

# Planning Committee



Application Address	11 Silver Street Christchurch BH23 1BT
Proposal	Rear extension (part-retrospective application) Amended description.
Application Number	8/21/1179/LB
Applicant	Ms Karin Shipman
Agent	Mr David Cutler
Ward and Ward Member(s)	Christchurch Town Cllr P Hall, Cllr M Cox
Report status	Public
Meeting date	21 April 2022
<b>Summary of Recommendation</b>	Grant, subject to conditions
Reason for Referral to Planning Committee	Call-in request by Cllr P Hall on the basis that it may be contrary to planning policies H12, and HE2.
Case Officer	Alison Underwood

## **Executive Summary**

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

## **Representations received**

2 letters were received objecting to the proposal. A summary of the objections have been provided within the consultation section of the report.

## **Principle of Development**

The proposal is for listed building consent to allow for the extension of the existing dwelling to the rear at ground floor. The property is located within an urban area. The building is listed and within the Christchurch Conservation Area but nonetheless

there is no in-principle objection to the alteration of the building providing due regard is given to the heritage assets in considering the proposals. Overall, the principle of the development is acceptable.

### **Design, Scale and Appearance**

Part-retrospective planning consent is sought for a rear single-storey extension, together with alterations to a pre-existing 1960's flat-roofed extension at the rear of the property, amalgamating the two elements under a new pitched roof to this existing 2-storey terraced cottage. The extension is subservient to the main property and in keeping with its existing scale, form and character. The rear extension will be partially visible from the public realm but is set back from the streetscene.

The scheme has an acceptable impact on the character and appearance of the area.

### **Impact on heritage assets**

The proposals extend the property to the rear. A pitch roof is added to a later unsympathetic flat roof to the rear which is a benefit to the appearance of the listed building. Overall the proposals strike an acceptable balance between providing modern living conditions in an otherwise modest historic cottage, thereby ensuring its ongoing use and the character of the heritage asset. For these reasons the scheme also has an acceptable impact on the wider Conservation Area.

### **Description of Proposal**

1. Part-retrospective Listed Building consent is sought for a rear single-storey extension, together with alterations to a pre-existing 1960's flat-roofed extension at the rear of the property, amalgamating the two elements under a new pitched roof.

### **Description of Site and Surroundings**

2. The application site is occupied by a modest two-storey terraced house forming part of a block of 4 similar dwellings, all of which are Grade II listed (no.'s 9 – 11 Silver Street & 16 Wick Lane). The dwelling is set-back from the road behind an enclosed frontage with small garden. At the rear of the building there is an enclosed courtyard with pedestrian access via a side gate. There is a 1960's flat-roofed, single-storey extension attached to the rear of the dwelling and a flat-roofed conservatory.
3. The statutory listing description for the terrace states the following;

*'Early C19 terrace. Painted brick with modern tiled hipped roof. 2 storeys, 1 window each except No 12, which has additional window in recessed end bay. All windows early C19 style casements, some original some reproduction, cambered head arches to those of ground*

*floor except No 12 ground floor has early C19 square bay with glazing bars; possibly former shop window, modern doors. Nos 2 to 12 (consec) form a group with No 1 Church Lane and with the wall and outbuilding to No 14 Wick Lane (all of local interest except No 1 Church Lane and Nos 9 to 12 Silver Street)'.*

4. The site lies within the Christchurch Central Conservation Area, which encompasses the town centre and is characterised by a diversity of commercial and residential properties of varying age. As part of the terrace group No.11 Silver Street forms a positive contribution to the historic townscape within the Central Conservation Area.

### **Relevant Planning History**

- 8/21/1178/HOU - Rear extension (part-retrospective application) Amended description. Joint application to be considered concurrently with this listed building consent.
  - 8/17/0340/FUL - Erection of a conservatory (Retrospective) – Refused
  - 8/17/0345/LB – Erection of a conservatory (Retrospective) – Refused
  - 8/16/2641/LB - Rear Conservatory Retrospective application) (amended description). Refused.
  - 8/84/0357 - Rear porch extension to dwelling house, Granted.
5. 8/17/3404/HOU was refused for the following reason;

‘The conservatory, by reason of its relation to the host building a designated Heritage Asset, results in a form of development that causes harm to the historic and architectural character of the building. For this reason the proposal is contrary to Policies HE1, HE2 & H12 of the Christchurch and East Dorset Local Plan, Core Strategy, Part 1 and the National Planning Policy Framework, and the NPPF guidelines’.
  6. 8/17/3405/LB was refused for the following reason;

‘The proposed extension, by reason of its design, use of material and size in relation to the historic building, both individually and cumulatively will result in a form of development that causes substantial harm to the historic and architectural character of the listed building, a Designated Heritage Asset. This harm is not outweighed by public benefit. For this reason the proposal fails to conserve the historic significance or provide clear and convincing justification for the harm to the significance of this designated heritage asset contrary to Policies HE1, HE2 and Saved Policy BE14 of the Christchurch and East Dorset Local Plan, Core Strategy, Part 1 and the guidance contained in Paragraphs 128, 132, 133 and 134 of the National Planning Policy Framework’.

### **7. Constraints**

- Listed Buildings - 0.00m

- Conservation Area - 0.00m
- Flood Zone 2 current - 0.00m
- FZ3a 30cc 2093 - 0.00m
- FZ3a 40cc 2133 - 0.00m
- SSSI Impact Risk Zone - 0.00m
- Areas Benefiting from Flood Defences - 0.00m
- Highways Inspected Network - 2.41m
- Heathland 5km Consultation Area - 0.00m
- Airport Safeguarding - 0.00m
- Airport Safeguarding - 0.00m
- Coastal Area (Policy) - 0.00m
- Town Centre Boundary - 0.00m
- Wessex Water Sewer Flooding - 0.00m
- Contaminated Land - Refuse Disposal - 202.01m

### **Public Sector Equalities Duty**

8. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Other relevant duties**

9. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
10. In reaching this decision the Council has had due regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that *“In considering whether to grant planning permission for development which affects a listed building or its setting, 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.”*
11. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that *“with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

## **Consultations**

### **12. BCP Conservation/Heritage**

30.03.22 – in respect of amended plans.

13. Recognises an improvement. Questions why the doors not centred on the ridge of the roof. Would be useful to know what the adjacent materials. The whole elevation should have an unpainted brick lower wall for the glazing to sit on and this would help ground the scheme. The double doors could then have a bottom panels to follow the top of the plinth.

### **11. Christchurch Town Council**

RESOLVED that objection be raised due to the massing and siting of the application, the impact on amenities, and impact on a heritage asset, contrary to policies HE1 and HE2 of the Christchurch and East Dorset Local Plan: Core Strategy. The committee commented that BCP should look at enforcement options.

## **Representations**

12. 2 Letters of objection received with concerns summarised below;

- Overdevelopment
- Out of character with Grade II listed building & conservation area
- Sets a precedent
- Changes to outlook of the street
- Impact on outlook and daylight in back garden, bathroom & bedroom window (at no.10 Silver Street)
- Overhangs my boundary (at no.10)
- Unsightly plans will obscure and overlook my back garden, bathroom & bedroom window (at no.10)
- Insufficient drainage
- Will affect the value of my house/property

## **Key Issue(s)**

13. The key issue(s) involved with this proposal are:
- Impact on Heritage – Statutory listed building and within Conservation Area (designated heritage assets).
14. These issues will be considered along with other matters relevant to this proposal below.

## **Policy Context**

### **15. Local Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development

plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the Borough of Christchurch Local Plan (2001).

The following policies are of particular relevance in this case:

**Christchurch and East Dorset Core Strategy (2014)**

KS1 – Presumption in favour of sustainable development  
HE1- Valuing and conserving our historic environment

**Christchurch Borough Council Local Plan (2001) saved policies**

BE14 – Alterations to a Listed Building  
BE4 – New development in Conservation Area

**Supplementary Planning Guidance**

Christchurch Central Conservation Area Appraisal & Management plan (2005)

16. National Planning Policy Framework (“NPPF”/“Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 sets out the presumption in favour of sustainable development.

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 8 , 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.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

## Section 16 – Conserving & enhancing the historic environment

- “195. Local planning authorities should 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. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”
- “197. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.”
- “199. When 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- “202. 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.”

### **Planning Assessment**

#### **Principle of development**

17. The property lies within the town centre. The dwelling is a Grade II listed building and lies within the Christchurch Conservation Area. Nonetheless, there is no in principle reason why a listed building cannot be altered or extended provided the Local Planning Authority considers the impacts on the heritage assets as part of its assessment.

#### **Impact on heritage assets**

18. The proposed extension is intended to replace the existing (un-authorised) conservatory, which has been refused consent under the planning references as detailed above. The new extension is of the same dimensions as the existing conservatory and is sited on its footprint. The pre-existing 1960’s flat roof extension together with the new extension have a combined depth of approx. 6.0 metres from the original rear wall of the dwelling.
19. The proposed pitched roof will run the full depth of these two elements with a hipped end and is approx. 3.0m wide. The roof partially covers the width of the new extension leaving a small flat-roof section adjacent to the north-west

side boundary. The ridge height of the pitched section of roof is approx. 3.2m. The proposal includes covering the open area immediately to the rear of the kitchen window with a new flat glass panel in place of the existing perspex roof in order to allow light into the rear of the dwelling.

20. The proposed development is subservient in height to the host dwelling and the design respects the modest scale and massing of the dwelling. It is similar in form, scale and design to the rear wing to 16 Wick Lane adjacent.
21. Following negotiations, clay roof-tiles, cast-iron rainwater goods and timber framed doors/windows have been specified by the applicant on the recommendation of the BCP Conservation Officer. The materials specified are appropriate in relation to the listed building.
22. It is considered that the proposed extension and alterations result in a modest and low-key form of development which does not detract from the character of the building, and as such the scheme overcomes the previous refusal reasons given under planning ref;8/17/3404/HOU, 8/17/3405/LB & 8/16/2641/LB. The scheme complies with Local Plan policy KS1, HE1, HE2, H12 and paragraph 197 of the NPPF.
23. The site lies in a mainly residential area on the edge of Christchurch town centre. The area is characterised by modest historic cottages, typically terraced and 2-storey with later infill developments apparent. Properties front directly onto narrow streets or are set behind small front courtyards, creating an intimate historic character.
24. The adopted Central Conservation Area Appraisal (2005) in reference to the character & appearance of the buildings in Silver Street, states the following (pg35);

*'Silver Street has suffered from the loss of original windows and the addition of various finishes to the front elevations, which have eroded the quality of this terrace and the street generally. Despite considerable contemporary re-development, the cohesiveness and historic character of this lane remains intact',*

and goes on to state that Silver Street has a;

*... 'modest domestic character'.*

25. Viewed from the front in Silver Street and from Wick Lane to the north the dwelling is seen as part of an historic group. Together with the other listed buildings in the terrace the building makes a positive contribution to the conservation area.
26. The current additions to the rear of the dwelling form an unattractive and piecemeal form of development which does nothing to enhance its appearance or character. They are however not particularly visible outside of the site. The proposed pitched roof will increase the height of the rear 1960's extension potentially making it more visible from Wick Lane, however it effectively unifies the old and new additions into a cohesive addition which improves the appearance of the building from the rear.



27. It is considered that the development is comparable in size, scale and massing with the extension to the rear of no.16 Wick Lane, the attached dwelling immediately to the north of the site. The modest scale of the new extension, which measures approx. 3.2m high and approx. 2.7m in depth x 4.0m in length, is not overly large or disproportionate as a residential extension.
28. The ridge height of the proposed roof is comparable with the ridge height of the pitched roof over the rear single-storey off-shoot at no.16 Wick Lane, and the neighbouring roof effectively screens much of the new roof from public view from Wick Lane.
29. The materials specified are traditional and consistent with those employed in other residential properties within the Conservation Area. The use of plain clay roof tiles is consistent with other roofing materials commonly seen in the conservation area on older properties, and the other materials specified including cast iron rainwater goods and timber window/doors are suitable in this context.
30. By virtue of the discrete siting at the rear of the property, the modest scale and design, and good quality material finishes it is considered that there will be no impact on the character and visual amenity of the surrounding conservation area.
31. The proposal is considered to preserve the character of the Conservation Area, complying with the statutory test and also complies with policy HE1, HE2 & H12 of the Local Plan and paragraph 197 of the NPPF.

### **Planning Balance/Conclusion**

32. In terms of design, size, scale and massing, the proposed development is compatible with other residential extensions in the surrounding conservation area and will not detract from the character and appearance of the dwelling. The scheme proposes good quality materials that will improve the appearance of the rear elevation of the building.
33. The development is discretely located and will be only partially visible from the public realm outside the site. There will be an acceptable impact on the character and appearance of the wider Central Conservation Area.
34. The scheme results in less than substantial harm to the heritage assets. Applying the guidance in paragraph 202 of the National Planning Policy Framework (2021), this impact must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will facilitate the ongoing use of the property as a dwellinghouse. The scheme is considered to strike an acceptable balance between adapting this modest historic cottage to modern living conditions, thereby ensuring its ongoing occupation in its optimum use as a dwelling whilst maintaining its character.

35. Therefore in this case the public benefits are considered to outweigh any harm to the heritage asset and the proposal is considered to comply with Policies HE1, HE2, H12 and KS1 of the Local Plan (2014).
36. It is considered the proposal complies with the Development Plan as a whole and is in accordance with the relevant up to date Development Plan policies and is sustainable development which as per para 11c) of the NPPF 2021 means it should be approved without delay.
37. In reaching this decision the Council has had due regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, 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."*
38. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that *"with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

### **Recommendation**

39. Grant, subject to the following conditions:

#### **Conditions;**

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

Reason: This condition is required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Block Plan  
Site Location Plan  
MBN KS/1 Existing  
MBN KS/2 A As proposed proscan.pdf

#### **Background Documents:**

Case Officer Report Completed:  
Officer: Alison Underwood

Date: 31.03.22

Agreed by: DH

Date: 07.04.2022

Comment: