



**Notice of meeting of  
Area Planning Sub-Committee**

**To:** Councillors McIlveen (Chair), Gillies (Vice-Chair),  
Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin,  
Cuthbertson, Hyman and Warters

**Date:** Thursday, 5 December 2013

**Time:** 2.00pm

**Venue:** The George Hudson Board Room - 1st Floor,  
West Offices (F045), York

**A G E N D A**

**Site visits for this meeting will commence on Wednesday 4  
December 2013, meeting at Middleton House, 38 Monkgate  
at 10.00am**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes**

(Pages 5 - 12)

To approve and sign the minutes of the last meeting of the Planning Sub-Committee held on **Wednesday 9 October 2013**.

### 3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is **5:00pm on Wednesday 4 December 2013.**

### 4. **Plans List**

To determine the following planning applications:

- a) **Middleton House, 38 Monkgate, York** (Pages 13 - 20)  
**YO31 7PD (13/03305/FUL)**

Installation of dormer window on south facing roof.  
*[Guildhall Ward]* **[Site Visit]**

- b) **Middleton House, 38 Monkgate, York** (Pages 21 - 26)  
**YO31 7PD (13/03306/LBC)**

Installation of dormer window on south facing roof.  
*[Guildhall Ward]* **[Site Visit]**

### 5. **Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

#### Democracy Officers:

Name: Contact Details: Louise Cook/Catherine Clarke (job-share)

- Telephone – (01904) 551031
- E-mail [\\_louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk) and [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk)

(If emailing please contact both Democracy Officers.)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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**PLANNING SUB COMMITTEE**

**SITE VISITS**

**Wednesday 4 December 2013**

**No mini-bus for this visit, meet at the site.**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.00	Middleton House 38 Monkgate	<b>4a &amp; 4b</b>

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City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	9 October 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Reid (Substitute) and Warters
Apologies	Councillors Cuthbertson and Hyman

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Site Visited	Attended by	Reason for Visit
Harlestone, 14 York Road	Councillors McIlveen, Gillies, Watson and Galvin	As the officer recommendation was to approve and objections had been received
Fulford Grange, Grange Garth	Councillors McIlveen, Gillies, Watson and Galvin	As the officer recommendation was to approve and objections had been received
40 Tranby Avenue	Councillors McIlveen, Gillies, Watson and Galvin	As the officer recommendation was to approve and objections had been received

### **23. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in business on the agenda. None were declared.

### **24. Exclusion of Press and Public**

Resolved: That the public and press be excluded from the meeting during the consideration of annexes to agenda Item 7 (minute item 29 refers) on the grounds that these are classed as exempt under

Paragraphs 1,2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006).

## **25. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee held on Thursday 5 September be approved subject to the amendment to the wording at minute item 22 to reflect that the Council Tax Student Exemptions should be updated on a yearly basis.

## **26. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

## **27. Plans List**

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

### **27a. Harlestone, 14 York Road, Strensall, York. YO32 5UN [13/02383/FUL]**

Members considered a full application by Dr Malcolm Blacklee for the erection of a dormer bungalow to the rear (resubmission).

Officers had no update to the committee report but advised that there was an error at paragraph 4.9 as the house number referred to should be 16 not 12.

Tracey Lyons had registered to speak in objection to the application on behalf of Mr. Dyson, a neighbour. She advised

that Mr. Dyson's main concerns were that the new proposed development was still too large despite an amendment, the scheme was an over development and was too large for the site and the site area was mainly green and this would be spoiled.

Tracey Lyons had registered to speak in objection. She advised that she lived at number 4 and that nearly every neighbour in the street objected to the application. The amendment to the scheme had not changed the footprint and it would be detrimental to other residents in the vicinity as well as the Strensall Conservation Area. She urged Members to refuse the application.

John Chapman had registered to speak on behalf of Strensall Parish Council. He supported the comments made by Ms. Lyons and raised concerns about the impact of the development upon the Strensall Conservation Area. He stated that the area does have historic significance and was worthy of protection. He stated that he agreed with refusal of the first application and considered refusal to be applicable to this application.

Councillor Paul Doughty had registered to speak as Strensall Ward Councillor. He asked Members to read through the reasons for refusal of the previous application before considering the new application. He reminded Members that 11 residents had made objections and the amendment to the scheme were far too modest.

Mark Newby had registered to speak as the applicants agent. He advised that Planning Officers had recommended approval following the amendments that had been made to the scheme and that it complied with planning policy.

Members questioned the potential impact of the scheme upon the conservation area. Officers confirmed that they considered the revised plans had overcome the previous reason for refusal as the development would now be less visible within the surrounding area. Some Members felt that there would still be an impact and did not consider the application appropriate in a Conservation Area.

Members commented that although they accepted the application had been amended and massing had been slightly reduced, they judged that the proposal would be detrimental to the amenity of neighbours.

Following further discussion it was:

Resolved: That the application be refused.

Reasons: It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the character and appearance of Strensall Conservation Area. The site is undeveloped and provides an open character and sense of space around existing dwellings which is considered the key characteristic of this part of Strensall Conservation Area. The proposed dwelling would erode this sense of space, particularly from views along West End, to the detriment of the character and appearance of the Conservation Area. Therefore, the application is considered to be contrary to Chapters 7 and 12 of the National Planning Policy Framework, and Development Control Local Plan Policies GP1 'Design' parts a), b), and c), GP10 'Subdivision of Gardens and Infill Development', H4a 'Housing Windfalls' part c), and HE2 'Development in Historic Locations'.

It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the amenity of occupants of the adjacent residential dwellings. The size of the proposed dwelling and its close relationship with neighbouring dwellings would result in a development which appears dominant and overbearing when viewed from neighbouring houses and gardens and would result in a loss of outlook to the detriment of the amenity of local residents. Therefore, the application is considered to be contrary to the Core Principles (bullet point 4 of paragraph 17) of the National Planning Policy Framework, and Development Control Local Plan Policy GP1 'Design' part i)

**27b. Fulford Grange, Grange Garth, York. YO10 4BS  
[13/02757/FUL)**

Members considered a full application by Mr M Gibson for a single storey extension to northern elevation and conservatory to southern elevation of existing annexe within the grounds of Fulford Grange.

Officers circulated an update to the committee report:

- Comments had been received from the Council's Conservation Officer. No objections had been raised in relation to the northern extension, but it was considered that the south will impinge on the main elevation of the Fulford Grange when viewed at close range from Grange Street.
- An amended plan had been received showing the hawthorn tree on the Grange Street frontage retained and removing a chimney from the drawings that was shown in error.
- An additional condition for the retention of the tree is proposed.

The applicant, Ms Gibson, had registered to speak. She advised that she had taken advice from Planning Officers in relation to the amendments to the scheme and hoped that the application would now be approved.

Members queried the treatment of the gate, stating a preference for a traditional treatment.

Resolved: That the application be approved subject to the conditions listed in the committee report and the following additional condition:

The tree shown on Drawing no.12:70:10 rev D as being retained, shall be retained. In the event that the tree is found to be dead, dying or dangerous it shall be replaced by an appropriate species of tree and in a location to be agreed in writing by the Local Planning Authority in the first planting season following the existing tree being removed. Thereafter the replacement tree shall be retained to the satisfaction of the Local Planning Authority.

Reason: The tree provides a visually significant feature in the context of the setting of the listed building and the position of the new conservatory which is considered significant to the overall visual quality of the site and it's retention accords with the requirements of Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason: The extensions are considered to be acceptable and comply with the policy requirements of the DCLP and advice within the NPPF and Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

**27c. 40 Tranby Avenue, Osbaldwick, York. YO10 3NB  
[13/02931/FUL]**

Members considered a full application by Mr Henry Richardson for a change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) with single storey side extension and erection of cycle/bin store (resubmission).

Officers advised that they had no update to the committee report.

Mark Newby had registered to speak as the agent on behalf of the applicant. He advised that the accommodation would be of a high standard and would not have a detrimental impact on the area. He considered that there was no reason to refuse the application.

In response to Members questions, the applicant confirmed there would be a shed for cycle storage.

Some Members questioned the amount of amenity space and felt that the garden was not a sufficient size for a household of 4 people. Officers advised that the application complied with policy and the garden was considered suitable for a 4 person HMO.

Councillor Warters asked that his vote to refuse the application be recorded.

Resolved: That the application be approved.

Reason: Class C4 HMO's can typically accommodate between 3 and 6 people. The proposed property has 4 bedrooms and it is envisaged that it would accommodate 4 people. Two car parking spaces are considered adequate for the use. The number of existing HMO's within 100m and within the neighbourhood is significantly less than the threshold at which the proposal should be refused. It is recognised that the property has a small rear garden; however, it is considered suitable for a 4 bedroom HMO.

## **28. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 30 June 2013 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

## **29. Enforcement Cases Update**

Members received a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Committee.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding Enforcement cases within the Sub-Committee area.

**30. Urgent Business**

Councillor Warters asked that when considering applications within Conservation Areas, it would be useful for Committee Members to have sight of a map with the Conservation Area in question superimposed. Officers noted this request.

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].



**COMMITTEE REPORT**

**Date:** 5 December 2013      **Ward:** Guildhall  
**Team:** Householder and      **Parish:** Guildhall Planning Panel  
Small Scale Team

**Reference:** 13/03305/FUL  
**Application at:** Middleton House 38 Monkgate York YO31 7PD  
**For:** Installation of dormer window on south facing roof  
**By:** Mr Philip Thake  
**Application Type:** Full Application  
**Target Date:** 9 December 2013  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Permission has recently been granted to convert 38 Monkgate into 5 apartments. This application seeks permission for a dormer to the rear elevation of to provide additional headroom to the kitchen of one of the apartments on the second floor.

1.2 No. 38 Monkgate was built as a town house around 1700 however historically it has also been used as a school and more recently for commercial use as a training centre and as an office. Early plans indicate that it was originally L-shaped on plan and of two storeys in height with Dutch Gables. A third storey was added in the late 18th Century resulting in a symmetrical house of 5 bays with the central entrance bay breaking forward. The building is listed at grade II\* and it is situated on a principal approach road into York close to the walled city centre. The site is within the Central Historic Core conservation area.

1.3 This application is accompanied by a listed building application (13/03306/LBC) both of which have been called-in to committee by Councillor Brian Watson due to the significance of the listed building.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area  
Conservation Area GMS Constraints: Central Historic Core  
Listed Buildings: Grade 2 Star; 38 Monkgate York YO31 7PF  
Listed Buildings: Grade 2; 36 Monkgate York YO3 7PF  
Listed Buildings: Grade 2; 40 Monkgate York YO3 7PF

## 2.2 Policies:

CYGP1Design

CYHE3 Conservation Areas

CYHE4 Listed Buildings

## 3.0 CONSULTATIONS

### INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - Creation of the dormer would result in alteration to the original 1772 roof structure. Moving the original purlin to a different position harms the historic integrity of the roof. In doing so, it fails to preserve the special architectural or historic interest of the listed building. Whilst this alteration could be defined as less than substantial, the National Planning Policy Framework requires that the harm is weighed against the public benefits of the scheme. In this instance there appears to be little public benefit in the proposal with the only justification being financial which would not constitute a public benefit.

### EXTERNAL

3.2 ENGLISH HERITAGE – No response to date.

3.3 GUILDHALL PLANNING PANEL - The Panel support the application.

3.4 PUBLICITY - The application was advertised by press advert, site notice and neighbour notification letter. No responses have been received.

## 4.0 APPRAISAL

### KEY ISSUES:-

- Visual impact on the building and the conservation area
- Impact on neighbouring property

### RELEVANT PLANNING POLICY

#### **National Planning Policy Framework – March 2012**

4.1 Chapter 12, Paragraph 132 - in 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

Application Reference Number: 13/03305/FUL

Item No: 4a

4.2 Despite the replacement of PPS5:Planning for the Historic Environment by the National Planning Policy Framework, the Planning Policy Statement's Practice Guide remains a valid and Government endorsed document pending the results of a review of guidance supporting national planning policy. At paragraph 181 it states that "when a building is adapted for new uses, its form as well as internal features may impose constraints. Some degree of compromise in use may assist in retaining significance. For example headroom may be restricted and daylight levels may be lower than usually expected." Paragraph 185 states that the "insertion of new elements...(including dormers and roof lights) is quite likely to adversely affect the building's significance."

### **Development Control Local Plan**

4.3 Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area. Local Plan Policy HE4 states with regard to listed buildings that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

### **VISUAL IMPACT ON THE BUILDING AND CONSERVATION AREA**

4.5 It is proposed to construct a dormer to the rear roofslope of Middleton House which will measure 3.1m in width and 1.2m in height. Externally, the design of the proposed dormer sits comfortably with the scale and design of the host building, and due to its position, will not be overly intrusive with regard to the appearance of the conservation area. However, constructing the dormer results in the need to alter part of the 1772 roof structure. Specifically, a paired roof purlin would be removed from its position to a new position further up the roof structure.

4.6 The roof structure has been repaired with new sections pieced in beneath the roof slope facing towards Monkgate, but the rear roof structure is largely as constructed.

The purlin which it is proposed to relocate has been the subject of much discussion with the applicant's buildings archaeologist. The report submitted in support of this application states that, as the purlin has been given additional support by the addition of a further purlin, it is unclear whether or not the purlin is in its original position. A discussion with the archaeologist has clarified the position further. Both purlins would appear to be of the same date as the rest of the (approximately) 1772 roof structure. It would appear that one of the two purlins is the original purlin, in its original location. The second purlin is most probably the purlin repositioned from the front roof structure.

4.7 Consequently, as the purlins both form part of the original roof structure, and one is almost certainly in the original position of the purlin, as the roof was originally constructed, moving it to a different position harms the historic integrity of the roof. In doing so, it fails to preserve the special architectural or historic interest of the listed building. It is considered that the harm to the significance of the asset could be defined as less than substantial, however the National Planning Policy Framework requires that the harm is weighed against the public benefits of the scheme.

4.8 The justification for the works is to provide additional headroom within the kitchen as the flat, as currently proposed, would have restricted headroom. This in turn would improve the appeal of the flat as well as allow a higher level of rent to be obtained per month. Whilst these benefits are acknowledged, they appear to be for purely private gain to the owner and would not benefit the wider public as required by the national planning policy framework. As such it is considered that the harm to the listed building is not outweighed by the proposed benefits, with the proposal being contrary to policy HE4 of the Local Plan and the National Planning Policy Framework 2012.

## IMPACT ON NEIGHBOURING PROPERTY

4.9 Given the location of the dormer there will be little impact on residential amenity.

## 5.0 CONCLUSION

5.1 Whilst the design of the dormer is acceptable, the internal harm caused to the original roof structure would result in harm to the heritage asset which is not outweighed by the proposed benefits. The proposal is therefore contrary to Local Plan Policy HE4 and the National Planning Policy Framework 2012.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Refuse

1 The alteration of the original roof purlin would result in harm to the heritage asset which is not outweighed by the proposed benefits. The proposal is therefore contrary to Local Plan Policy HE4 and paragraph 132 the National Planning Policy Framework 2012.

## **7.0 INFORMATIVES:**

### 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 (paragraphs 186 and 187) 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:

Discussions with the applicant's buildings archaeologist

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

#### **Contact details:**

**Author:** Elizabeth Potter Development Management Assistant

**Tel No:** 01904 551477

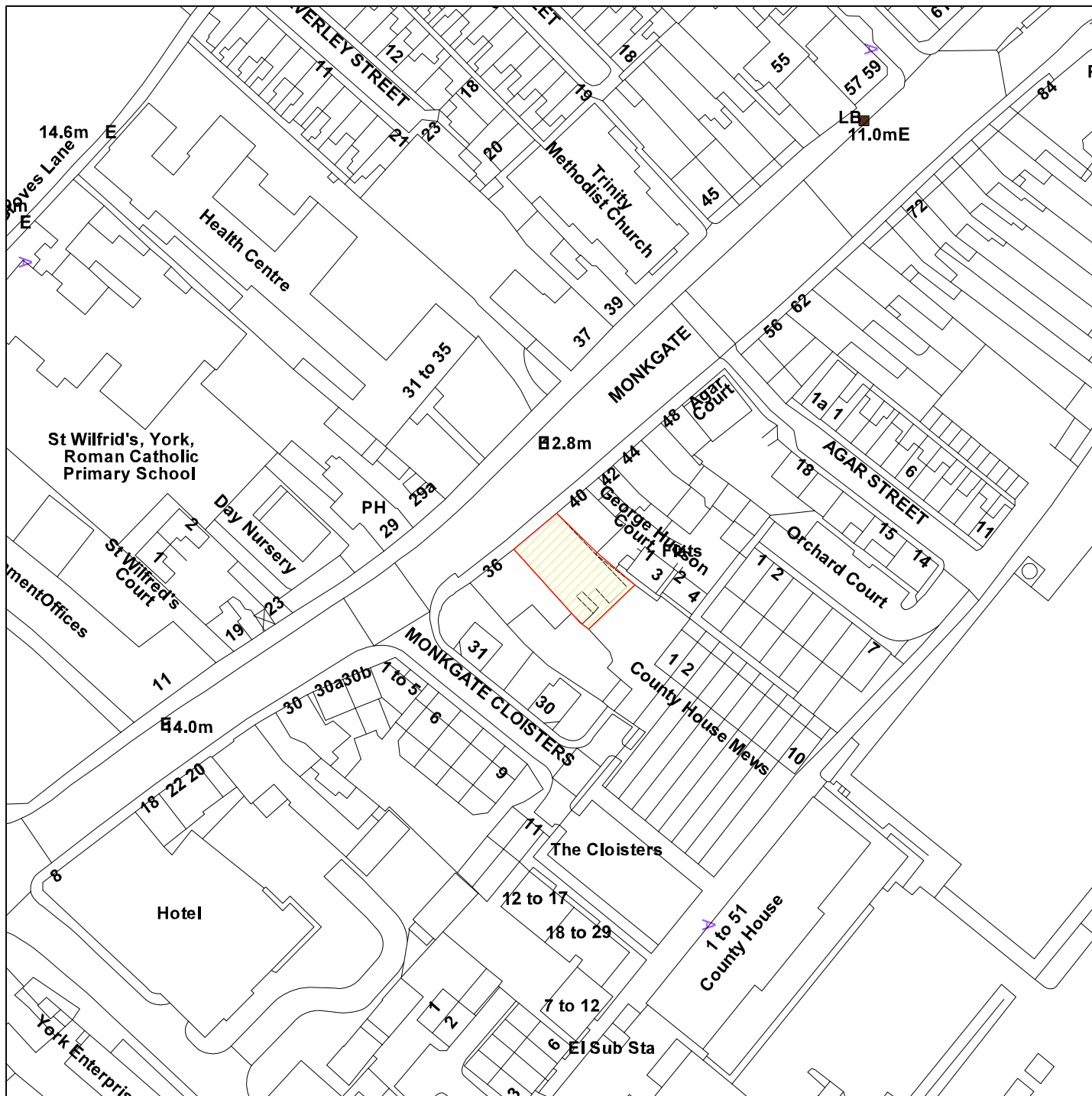
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13/03305/FUL

Middleton House



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	25 November 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 December 2013      **Ward:** Guildhall  
**Team:** Householder and **Parish:** Guildhall Planning Panel  
Small Scale Team

**Reference:** 13/03306/LBC  
**Application at:** Middleton House 38 Monkgate York YO31 7PD  
**For:** Installation of dormer window on south facing roof  
**By:** Mr Philip Thake  
**Application Type:** Listed Building Consent  
**Target Date:** 6 December 2013  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Permission has recently been granted to convert 38 Monkgate into 5 apartments. This application seeks listed building consent for a dormer to the rear elevation of 38 Monkgate to provide additional headroom to the kitchen of one of the apartments on the second floor.

1.2 No.38 Monkgate was built as a town house around 1700 however historically it has also been used as a school and more recently for commercial use as a training centre and as an office. Early plans indicate that it was originally L-shaped on plan and of two storeys in height with Dutch Gables. A third storey was added in the late 18th Century resulting in a symmetrical house of 5 bays with the central entrance bay breaking forward. The building is listed at grade II\* and it is situated on a principle approach road into York, close to the walled city centre. The site is within the Central Historic Core conservation area.

1.3 This application is accompanied by a full planning application, ref. 13/03305/FUL; both of which have been called-in to committee by Councillor Brian Watson due to the significance of the listed building.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area  
Conservation Area GMS Constraints: Central Historic Core  
Listed Buildings: Grade 2 Star; 38 Monkgate York YO31 7PF  
Listed Buildings: Grade 2; 36 Monkgate York YO3 7PF  
Listed Buildings: Grade 2; 40 Monkgate York YO3 7PF 0935

2.2 Policies: CYHE4 Listed Buildings

Application Reference Number: 13/03306/LBC

Item No: 4b

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - Creation of the dormer would result in alteration to the original 1772 roof structure. Moving the original purlin to a different position harms the historic integrity of the roof. In doing so, it fails to preserve the special architectural or historic interest of the listed building. Whilst this alteration could be defined as less than substantial, the National Planning Policy Framework requires that the harm is weighed against the public benefits of the scheme. In this instance there appears to be little public benefit in the proposal with the only justification being financial which would not constitute a public benefit.

#### EXTERNAL

3.2 ENGLISH HERITAGE - No comments received to date.

3.3 GUILDHALL PLANNING PANEL - The Panel support the application.

3.4 PUBLICITY - The application was advertised by press advert and site notice. No responses have been received.

### **4.0 APPRAISAL**

#### KEY ISSUES

Impact on visual amenity and historic character of the listed building

#### RELEVANT PLANNING POLICY

##### National Planning Policy Framework - March 2012

4.1 Chapter 12, Paragraph 132 - in 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 Despite the replacement of PPS5: Planning for the Historic Environment by the National Planning Policy Framework, the Planning Policy Statement's Practice Guide remains a valid and Government endorsed document pending the results of a review of guidance supporting national planning policy. At paragraph 181 it states that "when a building is adapted for new uses, its form as well as internal features may impose constraints.

Some degree of compromise in use may assist in retaining significance. For example headroom may be restricted and daylight levels may be lower than usually expected." Paragraph 185 states that the "insertion of new elements.... (including dormers and roof lights) is quite likely to adversely affect the building's significance."

### Development Control Local Plan

4.3 Local Plan Policy HE4 states with regard to listed buildings that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

### VISUAL IMPACT ON THE BUILDING AND CONSERVATION AREA

4.4 It is proposed to construct a dormer to the rear roofslope of Middleton House which will measure 3.1m in width and 1.2m in height. Externally, the design of the proposed dormer sits comfortably with the scale and design of the host building, and due to its position, will not be overly intrusive with regard to the appearance of the conservation area. However, constructing the dormer results in the need to alter part of the 1772 roof structure. Specifically, a paired roof purlin would be removed from its position to a new position further up the roof structure.

4.5 The roof structure has been repaired with new sections pieced in beneath the roof slope facing towards Monkgate, but the rear roof structure is largely as constructed. The purlin which it is proposed to relocate has been the subject of much discussion with the applicant's buildings archaeologist. The report submitted in support of this application states that, as the purlin has been given additional support by the addition of a further purlin, it is unclear whether or not the purlin is in its original position. A discussion with the archaeologist has clarified the position further. Both purlins would appear to be of the same date as the rest of the (approximately) 1772 roof structure. It would appear that one of the two purlins is the original purlin, in its original location. The second purlin is most probably the purlin repositioned from the front roof structure.

4.6 Consequently, as the purlins both form part of the original roof structure, and one is almost certainly in the original position of the purlin, as the roof was originally constructed, moving it to a different position harms the historic integrity of the roof. In doing so, it fails to preserve the special architectural or historic interest of the listed building. It is considered that the harm to the significance of the asset could be defined as less than substantial, however the National Planning Policy Framework requires that the harm is weighed against the public benefits of the scheme.

4.7 The justification for the works is to provide additional headroom within the kitchen as the flat, as currently proposed, would have restricted headroom.

This in turn would improve the appeal of the flat as well as allow a higher level of rent to be obtained per month. Whilst these benefits are acknowledged, they appear to be for purely private gain to the owner and would not benefit the wider public as required by the national planning policy framework. As such it is considered that the harm to the listed building is not outweighed by the proposed benefits, with the proposal being contrary to policy HE4 of the Local Plan and the National Planning Policy Framework 2012.

## **5.0 CONCLUSION**

5.1 Whilst the design of the dormer is acceptable, the internal harm caused to the original roof structure would result in harm to the heritage asset which is not outweighed by the proposed benefits. The proposal is therefore contrary to Local Plan Policy HE4 and the National Planning Policy Framework 2012.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION: Refuse**

1 The alteration of the original roof purlin would result in harm to the heritage asset which is not outweighed by the proposed benefits. The proposal is therefore contrary to Local Plan Policy HE4 and paragraph 132 the National Planning Policy Framework 2012.

## **7.0 INFORMATIVES:**

### **Contact details:**

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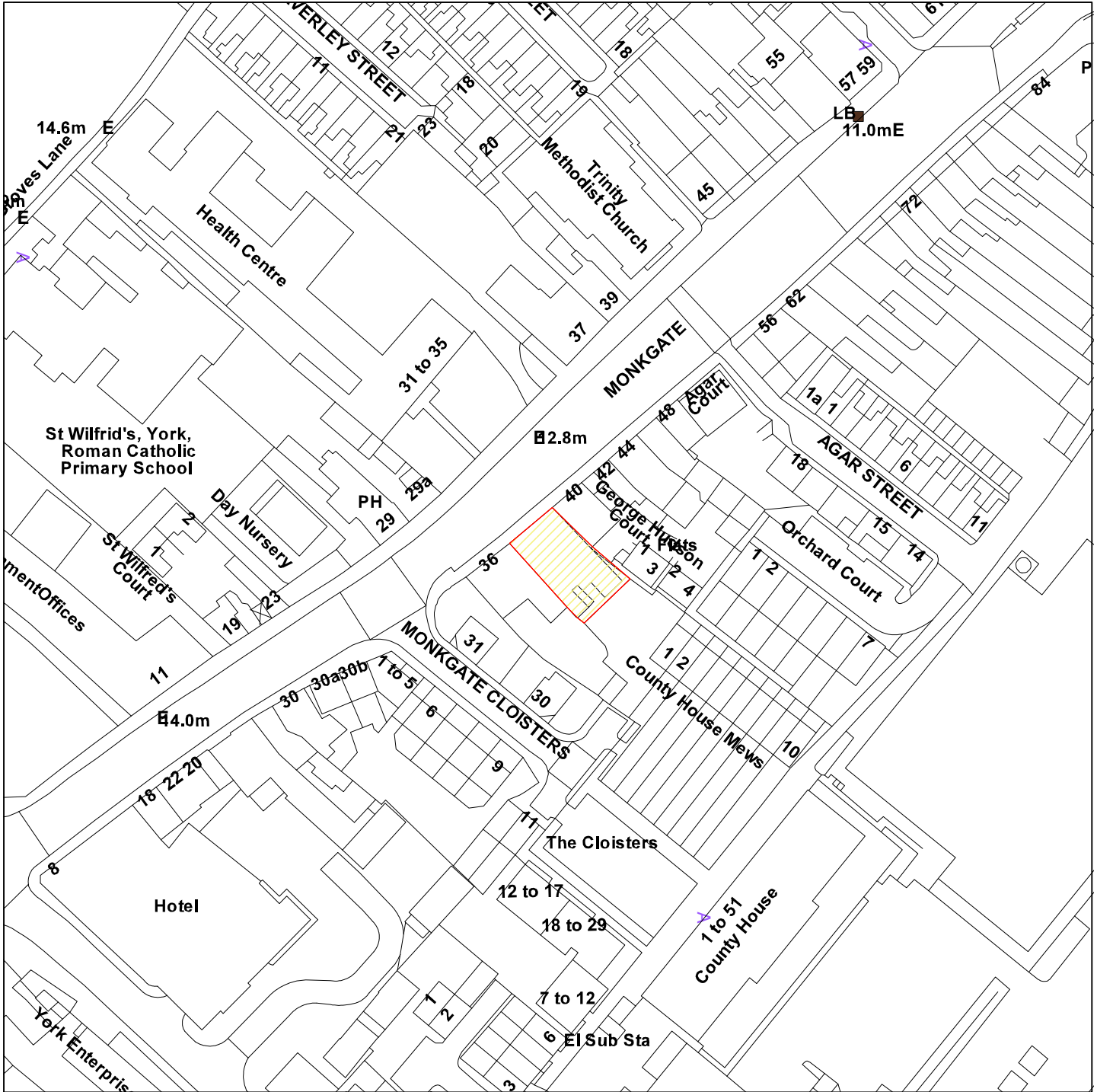
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Middleton House



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