

## Officer Report on Planning Application: 14/05070/LBC

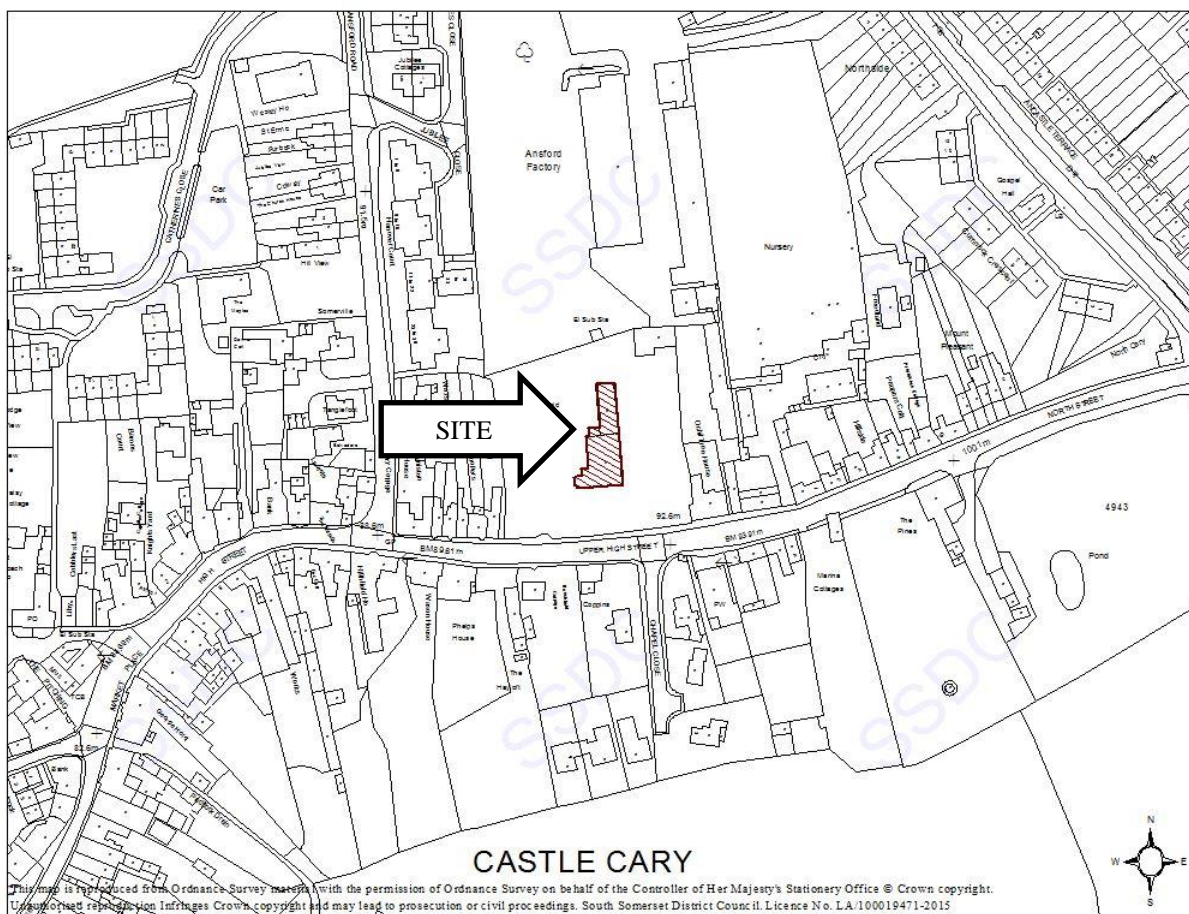
<b>Proposal :</b>	Retention of replacement windows on west and north elevations (Retrospective) (GR 364240/132437)
<b>Site Address:</b>	4 Upper High Street Castle Cary Somerset
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
<b>Target date :</b>	12th January 2015
<b>Applicant :</b>	Mrs Henderson
<b>Agent: (no agent if blank)</b>	Shaw Planning Ltd, 8 Alexanders Close, Meare Glastonbury, BA6 9HP
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the conservation officer to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the north side of Upper High Street within the conservation and development areas of Castle Cary. The property is a large detached, two-storey Grade II listed dwelling constructed of local Cary stone rubble with a rendered front and timber windows under a clay pantile roof. The property sits centrally within a large plot accessed directly off Upper High Street.

This application seeks consent for the retention of replacement windows to west elevation. It is a second attempt to secure consent for the retention of these windows as well two first floor windows on the north elevation of the main dwelling. The proposal is now supported by a more thorough Design & Access statement that seeks to address the previous reason for refusal.

## RELEVANT HISTORY

14/05073/LBC - Replace front door, annexe rear door and side door. Pending.

14/05067/LBC - Retention of replacement windows on southern and eastern elevations, retention of new internal utility room, retention of new internal door separating annexe from remainder of house and retention of flue on west elevation for wood burning stove. Pending.

14/02718/LBC - Application refused for retention of alterations to windows, down water and sewerage pipework, internal doorway and alteration to inner utility room on the grounds that:-

The retention of the modern window replacements, plastic soil stack and roof vents, by reason of their material and design would be harmful to the significance of the heritage

asset, which is not outweighed by public benefit and is not considered to be supported by a clear and convincing justification and is therefore contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

14/00153/LBC – Consent given for construction of an opening between kitchen and adjacent dining room. with conditions.

13/02866/COU – permission granted for change of use of part of property to holiday let and change of use of 3 bedrooms to bed and breakfast accommodation.

12/14934/LBC – Consent granted for internal alterations including creating en-suite bathrooms and new stair access to loft.

## **POLICY**

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to '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'

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

### **Policies of the Emerging South Somerset Local Plan (2006-2028)**

Policy EQ3 - Historic Environment

### **Saved policies of the South Somerset Local Plan (Adopted April 2006):**

EH3 - Change of Use and Alterations to Listed Buildings

### **National Planning Policy Framework**

Chapter 7 - Requiring good design

Chapter 12 - Conserving and enhancing the historic environment. This advises 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

## **CONSULTATIONS**

**Castle Cary Town Council** - Again the work had been completed prior to permission being obtained. It was noted that the windows were double glazed but their appearance is in keeping with the house and the changes to the layout of the external pipework enhanced the visual appearance. Supported unanimously and recommend retrospective permission be granted.

**Conservation Officer** – recommends refusal as it is considered that:-

*“The replacement windows are considered to be wholly inappropriate due to their poor modern design, and the lack of reference to the historic joinery and variation in design that existed on this elevation. This is considered to cause harm to the significance of the heritage asset. The justification put forward is not considered to be adequate, and certainly does not meet the 'public benefit' test set out in paragraph 134 of the NPPF.”*

## **REPRESENTATIONS**

One letter of support has been received

## **APPLICANTS CASE**

*“The application is to regularise works already carried out in the mistaken belief they were repairs that did not require permission. The windows in question are all casement whilst the windows on the front elevation are sash, reflecting the later period when the house was extended. The replaced windows were highly likely not to have been the original ones in this part of the building.*

*“There is no satisfactory evidence to refute this. In the opinion of the joiner the windows were beyond economic repair and were poor in terms of energy efficiency. The asymmetry of the window openings reflects the different periods when the house was extended. The replacement windows have not altered this.*

*“The fact a building is listed does not mean that no changes in design can be made. Listed buildings themselves demonstrate the evolution of design over long periods. Cary Place also exhibits this as the house has been altered and extended prior to its listing.*

*“It is not the purpose of the listed building system to "mothball" buildings in the state they were in at the time they were listed. There is a statutory duty for local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.*

*“In the case of window style/pattern at Cary Place it is accepted that the previous ones have not been aped. However, it is not accepted that the works that have been carried out seriously detract from the aesthetic interest and importance of this secondary element of the building as a whole. The works that have been undertaken to make the badly maintained, and in a number of instances seriously rotten, windows are considered to be acceptable and provide the property with windows that improve efficiency and resistance to ingress of water to the building itself. The works will help to ensure that the building that has been sensitively repaired and renovated to provide a viable way to keep it well maintained and more energy efficient are beneficial and not harmful to the character or appearance of the historical or architectural interest of the building.”*

Summarised from design & access statement

## **CONSIDERATIONS**

As this is an application for listed building consent the main considerations are what impact the proposal will have on the character and setting of the listed building. The NPPF places great weight to the asset's conservation. In assessing this application it is necessary to consider whether the alterations would harm the significance of the heritage asset. The NPPF states



that heritage assets are irreplaceable, so any harm or loss shall require clear and convincing justification (paragraph 132 of the NPPF).

Advice from the conservation officer advises that the starting point is considering whether the windows are beyond repair. Where historic joinery exists every effort should be given to repair to safeguard and retain as much historic fabric as possible. Adequate information has been submitted to say why the windows were all replaced - it is considered unlikely that every window in this rear wing was beyond repair.

If replacement units are justified this should be on a 'like for like' basis; unfortunately in this case the replacements were unfortunately not like for like. The conservation officer does not accept that windows in this rear range had the proposed 'storm casement' arrangement. Unfortunately however this detail has been adopted on all of the other windows here and is considered to be inappropriate, causing harm to the significance of the listed building.

With regard to the applicant's case it is agreed that listing does not prevent change and the evolution of an historic building often adds to the building's character and interest. However the planning authorities' role is to manage proposed changes to ensure that they are appropriate and not harmful to the significance of the building.

The windows that previously existed were of a variety of styles - only two matched. This added interest to this wing, and offered significant contrast to the formal front of the house, giving the rear wing a more unplanned and ancillary character. Of the previous windows, it is agreed that one window was of a 'storm casement' design, a modern joinery detail whereby the opening casement sits proud of the frame, generally regarded as inappropriate for an historic building.

Where such a feature already exists it is difficult to resist a matching replacement. However, in this case (window 5), the replacement window is of a very different scale. The previous one featured casements of matching width, but the replacement has a narrow opening casement in the middle with two wide fixed lights either side. This is at odds with the context and considered inappropriate as a replacement.

Whilst the proposal incorporates double glazing, this is not in itself objectionable providing we can get the window design right. In this respect it is considered that the variation in window design previously displayed here should have been retained, in accordance with good conservation practice. This arrangement was of historic value and should not be wiped away with a single unified joinery design - particularly when the unified design adopted is an unsuitable design from the second half of the 20<sup>th</sup> century

## **Conclusion**

The opinion of the conservation officer is considered to hold considerable weight in applications of this nature. It is therefore considered that the application adversely harms the character of this listed building contrary to the National Planning Policy Framework and policies EH1 and EH3 of the South Somerset Local Plan (Adopted April 2006).

## **RECOMMENDATION**

Refuse consent for the following reason:

The replacement windows are considered to be wholly inappropriate due to their poor modern design, and the lack of reference to the historic joinery and variation in design that existed on this elevation. This is considered to cause harm to the significance of the heritage asset. The justification put forward is not considered to be adequate, and certainly does not meet the

'public benefit' test set out in paragraph 134 of the NPPF. As such the proposal is contrary to Policy EH3 of the South Somerset Local Plan (Adopted April 2006), the National Planning Policy Framework and Policy EQ3 of the emerging South Somerset Local Plan (2006-2028).

**Informative:**

In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and, as appropriate, updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this case, the applicant was advised that the outcome was unlikely to be favourable however chose to seek retrospective consent.