

## 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.

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.

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