

Planning Committee



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| Application Address | 1 Hurn Court Hurn Court Lane Christchurch BH23 6BH |
| Proposal | Installation of new terrace walk-on roof light and boiler flue to Flat 1. |
| Application Number | 8/22/0831/FUL |
| Applicant | Mrs F Cox |
| Agent | Mr Ryan Barnett |
| Ward and Ward Member(s) | Commons |
| Report status | Public |
| Meeting date | 19 January 2023 |
| Summary of Recommendation | Grant in accordance with the details set out below |
| Reason for Referral to Planning Committee | Councillor Cox is co-owner of both flats. |
| Case Officer | Melanie Smith |

Description of Proposal

1. Planning permission is requested for
 - installation of new terrace walk-on roof light to Flat 1
 - installation of boiler flue to rear elevation of Flat 1.

Description of Site and Surroundings

2. The application site relates to Hurn Court, a substantial 3-4 storey building of grade II* listed status. Previously in use as a school, the main building was converted to 8 flats in the 1990s. The listed building description dates the earliest visible remains to the end of the 16th century. However, it was significantly altered and extended in the 1840's including the addition of the current top storey. The building sits within substantial landscaped grounds and includes an historic stable block to the north of the main building which is grade II listed and converted to 6 dwellings. There are also

two terraced groups of cottages which were built to the west and north-west of the main house in the 1990's around the same time the main house was converted to flats.

3. The listed building description states the following;

A large house of irregular plan and varying dates. Occupies the site of a mediaeval grange of Christchurch Priory. Earliest visible work belongs to end of C16 and is an interesting example of early use of brickwork in this area. House altered 1806 by Garbett of Southampton and again circa 1840. Plastered walls and chimney stacks. Parapet and slate roofs. Main block, E shaped, of symmetrical design; coped gables with finials to outer wings. 3 storeys, of which top one added to the 2 storey Elizabethan house in 1840 when an extra west wing also added. Additional attic floor with dormers. String courses. Outer windows have dripstone moulds and mullions (transom also at 1st floor) casement windows. 2 storey centre porch with buttresses and gable. Cartouche in tympanum. Ribbed, Gothic arched, door. Interior: Ribbed plaster ceilings, some with heraldic devices. Doors with Gothic panels. Staircase with twisted balusters and carved handrail.

4. The application site is located within designated Green Belt and is located within Flood Zones 2 and 3a of the Strategic Flood Risk Assessment. Trees on site are also protected by Area Tree Preservation Order.

Relevant Planning History

5. There is a significant planning history relating to this site. The applications below are the most recent and relevant to the current applications.

8/20/0477/FUL – Repair and replacement and three timber structures on Hurn Court (Oriel window, atrium and cupola), externa repairs and replacement of three chimneys due to decay – granted 02/11/2020.

8/20/0478/LB - Repair and replacement and three timber structures on Hurn Court (Oriel window, atrium and cupola), externa repairs and replacement of three chimneys due to decay – granted 02/11/2020.

8/21/0132/LB – Replacement of decayed coping brickwork with new coping stones above flat 6 and flat 1 (retrospective application) – granted 22/07/21.

Constraints

6. In considering whether to grant planning permission for development which affects a listed building, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest - section 66 - Planning (Listed Buildings and Conservation Areas) Act 1990.

- Listed Building – grade II*

- Flood Zone 2 current
- Flood Zone 3 current
- FZ3a 40cc 2133
- FZ3b 40cc 2133
- Green Belt
- Tree Preservation Order

Public Sector Equalities Duty

7. 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.

8. **Consultations**

Hurn Parish Council

No objection.

BCP Trees & Landscaping

No objection - The proposed internal alterations will not impact on TPO trees on site and there is adequate hard surfacing around the building for the storing and/or mixing of materials away from these trees.

BCP Conservation/Heritage

No objection – The plans have been carefully designed and harm minimal areas of historic fabric, are functional improvements and provide energy savings for the building. The flat will be more accessible for the current and future owners though it could be reversed should the ownership revert back to the previous arrangement. The rooflight through the terrace roof will also save energy as it will avoid the use of lighting in the passageway below.

Historic England

We are content for you to determine the applications in line with National and local planning policy and guidance, and on the basis of your own specialist conservation advice.

Representations

9. 1 letter of support has been received making the following comments;

- The rooflight will be unobtrusive and bring much needed light to a dark hallway

Key Issue(s)

10. The key issue(s) involved with this proposal are:
- The impact upon the significance of the listed building.
 - Impact upon neighbouring amenities
 - Impact on character of locality
 - Impact on trees
 - Impact on Green Belt
 - Impact on flooding
11. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

12. 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)

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| KS1 | Presumption in favour of sustainable development |
| HE1 | Valuing and Conserving our Historic Environment |
| HE2 | Design of new development |
| HE3 | Landscape Quality |
| KS3 | Green Belt |

Christchurch Borough Council Local Plan (2001) saved policies

BE14: Alterations to listed buildings

H12 Residential infill

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

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a 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, 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 of 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 indicated development should be restricted.

Section 12 – Achieving well-designed places

Paragraph 126 –

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Paragraph 130 –

“Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”

Section 16 – Conserving & enhancing the historic environment

Para 194 –

“In determining applications, local planning authorities should require an applicant to 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes,

or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Para 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.”

Para 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.”

Para 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.”

Para 200 –

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 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

14. The application property is a grade II* listed building and is therefore of particular special interest. Nonetheless, there is no in principle reason why a listed building cannot be altered provided the Local Planning Authority considers the impacts on the heritage assets to be acceptable as part of its assessment, in addition to other relevant material planning considerations.

Impact on listed building

15. The alterations which require planning permission are limited to the external alterations to the building. Planning permission is required as the properties are self-contained flats and do not have the benefit of permitted development rights. The internal alterations are considered within the accompanying listed building application. This planning application therefore considers the insertion of the rooflight over the ground floor hallway and the insertion of a new more energy efficient boiler and external flue within the rear wall at ground floor level. The proposed changes have been put forward in order to increase natural light within the ground floor hallway and improve energy efficiency with the replacement boiler.
16. At ground floor level it is proposed to re-locate and install a new more energy efficient boiler requiring a new flue to be installed within the rear elevation. The flue will be of a modest size and located in a discrete location. Whilst there will be the loss of some historic fabric, the level of loss is considered to be minimal. The design of the flue can be agreed by condition to ensure the external appearance of the building is not detrimentally impacted.
17. The new roof light is proposed to be installed within the flat roof of the ground floor terrace of Flat 1. Through investigation of the building fabric, it is considered that the ceiling to the hallway is of modern date due to the presence of modern studwork, insulation and felt roofing. The insertion of the rooflight is therefore not considered to result in loss of historic fabric. The roof light design is proposed to be flush with the paving and etched to match the surrounding paving slabs. Due to its siting, size and design, it is considered to have minimal impact on the appearance of the listed building and will not be discernible from the grounds of Hurn Court. The rooflight will significantly increase natural light into the hallway resulting in an improvement in living conditions for the current occupants. There will be no loss of historic fabric and therefore it is not considered to result in harm to the significance of the listed building.
18. Planning Policy HE1 of the Core Strategy states that '*heritage assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment.*'
19. Saved planning policy BE14 of the Core Strategy states that '*the Council will not permit development involving alterations or extensions to listed building which would adversely affect their architectural character or historic interest.*'
20. Whilst the proposed alterations will result in the loss of some historic fabric, the loss is considered to be modest and external changes are minor in relation to the visual impact on the building. The proposed alterations are therefore considered to comply with the above policies.
21. The NPPF states that '*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)* (para 199). *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification* (para 200). *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' (para 202).

22. The creation of the new boiler flue, due to the small loss of historic fabric, is considered to result in harm to the listed building, but the level of harm is considered to be minimal and on the lower end of less than substantial. As stated above, the new more energy efficient boiler will replace an older boiler and therefore will provide some energy saving opportunities.
23. The Council's Conservation Officer has not objected to the proposals on the basis that they 'provide functional improvements, energy saving opportunities, improved accessibility and could be reversed'.
24. In accordance with paragraphs 200 and 202 of the NPPF it is considered that the harm to the listed building has been justified and that there are public benefits in securing the optimum and ongoing use of the property as self-contained flats.

Impact on residential amenities

25. The proposed alterations are considered to be compatible alterations which preserve the special character of the historic building and by reason of their siting, scale and design, are considered to preserve neighbouring visual amenities and do not result in loss of light or loss of privacy. The rooflight is proposed to have an etched finish which is considered to give a degree of obscurity and hence privacy to the occupants of the application premises. The proposed development is therefore considered to preserve the residential living conditions of neighbouring properties in accordance with Policies HE2 and H12 of the Local Plan (2014).

Impact on character of locality

26. Hurn Court is set within private landscaped grounds and is not visible from public viewpoints. The proposed alterations are therefore not considered to result in any wider impact upon the character of the surrounding area in accordance with Policies HE2 and H12 of the Local Plan (2014).

Impact on Green Belt

27. The submitted proposals do not include any extensions to the building, therefore they are not considered to fall within the definition of inappropriate development. The alterations proposed are considered to be appropriate in siting, scale and design and therefore the openness of the Green Belt is considered to be preserved in accordance with Policy KS3 and Part 13 of the NPPF (2021).

Impact on trees

28. The proposed alterations are to the building itself and no extensions to the footprint are proposed. The proposed alterations will therefore not directly impact on nearby protected trees and furthermore there is significant hard surfacing around the building which can be used for the storing and mixing of materials if necessary. It is therefore

considered that the proposed alterations will not result in harm to nearby trees in accordance with Policy HE3.

Impact from flooding

29. The grounds of Hurn Court are sited within Flood Zones 2 and 3a of the Strategic Flood Risk Assessment. As the proposed alterations to the building do not include any extensions to the footprint of the building, the alterations are not considered to result in an increase in flood risk to existing or future occupants of the building. The development is therefore considered to comply with Policy ME6.

Planning Balance/Conclusion

30. The proposed alterations to the listed building are considered to result in less than substantial harm to the listed building (heritage asset). 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 self-contained flat. The scheme is considered to strike an acceptable balance between adapting this listed building to meet modern day living standards and preserving the special architectural and historic interest of the listed building.
31. Therefore it is considered that the public benefits in securing the ongoing optimal ongoing use are considered to demonstrably outweigh any harm to the heritage asset and the proposals are considered to comply with Policies KS1, HE1 and BE14 of the Local Plan (2014).
32. The proposed alterations do not fall within the definition of inappropriate development and will preserve the openness of the Green Belt in accordance with Policy KS3 and will not result in harm to protected trees or result in increase risk from flooding in accordance with Policies HE3 and ME6 of the Local Plan (2014). The proposals will preserve neighbouring amenities and will not result in harm to the character and appearance of the locality in accordance with Policies HE2 and H12 of the Local Plan (2014).
33. 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.
34. 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."

Recommendation

Grant, subject to the following:

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 91 of the Town and Country Planning Act 1990.

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

location and site plan – 01 dated 18/8/22
proposed floor plans - 03b dated 18/8/22
existing and proposed lounge cupboards – 04 dated 22/9/22
existing and proposed living room door opening – 05 dated 22/9/22
existing floor plans - 02b dated 18/8/22

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to its installation, details to include the size, material, finish and design of the roof light shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In order to preserve the significance of the heritage asset in accordance with Policies BE14 and HE1 of the Local Plan (2014).

4. Prior to installation, details of the boiler flue to include size, material and finish, shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In order to preserve the significance of the heritage asset in accordance with Policies BE14 and HE1 of the Local Plan (2014).

Background Documents: planning application no. 8/22/0831/FUL

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all formal consultation response and representations submitted by the applicant in respect of the application. Notes: This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Case Officer Report Completed:

Officer: Melanie Smith

Date: 30/11/2022

