

COMMITTEE REPORT

Date: 3 December 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/00824/LBC
Application at: 38 Clarence Street York YO31 7EW
For: Demolition of the existing curtilage building and the erection of two storey building
By: Miss Anita Sharma
Application Type: Listed Building Consent
Target Date: 9 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks listed building consent for the demolition of an existing curtilage to the rear of 38 Clarence Street to allow for the erection of a dwelling.

1.2 The property is Grade II listed with its adjoined neighbour at 36 Clarence Street. The property was constructed c1845 and altered during the 20th Century.

1.3 The application should be read in conjunction with 15/00822/FUL. The application has been called to committee by Councillor Looker on the grounds that there has been previous backland development and concerns are raised in connection with the impact of traffic and parking in narrow streets already under some pressure from local parking needs.

PROPERTY HISTORY

7/05/5548/PA and 7/05/5548A/LB - Single storey rear extension forming kitchen and conservatory and dormer extension to form enlarged bedroom - Approve 18.07.1985

00/02602/FUL and 00/02625/LBC - Erection of 2x flat roof dormers to front and rear - Approved 23.01.2001

7/005/05548B/FUL and 7/005/05548C/LBC - Single storey pitched roof detached toolshed at rear - 08.12.1994

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Listed Buildings Grade 2; 38 Clarence Street York YO3 7EW 0535

2.2 Policies: CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 The site forms a pair of listed buildings with the neighbour at 36 Clarence Street. The rear elevations have been altered and rebuilt. Neighbouring sites have been developed. As such it would be consistent to permit a separate dwelling in the rear of the plot given the immediate context.

3.2 The original application took reference from the current scheme at number 40 Clarence Street. However, this property is not listed and it was considered that the scheme would be over-dominant and negatively affect the setting of the listed building.

3.3 Revised plans have been submitted which indicate a reduced height. This is more diminutive in scale with the roof dropping to the boundary walls which reinforces the original plot boundary and shape. The building appears more subservient in relation to the listed building rather than looking like a separate house.

EXTERNAL

Guildhall Planning Panel

3.4 Object on the grounds of over development

Neighbours Notification/Publicity

3.5 No comments received

4.0 APPRAISAL

4.1 Key Issue

- Impact on special architectural or historic interest of the Listed Building

4.2 The National Planning Policy Framework (NPPF) Chapter 12, Paragraph 132 states that 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.

4.3 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990 states that Local Planning Authorities '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.'

4.5 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

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

ASSESSMENT

4.7 The general duty with respect to considering whether to grant listed building consent is contained in Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This 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.

SCHEME

4.8 The application seeks consent for the demolition of the existing curtilage building and the erection of a property to be used as a House in Multiple Occupation. An assessment of the proposed property is included in the report for the planning application (15/00822/FUL).

SITE

4.9 The property is Grade II listed with its adjoined neighbour at 36 Clarence Street. The property was constructed c1845 and altered during the 20th Century. It sits within a row of terrace properties, all of which incorporate long narrow plots which back onto Brook Street. To the rear of the site is a single storey detached structure which serves as a garden store and was granted planning permission and listed building consent in 1994. It is brick built and incorporates timber doors to the front elevation and windows and a timber door to the rear elevation.

DEMOLITION OF EXISTING CURTILAGE BUILDING

4.10 The existing curtilage building sits comfortably within the site and has a subservient relationship with the main building it is of limited interest. There is limited detailing to the structure and whilst the windows are of timber construction they are in need of repair. It is considered that the building does not contribute to the setting of the listed building. Due to the relatively recent construction of the out building it is considered that the loss of the building would not harm the significance of the listed building.

SETTING OF THE LISTED BUILDING

4.11 The setting of the listed building has been eroded by the existing hardstanding and the existing outbuilding which mask the rear elevation of the host dwelling. The back of the terrace, that includes the application site, is generally already quite altered, and rebuilt, with a general lower integrity of original features and lower standard of construction than the front. As such the development to the rear of the site would not result in any features of special architectural or historic interest being lost.

4.12 The proposed dwelling is small scale and as such would not be a dominant or intrusive feature in relation to number 38, to which it would have a subservient relationship. The dwelling would be built up to the existing boundary walls of the site. They would still be visible from Brook Street retaining the setting of the listed building and the linear character of the plot.

4.13 The proposed property at this location sits comfortably with the host buildings and it is considered that it would not harm the special interest of the listed building or its setting as a result and as such is in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.0 CONCLUSION

5.1 Under s.16 (2) of the Act 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. It is considered that the demolition of the existing curtilage structure and the erection of the new dwelling would not result in harm to the special interest of the building or its setting. The application therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, advice contained within paragraph 132 of the National Planning Policy Framework and policy H4 of the draft Development Control Local Plan.

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 other submitted details:-

Block plan and drawing number 15/016/01A received 26th October 2015 and drawing number 15/016/02B received 23rd November 2015

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

3 VISQ8 Samples of exterior materials to be app

4 Prior to their installation details of all rooflights shall be submitted and the works shall be implemented in accordance with the details as approved by the local planning authority. All rooflights shall be flush fitting.

Reason: So that the Local Planning Authority may be satisfied with these details in order to protect the special visual, architectural and historic interest of the listed building.

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to their construction/installation and the works shall be carried out in accordance with the approved details.

1:5 cross section of window and cill
1:1 cross section of the window joinery
Detail of the brickwork over the window

Reason: So that the Local Planning Authority may be satisfied with these details

6 Prior to installation details of the hereby approve security gate and front door shall be submitted to and approved by the local planning authority.

Reason: So that the Local Planning Authority may be satisfied with these details in order to protect the special visual, architectural and historic interest of the listed building.

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