

**Application No:** 11/3899N

**Location:** 52, PILLORY STREET, NANTWICH, CHESHIRE, CW5 5BG

**Proposal:** To Erect Two Storey Extension at Rear to Provide Staff Facilities for the Ground Floor Retail Unit and to Convert the First Floor into a Self-Contained Flat

**Applicant:** Mrs V Solan, c/o KDP Architects

**Expiry Date:** 23-Dec-2011

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

Principle

Effect on the character and appearance of the Grade II Listed Building and the Conservation Area

Amenity

#### **REASON FOR REFERRAL**

The application was 'called in' to committee by Cllr Groves for the following reason:

*The owner of no. 54 Pillory Street is concerned that the Application proposed is "un-neighbourly, overbearing, cramped and unsympathetic to the building, which is proposed to be extended."*

*The owner of no. 54 is "also concerned that it would be detrimental to the character and appearance of a LISTED building, which is situated within the Conservation Area of Nantwich."*

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is an end of row property with a retail frontage at ground floor level along Pillory Street. The property is part of a Grade II Listed row of properties, with the remainder being in residential use. To the rear some dwellings have been altered and extended, with the neighbouring properties number 54 and 56 having two storey rear flat roof extensions, similar to that proposed on the application site. A dental practice adjoins the site to the rear with a public car park beyond.

The listing description is described below:

List entry Number: 1039564

Listing NGR: SJ6519252143

Location

52-62, PILLORY STREET

Grade: II

Date first listed: 01-Mar-1974

Details

PILLORY STREET (West Side) Nos 52 to 62 (even)

A row of 6 late C18 - early C19 cottages. Red brick; 2 storeys; 12 restored casement windows; 5 restored simple wood doorcases with shallow pediments and 6-panelled doors; gabled ends; dentilled eaves; slates. No 52 has C19-C20 shop fronts with modern glazing. Undergoing extensive restoration when inspected 1972.

## **DETAILS OF PROPOSAL**

The application proposes a flat roof two storey extension to the rear of the property. This would project 2.9 metres with a height of 5.6 metres. An additional single storey element is provided at ground floor level to accommodate a WC. A new window is also proposed to the side elevation of the building. Self-contained residential accommodation would be provided to the first floor.

## **RELEVANT HISTORY**

4/3/1784 Change of use two rooms dress-makers premises to stock rooms (Approved 1970)

4/3/1420 proposed car park at rear (Approved 1966)

## **POLICIES**

### **Regional Spatial Strategy (NW)**

DP7 Promote Environmental Quality

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

BE1 (Amenity)

BE2 (Design)

BE7 Conservation Areas)

BE9 (Listed Buildings: Alterations and Extensions)

## **Other Material Considerations**

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

## **CONSULTATIONS (External to Planning)**

### **Archaeology:**

No objection subject to the following conditions:

- (i) That the applicant shall provide seven days written notice of the commencement of work to the Development Control Archaeologist, Archaeology Planning Advisory Service Cheshire Shared Services, the Forum, Chester, CH1 2HS. Tel: [01244] 973289).
- (ii) That the applicant shall provide access during reasonable hours to the Development Control Archaeologist, Archaeology Planning Advisory Service for the purpose of observing and recording the work.

### **Environmental Health:**

No objections.

## **VIEWS OF NANTWICH TOWN COUNCIL**

No comment made.

## **OTHER REPRESENTATIONS**

An objection has been received from the adjoining residential property number 54 pillory Street. In summary, the objection details Local Plan policies BE1 (Amenity), BE2 (Design), BE7 Conservation Areas), and BE9 (Listed Buildings: Alterations and Extensions) and raises the following issues:

- The Design and Access Statement does not refer to the fact that the application premises are Grade II Listed.
- No application for Listed Building Consent has been submitted.
- The application refers to a precedent set in the row of properties – The two storey extension at number 54 was negotiated to be a flat roof construction by the Local Planning Authority at the time event though a pitched roof was initially proposed. The two storey extension at 56 Pillory Street does not appear to have a planning history, and a more recent Officer's report details this as being an 'unsympathetic extension'.
- To revisit the mistakes of the past by allowing them to be repeated now would be to abdicate responsibility for ensuring the proper control of development and protection of the historic built environment in the interests of the community. A proliferation of flat roofs at second storey level would not enhance this part of the Nantwich Conservation Area or views into or out of it.
- The Council now has the 'Extensions and Householder Development' SPD which was not in force in 2006 when permission was granted at number 54 for a two storey flat roof extension.
- The proposed extension is not visually subordinate to the host structure and nor does it reflect the scale, form and character of that building.
- The junction between the proposed flat roof and the existing pitched roof would appear clumsy and the impression would be of a "box" shape tacked onto the rear of the building. This would appear unsympathetic to the listed building and the proposal would obliterate the dentil course at eaves level referred to in the listing.

- The proposal is considered to be contrary to Policies BE. 2, BE.7 and BE.9
- The siting of the proposed extension is such that according to the drawing of the proposed rear elevation submitted with the planning application its southerly wall, associated foundations and fascia board would extend over the boundary line drawn on the plan and onto my client's property. If this is the case then the application is accompanied by the incorrect ownership certification. Certificate B rather than A should have been completed and appropriate formal notice served upon the landowner.
- The siting and massing of the proposed extension will dominate the rear garden of number 54 Pillory Street and significantly reduce the view of the sky from the sitting out area contained within it.
- It is important to note that in addition to the proposed extension now under consideration number 54 could well be faced with the construction of an extension to the south side of the dentist's surgery situated to the rear of number 52 Pillory Street. This single storey extension, which received planning permission under reference 11/2467N in September 2010 would be built on what was the garden of number 52 Pillory Street immediately alongside the garden fence.
- The current proposal would add a two storey high blank brick wall immediately on the boundary of the site with number 54 and an unattractive utilitarian rear elevation overlooking the fence towards the rear garden at close quarters.
- The massing of the proposed extension would be overbearing and un-neighbourly. If the approved single storey extension to the dentist's surgery is also built, then the impact will be that the garden to number 54 will become even more enclosed by buildings and the sense of visual intrusion will become even more unacceptable.
- It is considered that the scale and massing of the proposed extension would not enhance the built environment, nor would the proposals respect the pattern, character and form of the surroundings. The proposals on this basis alone are therefore contrary to the provisions of Policy BE.2
- The intended parking provision is depicted on the plan of the proposed ground floor arrangements. Provision is made for one modest size car to be parked outside on the yard area which is left between the rear elevation of the proposed extension and the easterly gable end of the dental surgery. This would be positioned on the only area of open space left within the curtilage of the property, leaving no usable area for outdoor amenity for the residents of the proposed first floor flat. So restricted would be the space available for the vehicle to park, the submitted drawings of the extension show one corner of the proposed extension cantilevered out at first floor level over the parking area.
- It is impossible to gain any access from the public highway to the proposed parking space due to bollards and also from the public car park to the rear. The parking space would therefore be entirely unusable and even if these problems were resolved it is difficult to imagine how this could be practical or safe.
- On street parking on Pillory Street in the vicinity of the application premises is prohibited. Reliance would therefore have to be placed on parking within public car parks. There is no provision made for staff parking for those working at the shop at present and none would be possible as part of the scheme proposed.
- The proposed extension is shown as having a bedroom window in the rear elevation at first floor level directly overlooking the garden of number 54 and sitting out area at an approximate distance of only 2.5 metres from the boundary. This loss of privacy is unacceptable and contravenes the requirements of Policy BE. 1

- With regard to noise and disturbance, the proposals introduce a residential use at first floor where previously there has been no such use; just a staff facility for use during shop opening hours and storage for merchandise to be retailed from the shop downstairs. It is expected that, as is normally the practice in such situations, were planning permission to be granted for the proposals conditions would be imposed by the planning authority requiring the submission, approval and implementation of a scheme of soundproofing to reduce sound transmission from the flat through the party wall to number 54.
- In terms of the level of residential amenity for the prospective occupants of the proposed flat this would be compromised by a lack of on-site parking, extremely limited private open space and poor outlook from the window to the proposed kitchen in particular. The Council's Supplementary Planning Document (SPD) on Extensions and Householder Development states that a minimum level of private open space following the construction of an extension would be one which can accommodate all the following basic amenities:- a washing line, a parking area, a garden shed, bin storage, an area for sitting out and children's play area. The proposed flat is depicted as having two double sized bedrooms so it would be unreasonable to discount the possibility of children living there. Most of the garden which served the application property was relatively recently disposed of in order to enable the single storey extension to the adjoining dental surgery to be built on it. It is not surprising to find that the residual area of private open space available to serve the proposed flat is deficient by any modern day standards. The proposal also therefore fails for these reasons to meet the requirements of Policy BE1
- the proposals if implemented would result in an extremely high proportion of the property curtilage being occupied by built form
- The development is oppressive and cramped in appearance and would be overbearing when viewed from the neighbouring residential property. Certainly this is not an appropriate form of development for a Conservation Area or one which is suitable in terms of its impact upon a listed building and its setting.
- The inability of the applicants to provide even a basic level of landscaping within the curtilage is further evidence of the congested nature of the yard area and of the extent of the overdevelopment of the site which is proposed.
- Because the application property is listed as being of special architectural or historic interest further information should have been submitted with the application in the form of a Heritage Statement. No such statement appears on the Council's website.
- the Council's validation requirements indicate that where a proposal includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving a pre-1914 building with gable ends or slate roofs, regardless of location the application should be accompanied by a Protected Species Report in relation to Bats. The proposal does involve works to the roof of the existing pitched roof because it will have to be opened up to join the flat roof on to it. As the building is pre-1914 (described as late C18 early C19 in the listing document), and it has a gable and a slated roof it appears that a Protected Species Report is required. No such report appears on the Council's website.
- The Council's validation requirements also require that either by way of a separate document or inclusion within the Design and Access Statement issues of climate change are addressed in accordance with the policy objectives of PPS 1. No such assessment of the proposals appears to have been carried out.

- The proposed development would be un-neighbourly, overbearing, visually intrusive, unsympathetic to the character and appearance of the listed building and Conservation Area and would fail to enhance or harmonise with the built environment and pattern of development in the locality. The proposals would lead to an unacceptable degree of harm to the level of residential amenity which she is reasonably entitled to expect and would fail to provide an acceptable level of residential amenity for the future occupants of the proposed first floor flat. The development would therefore be contrary to the provisions of policies BE.1, BE.2, BE.7, and BE.9

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle issues surrounding the determination of this application is whether or not the proposal accords with the provisions of Local Plan policies BE1 (Amenity), BE2 (Design), BE9 (Listed Buildings: Alterations and Extensions) and BE7 Conservation Areas). In summary these policies seek to ensure, amongst other things, that proposal have an acceptable impact on neighbouring residential amenity; and respect the character and appearance of the building, its setting and the conservation area.

### **Design**

The application seeks a two storey flat roof extension to the rear of the property. Whilst flat roof extensions would not normally be encouraged, the application site is characterised as a row of Grade II Listed properties and not a single building in isolation. Two properties within the row, numbers 54 and 56, both have two storey flat roof extensions to the rear. The proposal would be adjacent to these existing extensions, and would therefore be seen in this context which would result in a uniformed approach to the rear elevation. It is considered that an alternative design would highlight the various forms of development and have a negative relationship with existing development, thereby being more detrimental to the character and appearance of the row. This view is consistent with the opinion of the Council's Conservation Officer and advice given during pre-application discussions with the applicant. The scale of the extension would be similar to that of number 54, and would not dominate the whole of the rear elevation of the premises, thereby appearing as a subordinate addition. In the context of the above and surrounding development, it is considered that the proposal is acceptable in design terms and would harmonise with the building more so than if a different design was proposed. In this regard there would be no adverse impacts on the character and appearance of the Grade II Listed Building; the conservation area; or the streetscene generally, to warrant refusal of the application.

This proposal would be consistent with Local Plan policies BE2 (Design), BE7 Conservation Areas) and BE9 (Listed Buildings: Alterations and Extensions).

### **Amenity**

A key issue in the determination of the application is the impact of the proposal on the neighbouring residential amenity of the adjoining property number 54 Pillory Street. The proposal would be built adjacent to an existing two storey extension within the curtilage of number 54. There would be no further projection beyond this existing extension and therefore would not be overbearing, oppressive or visually intrusive to number 54. When viewed from

the rear garden of number 54 or wider views, the proposal would be seen in its context adjacent to existing forms of development.

A bedroom window is proposed to the rear elevation and given the layout of the garden boundaries to the properties which are generally off-set, it is acknowledged that there would be some overlooking of the garden area of number 54. However when taking the direct line of sight from the window, this would be towards the end of the garden which is enclosed as a private parking area to the residence. This is also typical of the existing situation of the properties situated within the row and as such it is not considered that this would be unduly detrimental to the residential amenity of number 54 to warrant refusal of the application.

The adjacent Dental Surgery has recently received planning permission for a single storey extension to the rear of the premises in proximity to the common boundary with number 54 Pillory Street (Application reference 11/2467N). Given that the permitted extension is single storey and taking into account existing boundary treatments, it was not considered that this would be over bearing or visually intrusive to number 54. The neighbour objection raises that in combination with the approval at the Dental Surgery, the current proposal would further enclose the garden to number 54 and the sense of visual intrusion would be more unacceptable. However as described above, the proposed two storey extension would be sited adjacent to an existing two storey extension at number 54 and would have a similar projection of 2.9 metres from the original rear elevation. Therefore the proposal would not result in a sense of enclosure or visual intrusion to the garden area of this adjoining property (number 54).

In terms of the amenity of future occupiers of the proposed first floor apartment, there is no requirement to provide the levels of private amenity space as contained within the guidance laid out in the Council's 'Extensions and Householder Development'. The proposal is for a self contained flat and not a dwellinghouse and the provision of a garden is not required in this case. Furthermore the site is situated within a town centre location, with local amenities and public open space situated in close proximity. The proposed residential use at first floor level would be compatible with surrounding land uses.

There would be no amenity impacts associated with the window proposed to the side elevation of the premises and there would be no adverse impacts on other adjoining properties, over and above the existing site arrangements.

Taking into account the neighbour objection and having regard to the above, it is not considered that the proposed extension would be unduly detrimental to neighbouring residential amenity. There would be no significant conflict with the provisions of Local Plan policy BE1 (Amenity).

## **Archaeology**

The site of the proposed development lies within Nantwich's Area of Archaeological Potential, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. This is due to its position within the medieval and early post-medieval town, although it is not within that part of the town where deep waterlogged archaeological deposits might be expected. In addition, the development is restricted in extent and has limited potential to seriously disturb any in situ archaeological remains. However in order to ensure archaeological interests,

inspection of the foundation trenches by the Council's Development Control Archaeologist to observe and record the work would be secured by condition.

## **Parking Provision**

It is noted that the proposed plans illustrate parking provision within the site for 1No car. Whilst the proposed parking space may, or may not be accessible, this is not considered to be a pertinent issue of the application. The Local Planning Authority does not require on-site parking as part of this application given its sustainable location within Nantwich Town Centre and access to transport options and public car parks in the immediate vicinity.

## **Other Matters**

### Noise and Disturbance

The neighbour objection specifically refers to the introduction of a residential use at first floor where previously this has been used as a staff facility and storage. The Environmental Health Division have raised no objection to the proposed use and have not requested any noise insulation details. Furthermore this aspect would be covered under separate regulations such as Building Control.

### Landscaping

The application seeks a two storey extension to the rear of an existing property where any additional landscaping to the site is not considered necessary and would be onerous to require such in this instance given the type of development proposed.

### Absence of Bat Surveys

The Council's ecologist advises that a bat survey is not required to determine the application given the limited foraging and commuting habitat in the locality and that roosting bats are unlikely to be present or affected by the proposed development.

### Design & Access Statement

Whilst no Heritage Statement has been submitted, and the Design and Access Statement does not refer to the building being Grade II listed or addresses climate change, it is not considered that the absence of this information would warrant refusal of the application.

### Listed Building Consent

The Local Planning Authority has not received an application for Listed Building Consent for the works; however this can be submitted at a later date and does not impact upon the determination of the planning application.

### Land ownership and Certificates

The neighbour objection asserts that the part of the development would extend on land not owned by the applicant and therefore the correct Certificate should have been signed (B



instead of A) and notice served on number 54. The Local Planning Authority however considers that this does not affect the determination of the application and the ownership dispute would be a civil matter between the interested parties. Furthermore the resident of number 54 is aware of the application and acknowledges in the neighbour objection that this is not a material planning consideration.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Whilst the issues raised in the neighbour objection have been considered within the report, it is regarded that the application seeks an acceptable form of development. The proposed design would provide uniformity to the rear elevation of the Grade II Listed row of properties and would harmonise with the building more so than if a different design was proposed. In this regard the proposal would not be detrimental to the character and appearance of the Grade II Listed Building and its wider setting within the Nantwich Town Centre conservation area. The proposal would not be unduly detrimental to neighbouring residential amenity, having particular regard to the adjoining property number 54 Pillory Street. The application is in accordance with the Development Plan and is therefore recommended for approval accordingly, subject to conditions.

## **RECOMMENDATION: APPROVE subject to the following conditions:**

1. Standard Time
2. Approved Plans
3. Materials to be submitted
4. Rainwater goods – colour and material to match those on existing
5. Fenestration to be set behind reveals
6. Timber windows and doors
7. Specification of mortar mix
8. Brickwork to be constructed with bonding to match the existing building.
9. Archaeology – 7 days written notice of commencement of development and provision of access to the Development Control Archaeologist to observe and record the work.

