

18/01842/FUL

Applicant Mr And Mrs D Williams

Location The Old School House Gotham Road Kingston On Soar Nottinghamshire NG11 0DE

Proposal Demolition of 5no. timber sheds and erection of car port/tractor store with games room over.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application site forms the curtilage of the grade II Listed building, The Old Schoolhouse. The site is located outside of the village core, approximately 250m north of Kingston On Soar, to the east side of Gotham Road. The site is, therefore, considered to be in the countryside and located within the Nottingham-Derby Greenbelt. The site abuts the Grade II Listed Kingston Park Pleasure Gardens that form part of the grounds to the Grade II Listed Kingston Hall.
2. The building (the Old School House) dates from 1848 and is Grade II listed with its significance derived from its use as the village school and masters house built for Lord Belper. The building was converted to a dwelling in the 1970's. Through its use as a domestic dwelling, a number of non-historic outbuildings have been constructed within the curtilage of the building which have not had the benefit of planning permission, however, evidence suggests that the buildings have been in situ for in excess of 4 years and potentially prior to the building being listed in 2001.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the removal of five domestic timber outbuildings, which are proposed to be replaced with a car port and store with games room above. The proposed cart lodge building is to be sited to the northern side of the listed building beyond the existing parking area. The proposed building footprint would measure 60 square meters with a games room within the roof space at first floor. The building is proposed to measure 5.8m to the ridge and 2.7m to the eaves, of partially open fronted design, externally faced in timber cladding with a slate roof. The proposal includes the provision of three dormer windows to the rear (east) elevation.

SITE HISTORY

4. 03/00256/FUL and 03/00257/LBC - Single storey rear extension (approved)
5. 13/00075/CLUExD - Siting of a temporary mobile "portacabin" on the land edged on Plan 1 attached to the application for use in connection with the keeping of pigs or other livestock such as chickens and sheep, for the storage and preparation of feed for such livestock, which are kept or graze on the land shown edged black delineated as The Old School on Plan 3 to the

statutory declaration, and for the storage and maintenance of equipment used for such land. The Certificate of Lawfulness was refused and subsequently dismissed at appeal.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Walker) has carefully considered the application, and, on balance, objects to the proposal. He objects on the basis of the strength of feeling in the local community that the development would not be in keeping with, and will have an adverse impact on the immediate surroundings. He acknowledges the views of the Design and Conservation Officer, however, he is of the view that objectors should be able to present their views to the Planning Committee for additional scrutiny should they wish to in the event that the application is heard before members.

Town/Parish Council

7. Kingston On Soar Parish Council objects to the application due to the size and scale of the building being inappropriate for the area and within close proximity to a grade II Listed building. There is also concern that the plans do not detail the position of trees within the site which could be affected by the proposed development. The Parish Council states that they do not fundamentally oppose a structure on the site to satisfy the applicant's requirements, but would like their concerns to be taken into account.

Statutory and Other Consultees

8. Rushcliffe Borough Council Conservation Officer states that the proposal is for a timber clad and timber framed building. The materials would be lightweight giving the building a subservient character and would ensure it could not be mistaken as part of the historic function of the site as a school. As such he considered the impact of the proposal would be modest and largely neutral and would not consider the proposal to have an adverse impact upon the settings of nearby heritage assets, including the old school itself and Kingston Hall to the northeast. The proposal would, therefore, 'preserve' the special architectural and historic significance of listed buildings insofar as their settings contribute towards that significance as is described as a 'desirable' objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. Rushcliffe Borough Council Tree and Landscape Officer states that he doesn't have any concerns about the proximity of the building to adjacent trees. All the adjacent trees are shown to be retained and would provide a pleasant back drop to the new building. The nearest tree is a twin stem Walnut, (T1 on the tree plan). This tree has a root protection area of 3.2m and would be approximately 4m from the new building so the risk of root damage is low. The canopy would be close to the new building and it might need fencing off during the construction period to protect it, and a tree protection condition may be prudent. If branches needed to be pruned back and construction access required, ground boards should be laid to prevent the ground being compacted. To the rear of the proposed building is a Yew, T2, the building may extend into the root protection area of this tree by 0.8m,

this isn't significant as the building would be constructed in an area of gravel hardstanding and the rest of the tree's root protection area is unsurfaced ground and he believes it would tolerate any changes to its immediate environment. Also to the rear of the building to be constructed is a medium sized Cedar tree, the building would not encroach into its root protection area and there is no risk to the tree.

Local Residents and the General Public

10. 26 representations objecting to the application have been received from raising the following concerns:
 - a. Harm to the setting of Listed Buildings.
 - b. Harm to setting of Kingston Hall Gardens.
 - c. Inappropriate development in the Greenbelt.
 - d. Intensification of use of poor access.
 - e. Easily converted to an independent dwelling.
 - f. Disproportionate in size to the main house.
 - g. Poor choice of materials.
 - h. Safety concern for children during construction.
 - i. Insufficient heritage assessment.
 - j. Impact on trees.

11. 10 representations have been received supporting the application for the following reasons:
 - a. The scheme is Architect led and complies with all Rushcliffe policies.
 - b. Good project which enhances the location.
 - c. This is a well-designed single storey building in which it is sensible to utilise the roof space.
 - d. Comparable development approved elsewhere.
 - e. The proposed building is set back from the road, beyond The Old School and screened by trees.

PLANNING POLICY

12. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.

13. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
14. Any decision should, therefore, be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

15. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with an up-to-date development plan without delay; or 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:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
16. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that *“planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users”*. Paragraph 130 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
17. As the site falls within the Green Belt, the proposal falls to be considered under section 13 of the NPPF (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions. Paragraphs 145 and 146 include a ‘closed’ list of the types of development which should be regarded as not inappropriate within the Green Belt.
18. In relation to conserving and enhancing the historic environment Section 16 of the NPPF requires that applicants *“describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more*

than is sufficient to understand the potential impact of the proposal on their significance". The Local Planning authority also has a duty under Paragraph 190 to "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." The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In accordance with paragraph 196, "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."

19. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to desirability of preserving Listed Buildings and their settings.

Relevant Local Planning Policies and Guidance

20. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
21. The site falls within the Green Belt as defined by policy ENV15 of the 1996 Local Plan. None of the other saved Local Plan policies are relevant in the determination of the application.
22. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. The scale, density, height, massing, design, layout and materials of the proposals should be sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. The proposal also falls to be considered under Green Belt policies EN14 and EN19.

APPRAISAL

23. The key issues to consider in determining this application are whether the proposal would be an acceptable form of development in the Green Belt, the impact on heritage assets and amenity and highway safety issues.

24. The NPPF sets out in paragraph 145 that construction of new buildings in the Green Belt should be regarded as inappropriate, and goes on to list some exceptions to this. One of the exceptions listed is; *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”*
25. Case law surrounding extensions and outbuildings in the Green Belt includes some examples whereby outbuildings are sufficiently closely related to the main dwelling to be regarded as tantamount to extensions and, therefore, to fall within this exception category referred to above.
26. In this case, it is considered that the proposed development would be sufficiently closely related to the main property to be considered as an ‘extension’ for the purposes of Green Belt policy.
27. In determining whether an extension in the Green Belt is disproportionate, the Borough Council’s usual informal guidance is that extensions/additions should not result in an increase significantly greater than 50% over and above the original building, in terms of volume/cubic content and footprint, although a judgement must be made with regard to the specific circumstances of the case. A single storey rear extension has previously been approved at the site, but the size and scale of this would not exceed 50% of the original building.
28. In considering the current application, it is noted that the proposal involves the removal of existing outbuildings, which would offset the building of the proposed car port/tractor store in terms of volume of built development at the site. The scale of the proposed car port would be relatively modest within the context of the host dwelling, the surrounding grounds and landscaped setting. In view of this, the close proximity to the main house and the additional offsetting by removal of existing buildings within the site, it is considered that there would be no significant adverse impact on the openness of the Green Belt. It is recommended that the removal of the existing outbuilding take place prior to the commencement of development, and this should be secured by way of a planning condition.
29. The building is to be timber framed and externally faced in timber with a slate roof covering similar to that of the main house. The design is considered to be lightweight in its construction and appearance and the pitch of the roof is sufficiently steep to be of a more traditional character and form and, therefore, more appropriate within the setting of the Listed Building. Dormer windows are proposed on the rear elevation only and, therefore, would be less prominent and the building as glimpsed from the public highway would appear a simplistic ancillary structure of bucolic form and style which does not compete in style or status with the Listed building and host dwelling. Full details or samples of the external materials to be used in the construction would be required by planning condition prior to the development proceeding beyond foundation level.
30. Legislation and policy adopt slightly different language in respect to how to address the protection of listed buildings. The Planning (Listed Buildings and Conservation Areas) Act 1990 speaks of it being desirable to ‘preserve’ listed buildings, their settings and features of special significance whilst the NPPF speaks of it being desirable to avoid causing harm to heritage assets (which

include listed buildings and their settings amongst other heritage designations).

31. Legal judgements have established that to 'preserve' as used in the 1990 Act is correctly interpreted as 'to cause no harm to'. Anything which causes harm, regardless of how minor that harm may be, must also fail to 'preserve' and anything which succeeds in 'preserving' must, conversely, result in no harm. It is the view of officers that the proposal overall has a neutral impact on listed buildings as heritage assets, including via impact upon their settings, thus preserving listed buildings, their settings and features as advocated in section 66 of the 1990 Act and causing no harm to them or their settings as heritage assets as advocated within the NPPF. The tests outlined in paragraphs 195 and 196 of the NPPF specifically apply in cases where a proposal results in harm (either substantial harm in the case of paragraph 195, or less than substantial harm in the case of paragraph 196) to heritage assets and as such would not apply in respect of the officers recommendation in the case of this application.
32. In view of the siting and scale of the proposed building and distance from neighbouring and nearby properties, it is considered that there would be no significant adverse impact on residential amenity.
33. Objections have been raised on grounds that the site is constrained by a poor vehicular access with limited visibility. Whilst the proposal may result in an intensification of the use of the access during construction, it cannot be conceived that the development would increase the use of the existing access beyond the construction phase and, therefore, it would be unreasonable to refuse the application on grounds of highway safety.
34. Concerns have been raised by members of the public that the building proposed could be used as a separate dwelling and could prejudice the outcome of any future planning application for a change of use to an independent residential unit. The application before the committee is for an ancillary cart lodge and games room. The submitted plans do not detail any kitchen or bathroom facilities that would allow for the building to be used as habitable accommodation. Furthermore, the local planning authority can only consider the application before them at the time of determination. Conversion of the building to an independent dwelling would constitute a change of use and sub-division of the planning unit and as such would require planning permission. Should any such planning application be submitted in the future for a separate residential development, it would be considered at that time on its merits and in respect of local and national planning policies at that time. For the purposes of clarity it is recommended to include a condition on any permission granted to restrict the use of the building for ancillary purposes incidental to the enjoyment of The Old School as the principal dwelling.
35. In conclusion, it is considered that the proposed building is well related to the main house in terms of its position and sufficiently recessive in scale to the host dwelling and its grounds as to not cause harm to the setting of the Listed buildings (The Old School or Kingston Hall and its grounds) or detract from the openness of the Greenbelt. It is not considered that the use or development would be any cause of harm to residential amenity. Whilst the concerns raised in letters of representations from local people are acknowledged, it is not considered that such reasons could substantiate a

robust reason for refusal of planning permission. The application, is therefore, recommended for approval.

36. The proposal was subject to pre-application discussions with the applicant/agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004]

2. The development hereby permitted shall be carried out in accordance with the plans ref:

Elevations and floor plan 18/09-04 and 18/09-05 received on 2nd August 2018
Site layout and roof plan 18-09-06A received on 9th August 2018
Site location plan 18-09-06B received on 22nd October 2018

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. Prior to construction of the building hereby permitted proceeding beyond foundation level, details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) and with policy EN4 (Listed Buildings) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The existing building/structures as shown numbered 1-5 on the site/roof plan 18-09-06A received on 9th August 2018 shall be removed from the site within 28 days of first commencement of the development hereby approved.

[For the avoidance of doubt and to comply with GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

5. The outbuilding hereby permitted shall be used incidental and ancillary to the main dwelling, The Old School House, and shall not be used or let as a separate residential unit or for any other purposes.

[To clarify the extent of the permission and to comply with policies GP2 (Design and Amenity Criteria) and of the Rushcliffe Borough Non-Statutory Replacement Local Plan]