not considered that the current planning application has a direct bearing on the issue.

5.0 CONCLUSION

5.1 Subject to the conditions suggested it is not considered that the proposals would have an adverse effect on the character, appearance or setting of listed buildings.

5.2 It is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans and details:-

- Shed drawing 3935(05)13
- Greenhouse drawing 3935(05)15
- Proposed site plan drawing 3935(05)11
- Flood Risk Assessment 3935/LA/FRA
- Proposed Pool & Associated Plant 3935(05)12
- Proposed Tennis Court & Greenhouse 3935(05)17
- Design of Infiltration Scheme by Survey Site Services dated 10/11/2011
- Email from Ian Atkinson 23 November 2011 16:35 removing tennis shed from

scheme.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority

3 Prior to the erection of the tennis court and surrounding fencing, details of the court surface (including colour) and the fencing and supports shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To protect the setting of 21 Shipton Road which is a listed building.

4 Vegetation planted and retained between the north-eastern boundary of the tennis court and the rear garden boundary of 21 Shipton Road and the vegetation running along the south-western side of the court shall be retained and maintained at a height of between 2.5m and 3.2m when measured from the ground floor level of the adjacent tennis court.

Reason: To protect the setting of 21 Shipton Road which is a listed building.

5 Notwithstanding the submitted information, details of the following elements of the swimming pool shall be submitted to and agreed in writing with the Local Planning Authority:-
Pool tiling; Pool cover; Pool lighting; Perimeter surfacing

The works shall thereafter be implemented as approved and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the setting of the listed building.

6 Details of the materials and colour of the shed housing the filtration plant for the pool shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction. The shed shall be erected in accordance with the approved details.

Reason: To protect the setting of the listed building.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of listed buildings including 21 and 23 Shipton Road. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

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