

COMMITTEE REPORT

Date: 20 January 2022 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning
Panel

Reference: 21/02140/LBC
Application at: 14 Mount Parade York YO24 4AP
For: Internal and external alterations including basement level extension to rear and 1no. rooflight to rear, lightwell to front with replacement front window at basement level, part lowering of basement floor and insertion of stud wall and new staircase to attic at first floor.
By: Linda Grenyer
Application Type: Listed Building Consent
Target Date: 26 November 2021
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application site is 14 Mount Parade, York, a grade II listed building of special architectural or historic interest located in York Central Historic Core Conservation Area, Character Area 24: The Mount. The property forms part of a short terrace of four mid-nineteenth century houses at 12-15 Mount Parade, the last to be developed along Mount Parade which was laid out in 1823. This terrace of four houses forms part of a delightful row of eighteen grade II listed houses with subtle variations of design and scale that make a positive contribution to the character and appearance of the conservation area.

1.2 Listed building consent is sought for internal and external alterations including a basement level extension to the rear and one roof light to the rear roof plane, enlargement of the lightwell to the front with a replacement front window at basement level, part lowering of the basement floor and the insertion of a stud wall and new staircase to the attic at first floor level.

PLANNING HISTORY

1.3 The following planning and listed building consent applications have previously been submitted for this site;

- Ref. 04/00344/FUL Erection of pitched and flat roof rear extension, and alterations to basement window and lightwell to front elevation, permitted 16.04.2004

- Ref. 04/00494/LBC Erection of pitched and flat roof rear extension and alterations to basement window and lightwell to front elevation, permitted 16.04.2004
- Ref. 20/00578/FUL Basement level extension to rear with 2no. rooflights, light well to front and 1no. rooflight to rear, refused 14.09.2020; ref. 20/00579/LBC Internal and external alterations including basement level rear extension with 2no. rooflights, light well to front, loft conversion with new staircase to attic, 1no. roof light to rear, reconfiguration and refurbishment of basement and first floor, refused 14.09.2020
- Ref. 20/00579/LBC Internal and external alterations including basement level rear extension with 2no. rooflights, lightwell to front, loft conversion with new staircase to attic, 1no. roof light to rear, reconfiguration and refurbishment of basement and first floor, refused 14.09.2020
- Ref. 21/00934/FUL Basement level extension to rear and 1no. rooflight to rear – resubmission, permitted 08.09.2021
- Ref. 21/00935/LBC Internal and external alterations including basement level extension to rear, 1no. rooflight to rear, loft conversion with new staircase to attic, reconfiguration and refurbishment of basement and first floor – resubmission, refused 08.09.2021.

COMMITTEE CALL-IN

1.4 The application has been called to committee by Cllr Crawshaw to allow the balance of harm to a listed building versus benefit to residential amenity to be further explored.

2.0 POLICY CONTEXT

2.1 The Publication Draft York Local Plan (2018);

D5 Listed Buildings

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation Officer)

3.1 The grade II listed building at 14 Mount Parade forms part of a short terrace of four mid nineteenth century houses on narrow plots at 12-15 Mount Parade, the last
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to be developed along Mount Parade, laid out in 1823. The properties at 12-15 Mount Parade are each one bay with a doorway to the right. The list description indicates that there are cellars lit by a casement window, the presence of a cellar suggested by the very small opening below a simple stone lintel fortunately retained at 14 Mount Parade. At 12, 13 and 15 Mount Parade there are now enlarged basement level windows of a modern design, together with enlarged light wells. The cellar at the front of 14 Mount Parade has a low floor to ceiling height, sloping floor and no fireplace, the storage use reflected in the simple opening seen externally. With the exception of the small extension to the rear, the plan form of the basement is otherwise as originally built, indeed, again with the exception of the opening up of the partition between the front and back rooms on the ground floor, the plan form throughout the building is as constructed reflected in the external appearance of the building, the simple layout of a room at the front and rear of each floor, with a passage to the side on the ground floor leading to the staircase to the first floor.

3.2 The property at 14 Mount Parade is considered a good example of a modest mid-nineteenth century house which is of architectural interest and polite design, located in an attractive suburban terrace of properties of similar design. Internally it is of design value for the surviving cornices, doors and fireplaces. It has historic interest as part of the early to mid-nineteenth century development of York's suburbs outside the city walls with Mount Parade accommodating the growing number of professional middle classes during this period, with further illustrative value deriving from the hierarchy of spaces and design from front to back of the building both externally and internally within the living quarters, illustrating aspects of society at the time and of the status of the occupants.

3.3 Internally, lowering and levelling the ground floor in the cellar area together with enlargement of the window removes the evidence that this was a cellar and not an active, inhabited part of the house. It is acknowledged that the concrete floor in the basement is a later floor finish and is of significant depth close to the front wall. No investigation of the depth of concrete appears to have been made at the lower end of the slope, and it appear improbable that the slope in the concrete floor is doing anything other than reflecting the profile of the ground below.

3.4 Although the cellar window frame is modern, loss of the small opening with its simple stone lintel lighting the cellar would eradicate the only remaining example of the original design of the cellar openings (referred to in the list description). The light well has clearly been re-lined with a different brick. Nevertheless, the replacement of the existing arrangement with a larger window and a substantially enlarged light well would detract from the integrity of the elevation and draw attention to the substantial

change to the cellar detracting from the hierarchy which is part of the character of the building.

3.5 Internal alterations proposed to the first floor include partitioning off part of the back room to form a staircase. This alters the plan form and the historic circulation within the building, detracting from the integrity of the listed building. The design and access statement asserts that the alteration is “entirely reversible works which are acceptable in listed buildings”. However the reversibility is entirely notional: there is no indication of the proposed length of duration of the alteration, or any consideration of the harm resulting from the works. Consequently little weight can be given to the suggestion. No objections are raised to forming a store under the stairs, or the extension to the rear and roof light on the rear roof slope which benefit from an extant planning permission.

3.6 Whilst each of the alterations set out above results in only moderate harm to the character of the building, cumulatively the alterations would result in significant harm to the character of the building as one of special architectural or historic interest. Whilst the harm would be significant, with reference to paragraph 202 of the NPPF, it is considered less than substantial harm that requires to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Some elements of the proposals may be considered beneficial, such as the reinstatement of the ceiling rose in the rear ground floor room, but these small positives would fall far short of justifying the harm identified. As the listed building is considered to be in its optimal viable use, it is not clear how any public benefits could be identified that would outweigh the level of harm.

Design, Conservation And Sustainable Development (City Archaeologist)

3.7 The property at 14 Mount Parade is located within the Central Area of Archaeological Importance. Mount Parade occupies an area between two Roman roads. Roman burials and cemeteries are known throughout this area. The proposed enlargement of the existing basement area to the front and rear is likely to involve the removal of previously undisturbed ground which may contain archaeological deposits. The amount of disturbance and landscaping associated with the construction of Mount Parade is currently unknown. Watching briefs undertaken in the 1990s within the grounds of other houses on this street have proved negative although the depth of investigation is unknown. An archaeological watching brief is required to monitor all ground disturbing works as a condition of consent. Should any significant archaeological deposits or features be revealed work will need to cease and an archaeological excavation will be required.

EXTERNAL CONSULTATIONS

Micklegate Planning Panel

3.8 Fully support the proposals and consider that the design and plans for renovation are appropriate and will enhance the appearance and utility of this listed building in a beautiful part of York. The proposed plans are sensitive to the house, its neighbours and the street as a whole. The proposed alterations will significantly improve the use of the house and provide better access at basement level should this be required in an emergency. The removal of an unsightly rear extension is welcomed and the proposed rear extension is considered sympathetic and respectful to the overall character of the house.

Historic England

3.9 On the basis of the information available, Historic England do not wish to offer any comments and suggest that the views of the Council's specialist conservation adviser are sought regarding the proposals.

4.0 REPRESENTATIONS

Publicity

4.1 Four representations of support were received which are summarised as follows;

- The properties at 12-15 Mount Parade are not large houses and it is important to be able to use all the available space.
- The alterations proposed are sympathetic to the character of the building and will ensure that it is safe to live in.
- The internal alterations and extension are in keeping with the property and allow the house to work as a family home yet still ensure the historic qualities of the property are protected.
- The addition of a basement level front window is in keeping with the other three small houses in Mount Parade can only be of benefit to the street.
- It is important that the integrity of the listed houses in Mount Parade is kept. Sympathetic changes need to be allowed especially when some of the internal space is completely unusable in its present form.

- The proposals support the original intention for the building as a family dwelling and home rather than a museum.
- There have already been alterations made to the basement and to lower the front basement window, so it seems unnecessary to preserve what is no longer original.
- The proposals respect the age and style of the house and seek to improve the property, make it a house fit for the modern world and to use the interior of the house to its full potential.
- The houses along Mount Parade have maintained, through sensitive renovations, their genteel character whilst looking fit for purpose in the twenty first century.
- The proposed alterations to the front basement room to enable its use as a bedroom with an opening window for ventilation and escape, would not harm the historic character of the house and would enable the whole house to be used just like those listed properties very close by.

5.0 APPRAISAL

KEY ISSUE

- The impact on special architectural or historic interest of listed building and its setting

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

5.1 With reference to Sections 16 (2) and 66(1) of the Act, in considering whether to grant listed building consent for any works, the local planning authority is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

NATIONAL PLANNING POLICY FRAMEWORK

5.2 The National Planning Policy Framework, February 2021 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. With regard to decision-taking, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular

importance, including designated heritage assets, provides a clear reason for refusing the development proposed.

5.3 The NPPF, Chapter 16 - Conserving and enhancing the historic environment, paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 197 a) states that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of a heritage asset and putting them to viable uses consistent with their conservation.

5.4 The NPPF, Chapter 16, 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 (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.

5.5 The NPPF, Chapter 16, paragraph 201 states that where a proposed development will lead to substantial harm to (or the total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.6 The NPPF, Chapter 16, 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.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.7 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.8 2018 Draft Plan Policy D5: Listed Buildings states that proposals affecting a listed building or its setting will be supported where they (i) preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and (ii) help secure a sustainable future for a building at risk; (iii) are accompanied by an appropriate, evidence based heritage statement assessing the significance of the building. Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm the significance of the building. Harm to an element which contributes to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

ASSESSMENT

IMPACT OF PROPOSALS ON SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF LISTED BUILDING AND ITS SETTING

5.9 The grade II listed building at 14 Mount Parade dates from the mid nineteenth century and remains in its original use as a house. As set out in more detail in paragraphs 3.1 and 3.2 of this report, the significance of the designated heritage asset derives from the architectural interest and polite design of this modest mid-nineteenth century house, located in an attractive suburban terrace of properties of similar design, which are also grade II listed buildings. The terrace is considered of historic interest as part of the early to mid-nineteenth century development of York's suburbs outside the City Walls. The interior of the house is of design value with surviving cornices, doors and fireplaces present, whilst the hierarchy of spaces and surviving plan form of the interior illustrates aspects of society at the time the house was built and the status of the occupants.

5.10 The proposals include a single storey rear extension at basement level and one roof light to the rear roof slope, together with the alteration and enlargement of the front basement light well and the insertion of a new window in an enlarged opening at basement level to the principal elevation of the listed building. Internal alterations

include a loft conversion with a new staircase to the attic and the reconfiguration and refurbishment of the basement and first floor.

Basement level extension to rear

5.11 The single storey rear extension at basement level would be attached to part of the existing rear extension that has a lean-to pitched roof. The extension would replace the flat roof part of the existing rear extension that is considered a detractor. The extension would be of a linear form, offset from the side boundary with the adjoining property at 13 Mount Parade, and would appear subservient to the host dwelling. The extension would have a shallow duo-pitched roof finished in slate with an aluminium framed, traditional style ridge roof light present. The external walls would be finished in brickwork to match existing. The window and doors to the rear extension would have Anthracite grey coloured aluminium frames. Given the modern appearance of the rear extension that would not be unduly prominent being located at rear basement level, the aluminium framed windows and doors are considered acceptable.

Roof light to rear roof plane

5.12 It is proposed to install one roof light to the rear roof plane of the listed building. The scale and position of the roof light is such that it would not dominate the rear roof slope or appear visually prominent in the streetscene. It is considered that the rear extension at basement level and rear roof light would not lead to harm to the special interest of the listed building or its setting; these elements of the proposals are the subject of permitted householder planning application ref. 21/00934/FUL.

Enlargement of front lightwell and basement level window to principal elevation

5.13 As part of the proposals, the front basement level lightwell would be enlarged with an increase in the depth, length and width from the current arrangement. The small window opening at basement level would be enlarged to accommodate a six pane timber sash window. The alterations proposed to the principal elevation of the listed building, with the loss of the small basement level opening with its simple stone lintel, would remove the only remaining example of the original design of the front cellar opening present in the terrace. It is acknowledged that a modern window has been inserted in the front basement level opening and the lightwell re-lined with a different brick. However, it is considered that the replacement of the existing arrangement would detract from the integrity of the principal elevation of the listed building and draw attention to the substantial change to the form and use of the front part of the cellar, which forms part of the character and special interest of the listed building.

Internal alterations to basement front room

5.14 The proposals include alterations to the interior of the basement level front room. The existing sloping floor would be lowered to be of a consistent level to form a bedroom, with the store to the side which is currently blocked off, opened up to form an en-suite shower room. It is considered that the sloping floor and low ceiling height of the front basement are evidence of the historical use of the room as a store rather than as a habitable room. This is reflected by the very small opening in the front elevation. Lowering the ground level internally would alter the form and proportions of the front cellar, harming its fabric and historic interest.

Internal alterations to first floor including staircase to attic

5.15 It is proposed to install a partition wall in the first floor rear room and form a landing adjacent connecting to a new staircase to the attic. The remainder of the first floor rear room would form a bathroom. The existing fireplace in the rear first floor room would be retained in situ in the bathroom. It is considered that the proposed internal alterations to the first floor would alter the historic circulation within the building, with the creation of a landing/corridor on the first floor, enabling access via the new staircase to the attic which did not form part of the original accommodation, thereby detracting from the integrity of the listed building. The form and proportions of the first floor rear room would be compromised with the scale of the room much reduced, undermining the historic plan form and character of the interior of the listed building.

Assessment of harm to heritage significance of the listed building

5.16 The proposed external alterations to the principal elevation of the listed building, with the enlargement of the front lightwell and new basement level window in an enlarged opening, internal alterations to the basement front room to create an en-suite bedroom and internal alterations to the first floor rear room, which would be sub-divided to form a bathroom with a landing adjacent and staircase to a room formed in the attic, would lead to less than substantial harm to the significance of the designated heritage asset. It is considered that each of the alterations would lead to moderate harm and cumulatively the alterations would lead to significant harm to the character of the building as one of special architectural or historic interest. Any harm caused to designated heritage assets is a matter that attracts considerable weight and importance in the planning balance. The proposals are considered to be of private rather than of public benefit and as such, there are no public benefits that would outweigh the level of harm identified to the heritage significance of the listed building.

Balance of harm to the listed building versus the benefit to residential amenity

5.17 The listed building is currently in its optimum and original use as a two bedroom house, which is illustrated in the surviving plan form of the interior. In terms of the balance of harm to the listed building versus the benefit to residential amenity, with reference to NPPF paragraph 202, which requires the harm to be weighed against the public benefits of the proposal, the private rather than public benefits associated with the proposals would not outweigh the level of harm identified.

5.18 It is noted that in some respects the works approved as part of permitted application ref. 04/00494/LBC, which included a front basement lightwell, front basement window, alterations to the front basement floor, sub-division of the rear first floor room and staircase to the attic, are similar to those included in the current application. However, the current policy requirements as set out in NPPF Chapter 16 Conserving and enhancing the historic environment and referenced in paragraphs 5.4 and 5.6 of this report are different to those at the time the previous application was permitted in 2004.

6.0 CONCLUSION

6.1 It is considered that the proposed alterations to the principal elevation and interior of the listed building would lead to less than substantial harm to the significance of the designated heritage asset. In accordance with the NPPF and the statutory obligations imposed, great weight is given to that harm. There are no identified public benefits that outweigh the level of harm. Thus, the proposals fail to preserve the special architectural or historic interest of the listed building and conflict with the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for designated heritage assets contained within the National Planning Policy Framework, (paragraphs 199 and 202) and Policy D5 (Listed Buildings) of the Publication Draft Local Plan 2018.

7.0 RECOMMENDATION:

That the Area Planning Sub-Committee recommend to the Chief Operating Officer that the application for Listed Building Consent be REFUSED for the following reason:

1 The alteration and enlargement of the front basement light well and the enlargement of the front basement window opening with the insertion of a new window would detract from the architectural character of the principal elevation of the listed building. Internal alterations including lowering the floor level in the front

part of the basement would remove historic fabric and fail to preserve the existing form and historic character of the front basement store. The proposals to partition off part of the first floor rear room to form a hallway connecting to a staircase to the attic would also detract from the form and proportions of that room and alter the plan form and historic circulation within the building, thereby detracting from the integrity of the listed building.

As such, it is considered that the proposed alterations to the principal elevation and interior of the listed building would lead to less than substantial harm to the significance of the designated heritage asset and there are no identified public benefits that outweigh the level of harm. Thus, the proposals conflict with the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for designated heritage assets contained within the National Planning Policy Framework, (paragraphs 199 and 202) and Policy D5 (Listed Buildings) of the Publication Draft Local Plan 2018.

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