

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 16 September 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01548/LBC
Application at: 40 Goodramgate York YO1 7LF
For: Construction of brick walls and brick kitchen flue, installation of replacement timber sliding sash-type door in existing opening, retention of timber decking
By: Mr Simon Evans
Application Type: Listed Building Consent
Target Date: 4 September 2008

1.0 PROPOSAL

1.1 This is a related application for Listed Building consent for the previous item on the agenda (LPA Ref. 08/01546/FUL).

1.2 See previous report for the details of the site and proposal.

1.3 This application is presented to the Members of the West/ Centre Planning Sub-Committee for a determination at the request of Councillor Janet Looker as the application raises matters that are of some interest to a number of businesses in the area in the light of new smoking legislation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; 40 Goodramgate York YO1 2LF 0759

Listed Buildings Grade 2; 42 Goodramgate 0760

2.2 Policies:

CYHE4
Listed Buildings

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL

3.1 DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT- Objections to the works

EXTERNAL

3.2 GUILDHALL PLANNING PANEL- No objections

The application was appropriately advertised by site notice, press advertisement and letters to neighbours and no representation have been received as a result of this publicity.

4.0 APPRAISAL

KEY ISSUES

- Impact on the character and amenity of the Listed Building

POLICY CONTEXT

4.1 PLANNING POLICY STATEMENT 1 "Planning for Sustainable Development" aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 Central Government advice in relation to listed building control is contained within PLANNING POLICY GUIDANCE NOTE NO. 15 : "Planning and the Historic Environment" (PPG15). This states that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses".

4.3 POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the

building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

4.4 POLICY GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.

ASSESSMENT

4.5 Members are advised of the Planning Inspector's decision regarding the unauthorised works to the listed building. He clearly states in para. 16 that-

"nothing less than the total removal of the first floor patio, fencing, kitchen flue and access door to the patio would overcome the harm to the character of the listed building..". In addition, the existing internal steps that are attached to the listed building would not be necessary if the patio was removed and therefore should be removed. The applicant is also required to restore the access door with a new window of a similar design to the window that was removed.

This application seeks to address the issues raised by the Planning Inspector in the following revised proposals.

4.6 DOOR- In response to the Inspector's decision on the recent appeal, the proposed door has been designed to have the appearance of the previous sash window that would function as a door to the terrace. It is proposed that the existing side-hinged single flush unit divided into four panes window/door to the rear terrace would revert to a timber, staggered (but fixed leaves) window door in its previous glazing format. By virtue of it not being an actual working sash window and being used as an access to a roof terrace, the proposal would alter the character of the listed building. Although the removed window was original to the building it was a traditional timber sliding sash in character with the building. There is no evidence that this building had a door opening in this location, and the installation and use of a door at first floor level would be at odds with the character of the rear elevation and the internal character of the room.

4.7 BRICK WALL- The installation of a boundary treatment at first floor level is required in order for the rear terrace to function as a smoking area/ extension to the existing use. The agent now proposes to replace the existing 2 metre lap panel fences with a 1.3 metre wall in clamp bricks. Whilst the proposed brick wall may visually improve the domestic appearance of the existing fence, the wall would be visually intrusive and unsympathetic to the character of the rear elevation. The rear elevation dates to the late C17 and the enclosure of its rear gable and creation of a roof terrace at first floor level would be wholly uncharacteristic of the age and the type of building. The boundary treatment would obscure the majority of the first floor, and the rear window would no longer be seen in its context on the building. The wall would interrupt the building's relationship with the neighbouring properties and would change its context and setting in a negative way. The installation of this boundary

treatment would be harmful to the character and special interest of this building and would be unacceptable.

4.8 BRICK FLUE- The original metal flue was replaced in 2005 by a wider and higher metal flue (150mm wide and 2.2 m high). It has been painted red to blend in with adjacent roof tiles. The applicant proposes to remove this flue and replace it with a 2.4m high brick flue in the same location that would be 600mm square. As the building has an approved restaurant use it is appreciated that a flue in some form is necessary. Whilst a flue in this location is unusual, there are advantages that it would be located in a modern extension and away from the main listed building itself. The proposed flue would take the form of a brick built chimney that would blend into the area given the local vernacular of this backland area. The area is generally obscured from the wider public realm by the smoking provision at the Cross Keys public house.

4.9 The Environmental Protection Unit has been asked whether the height and circumference of the proposed flue is necessary to meet their requirements as it would larger and higher than the existing unauthorised flue. The existing flue is sited in a corner of the roof terrace exiting through the roof of the modern kitchen extension. It is intended that the flue would be built to a height of 2.6m to better satisfy the requirements of the Environmental Protection Unit as the department advises that in general flues should extend 1 metre beyond the eaves level of the property and should not have a cowl fitted to ensure that fumes are emitted at high level to ensure that the amenity of any neighbours would not be compromised by extraction fumes and odour. Following a recent site inspection, the Environment Protection Officer advises that the increase in height and the open location would allow for better dispersal of cooking odours. There are other flues visible at the rear of Goodramgate, and on balance, it is possible that the proposed larger and higher flue would not be unduly intrusive or uncharacteristic in this part of the conservation area.

4.10 The combined visual impact of the unlawful alterations on the Listed Building was clearly not supported by the Planning Inspector in the recent appeal decision. The rear roof patio has a modern domestic appearance that would detract from the traditional character and special interest of the Listed Building contrary to Policies GP1 and HE4 of the Local Plan and related national guidance in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment. ".

5.0 CONCLUSION

5.1 There is no officer support for this application given the strength of the recent appeal decision in relation to the retention of the unauthorised patio, timber fencing to the boundary, enlarged flue, and alteration of a window to a door on the rear elevation of the listed building. The proposed revisions to the component works would have limited success in overcoming the major concerns outlined above. In addition, the business arguments put forward by the applicant would not outweigh or justify the harm to the listed building. The very use of the roof terrace at first floor level, combined with the visual enclosure of the rear gable and the functional paraphernalia installed would negatively impact upon the character and special

interest of the listed building contrary to the planning policies outlined above and national planning guidance contained in Planning Policy Guidance Note No.15 which requires that development proposals respect or enhance the special historic interest and visual amenity of the listed building. It is recommended that listed building consent is not granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the first floor patio, brick walling, and enlarged flue would create visible additions to the listed building and combined with the prominence of the modern additions and the incongruous domestic nature of the terrace as a high level amenity area use would detract from the special historic and visual interest of the listed building. Thus the proposal conflicts with Policy GP1(a) and HE4 of the City of York Development Control Local Plan (Incorporating the Proposed 4th Set of Changes) and national planning guidance as contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment " which states that development proposals will be expected to respect or enhance the special interests of listed buildings.

7.0 INFORMATIVES:

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