Planning Committee: 25 April 2017 **Item Number:** **9**

Application No: W 17 / 0123

Registration Date: 07/02/17
Town/Parish Council: Warwick **Expiry Date:** 04/04/17
Case Officer: Emma Spandley
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19 Mill Street, Warwick, CV34 4HB
Erection of a garden shed (retrospective application) FOR Mrs T Middlebrook

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This application is being presented to Committee due to the number of objections having been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a retrospective application for the retention of a detached outbuilding within the curtilage of a listed building.

THE SITE AND ITS LOCATION

The application property is a 2/3 storey dwelling located on the north eastern side of Mill Street. Mill Street is located to the south of Warwick Town Centre and forms part of the circle of extra-mural roads in Warwick. At its west end it formally crossed the Avon via a stone bridge, called the Great Bridge. Today the old bridge is in ruins and the river is crossed via Castle Bridge. At this time Mill Street became a dead end, having previously been a main road.

The building is a Grade II Listed Building and is listed together with No.17 (originally No.21 & 23.). There are many Listed Buildings in Mill Street (both sides) which form a group. Having escaped the fire of 1694, Mill Street retains many of its vernacular buildings.

The existing building was extensively modernised in the 1970's and 1980's, specifically to the rear of the house which has three modern single storey extensions, all built in the last 50 years. The most relevant to this application are listed below.

The site is also situated within the Warwick Conservation Area.

PLANNING HISTORY

W/89/0363 & 0364/LB - Erection of a conservatory, granted 16th May 1989.

W/82/0466 - Single storey kitchen extension and new first floor bathroom modifications, granted 30th June 1982.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No objection to shed.

Public Response - 9 objections have been received on grounds of impact on the Conservation Area; the impact and unlawful removal of trees within the Conservation Area, and the removal of screening from the boat house.

WCC Ecology - No objection. Recommend notes relating to protected species.

Warwick Society - The 'shed' or chalet at the foot of the garden is itself unexceptionable. However, its construction has required the removal of several trees on its site which, by virtue of their size, necessitated Conservation Area notification, and this has not been given. Were their destruction to have been proposed, it would have been objected to, as the trees, while themselves of little arboricultural value, served an important purpose. They were planted, and had been maintained, to screen the blank wall behind, which is one of the elevations of the Boat Club's squash courts. So construction of the new shed, while it partly obscures a building which, all agree, itself has no architectural merit, has actually made that building much more visible, and thus damaged the character of the Conservation Area and the setting of the listed Mill Street houses.

Assessment

Design

The application is in retrospective form and the outbuilding is constructed of lightweight materials with patio doors. The building is small in scale, located at the bottom of the rear garden and is not readily visible within the street scene. It is not considered to result in material harm to the character and appearance of the area.

Impact on Neighbouring Residential Amenity

Due to the siting of the outbuilding at the end of the rear garden it is not considered that the development results in any material harm to the living conditions of the occupiers of the neighbouring properties by reason of loss of light or outlook.

Sustainability

Due to the limited scale of the development it is not considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or reduce the carbon footprint of the building by achieving 10% greater than current building regulations would be appropriate.

Impact on Listed Building

Policy DAP4 states that consent will not be granted to alter or extend Listed Buildings where those works will adversely affect its special architectural or historic interest, integrity or setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of 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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraphs 131 - 134 of the NPPF sets out how to assess proposals to a Listed Building. When considering the impact of a designated heritage asset, great weight should be given to the asset's conservation. It is considered that the proposal will cause no harm to the Listed Building in terms of paragraph 134 of the NPPF.

The Conservation Officer has raised no objection to the outbuilding due to its distance from the listed building and the lightweight materials used in its construction.

The building is considered not to result in any material harm to the setting of the Listed Building.

Other matters

The objections raised in respect of the removal of trees within the rear garden to make way for the outbuilding are noted. As the site is within a Conservation Area, the applicant should have submitted a Section 211 notice to the LPA prior to the removal of the trees to provide six weeks' notice to allow it to determine the amenity value of the trees and whether or not they a Tree Preservation Order would be appropriate.

The trees which were removed by the applicant without consent were Leylandii trees. Having seen photographs of the trees in question, it has been determined that the they were not of sufficient amenity value to justify a tree preservation order and the LPA would have approved an application to remove the trees if an application had been submitted. The fact that the applicant did not make such an application, is not relevant to the determination of this application.

CONDITIONS

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing location plan and specification contained within email dated 7th February 2017 from Guy Middlebrook therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.