

REPORT SUMMARY

REFERENCE NO: - 22/501778/LBC		
APPLICATION PROPOSAL: Listed building consent for the renewal of the rear dormer, replacement windows and doors including internal and external repairs. install mechanical ventilation to bathroom and kitchen, 3no. external lights. Retrospective replacement ceiling works to the top bedroom.		
ADDRESS: 2 Hillside Cottage Malling Road Teston Maidstone Kent ME18 5AN		
RECOMMENDATION: APPROVED SUBJECT TO CONDITIONS set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION: The harm to the heritage asset is considered less than substantial and any harm is considered to be outweighed by public benefits.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of the Parish Council who have requested it is reported to Planning Committee.		
WARD: Barming And Teston	PARISH/TOWN COUNCIL: Teston	APPLICANT: Golding Homes AGENT:
CASE OFFICER: Louise Welsford	VALIDATION DATE: 29/04/22	DECISION DUE DATE: EOT 5/12/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

15/507359/FULL

Retrospective planning for 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

15/507361/LBC

An application for listed building consent for the erection of 900 mm Palisade fence to front, South Eastern boundary increasing to 1800 mm close boarded security fencing to enclosed rear garden with security gate.

Approved 06.11.2015

90/1412

Satellite Television Dish.

Refused 28.09.1990

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This application relates to a grade II listed dwelling, estimated to date from the 18th-century. It is constructed of red brick to the ground floor, with white weatherboarding to the first-floor, under a tiled, gambrel roof.
- 1.02 The building lies within Teston conservation area and is positioned in a prominent location, such that its front and rear elevations are equally visible. The site is classed as open countryside in the local plan, although its actual position is in a location surrounded by built development within the village.

2. PROPOSAL

- 2.01 Listed Building Consent is sought for works to the existing rear dormer, replacement windows and doors, internal and external repairs, the installation of mechanical ventilation and 3 external lights.
- 2.02 The works to the dormer include an extension to the dormer to increase the size of the bathroom. The replacement ceiling works have already been carried out within the bedroom.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): SP18, DM4
The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Residential Extensions

Emerging Policy : Maidstone Borough Council has also submitted its Regulation 22 Submission relating to the Local Plan Review. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2019, the representation and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be subject to examination in public. Policy LPRSP15 (B) – The Historic Environment
Policy LPRENV 1 – Historic Environment

4. LOCAL REPRESENTATIONS

Local Residents: 2 representations received from local residents raising the following (summarised) issues

- loss of privacy
- construction phase issues including parking and disruption
- appropriate materials should be used, including in keeping with number one and ensuring the preservation of the building
- light pollution

Issues relating to the construction phase are not material planning considerations.

5. CONSULTATIONS

5.01 MBC Conservation Officer

initial comments: objected to the use of standard double glazing. Considered that the works which have been carried out to the ceiling had not resulted in significant harm. Replacement of weatherboarding on a like-for-like basis is acceptable. Repair of existing joists is acceptable. Mechanical ventilation is acceptable in principle, but further details are required.

On receipt of further details of mechanical ventilation, lighting and use of slim double glazing with integral glazing bars raises no objection.

5.02 Teston Parish Council (summary of comments)

Objections relate to the appearance of the listed building, loss of symmetry, impact upon the character and appearance of the conservation area and light pollution. Conditions requested relate to the materials being appraised by the conservation officer and rear dormer being skewed glazed and only small top opening.

Comments also raised issues of neglect and ownership and a request a condition that the procedures and practices of contractors are monitored by the applicant – these areas within the comments are outside of the remit of planning (beyond whether serving an urgent works notice would be considered which has not, in this case, been issued).

5.03 6 National Amenity Societies: no response.

5.04 KCC archaeological officer: no response.

6. APPRAISAL

The key issues are:

- Impact upon the listed building and the character and appearance of the conservation area

Heritage Impact - listed building and conservation area

6.01 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings and their settings and any special architectural or historic features which they possess. The court have determined that considerable weight and importance should be given to any harm found to the significance of listed buildings.

6.02 Local plan policies DM4 and SP18 similarly seeks to preserve listed buildings and their settings, and the special character of conservation areas, in an appropriate manner and this is also carried forward into emerging policies.

6.03 In this case, the proposals are of a relatively minor nature and the conservation officer has assessed the revised application and raises no objection.

6.04 Firstly, with regards to the fenestration, most of the windows are modern replacement and of low significance. Historic England guidance upon replacement of traditional windows advises that where historic windows have been replaced with those which are not considered to contribute towards the significance of a listed building, their replacement with windows of a sympathetic historic pattern “whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm”. This is considered to be such a case. The windows are considered of low significance and the proposed design is considered sympathetic to the character of the building. Initially, standard double-glazing was proposed, which was considered inappropriate and harmful, but the application has been amended to seek slim-profile units which have integral glazing bars, such as to preserve the character of the property.

6.05 With regards to the works already carried out, the conservation officer has commented that the original joists appear to have been modern and of no significance and that several joists have been retained to match the same trust arrangement in the attached property. The works are not considered to have resulted in significant harm. Similarly, other repairs and a like-for-like replacement of weatherboarding, which has deteriorated, are not considered to result in any material harm to significance or the special interest of the building.

- 6.06 Details of mechanical ventilation have been provided utilising tile vents and these are considered appropriate. The design of the external lighting is also considered sympathetic to the character of the building.
- 6.07 With regards to the extension to the dormer, visually this is not to be welcomed. It would to some degree disrupt symmetry and the existing flat roofed rear dormers are features which currently detract from the character and appearance of the building. Therefore, the increase in scale would result in the dormer being slightly more prominent, although the use of appropriate materials would help to minimise the harm. It is the view of the conservation officer that the increase in the scale of the dormer would result in a low level of harm, at the lower end of less than substantial.
- 6.08 Therefore, considering all of the above, it is concluded that the proposal would result in a low level of harm to the significance of the listed building, as a result of the increase in the scale of the dormer, and that this would be less than substantial.

Balancing Exercise

- 6.09 Harm has been identified to the significance of the listed building. The level of harm is considered to be less than substantial.
- 6.10 Where harm to designated heritage assets is identified, the NPPF requires this to be balanced against public benefits, including securing the optimum viable use of the asset.
- 6.11 In this case, the applicant has indicated a disability need which necessitates the proposed changes to the bathroom/dormer. It is considered that this can be attributed some weight, although occupation can change and therefore the weight is considered to be limited. However, importantly it is noted that the bathroom is an extremely confined space, measuring approximately 1.5 m x 2.5 m with, importantly, some restricted head room due to the steeply sloping nature of the roof slope. The bathroom is a facility which is essential to the functioning of the building in its current use as a dwelling and there are not alternative bathroom facilities within the building. Therefore, in terms of its impact with regards to maintaining the building in its most viable use, more significant weight is attached, because it is considered that in this regard it is important and that the proposals are reasonably justified. The harm has been minimised, as the extension to the dormer would not appear to be more than is reasonably necessary to provide a functional bathroom area.
- 6.12 In conclusion therefore, significant importance must be given to the harm to the heritage asset, but the level of harm is considered to be low, at the lower end of less than substantial. The public benefit, in particular in terms of securing and maintaining the optimum viable use of the building is considered to be significant and, on balance, to outweigh the harm in this case. A recommendation of approval is therefore considered appropriate.

PUBLIC SECTOR EQUALITY DUTY

- 6.13 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 Harm has been identified to the significance of the listed building. The level of harm is considered to be low, at the lower end of less than substantial.

7.02 On balance, the public benefits, in terms of maintaining the viable use of the building in its current use as a dwelling, which is considered to be the optimum viable use, are considered to outweigh the harm. Approval is therefore recommended.

8. RECOMMENDATION

GRANT listed building consent subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

CONDITIONS:

1) The works hereby permitted shall be carried out in accordance with the following approved plans/documents unless otherwise agreed in writing by the local planning authority:

a site location plan and block plan received on 29/04/22, proposed floor plan reference 47766_V2 Rev 0 received on 27/04/22, proposed elevations reference 47766 Rev 0 received on 11/07/22, a letter from the applicant dated 08/07/22, Evesham wall light specification and Hambleside Danelaw plain tile vent specification received on 08/07/22 and joinery details shown in Windows section drawing in appendix A of heritage statement Windows and doors Rev A received on 08/07/22;

Reason: To clarify which drawings have been approved and to preserve the character, appearance and special interest of the listed building.

2) No further works shall commence until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the works hereby permitted, have been submitted to and approved in writing by the Local Planning Authority and the works shall be completed using the approved materials;

Reason: To ensure a satisfactory appearance and that the historic significance of the listed building is maintained.

INFORMATIVES

1) Asbestos

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

2) Advice whilst carrying out construction works

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

The applicant is encouraged to investigate the issue regarding CCTV cameras raised within a representation to ensure that they comply with any appropriate legislation and that any appropriate consents are sought.

Case Officer: Louise Welsford

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.