
Delegated report Officer: Teresa Turner

Application ref. DMPA/2019/1232

Listed Building Consent for the installation of a new window and the lowering of existing cill to form larger window at 26a Main Street, Milton, Derby, DE65 6EF

Valid date: 30/10/2019

Consults expired: 20/12/2019

EIA development? No

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2017/0245 and 0084: The variation of condition 2 of planning permission ref: 9/2015/0123 (for amended plans relating to the demolition of farm buildings/structures together with the conversion, extension and replacement of agricultural buildings to form 3 dwellings and garaging space) and Listed Building Consent for the same – Approved July 2017.

9/2015/0123 and 0152: Planning and listed building applications for the demolition of farm buildings/structures together with the conversion and extension of agricultural buildings to form 3 dwellings and garaging/carport space - Approved April 2015. The Corporate Asset Manager advised that the land adjacent to the stone wall to the orchard (south of plot 1, the application site) has been nominated by Milton Village Hall Management Committee as an Asset of Community Value (ACV).

9/2014/0697 and 0716: Planning and listed building applications for the demolition of farm buildings/structures together with the conversion and extension of agricultural buildings to form 3 dwellings and garaging/carport space together with the formation of a new agricultural vehicular access - Refused October 2014. These applications were refused due to the impact of the proposed agricultural access on the Conservation Area and stone wall. This revised submission now omits the agricultural access altogether.

9/2013/0722 and 0723: Planning and listed building applications for the demolition of farm buildings/structures together with the conversion and extension of agricultural buildings to form 3 dwellings and garaging/carport space together with the formation of a new agricultural vehicular access – Withdrawn. These applications were withdrawn following an objection from the Wildlife Trust in order to undertake further bat survey work.

Responses to consultations and publicity

None received.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): Policy S2 (Presumption In Favour of Sustainable Development), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2 (LP2): BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Milton Conservation Area Character Statement 2013 (CACS)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue central to the determination of this application is the impact on the significance of the heritage asset (listed building).

Planning assessment

The impact on the significance of the heritage assets (listed building)

The application property is protected as part of a listed building via the provision within section 1(5)b of the Planning (Listed Buildings and Conservation Areas) Act 1990. The statement within the submitted Design and Access Statement that the building is not listed is therefore factually incorrect and surprising given that an application for listed building consent has been made.

Planning Permission and listed building consent for the conversion of the agricultural outbuildings to form 3 dwellings were originally approved in 2015 and subsequently varied via applications in 2017 (9/2017/0245 and 9/2017/0084). During the consideration of the 2017 variations the number of door openings on this unit were negotiated downwards with doors along the west elevation replaced with windows. The approved design sought to retain a broadly agricultural character via retention of existing openings and sensitive design and detailing of new openings and extensions. This included efforts to avoid elements of the building developing symmetrical layouts which would be ill at ease beside the largely asymmetrical elevations of the original barn.

This asymmetrical character of the retained building and its recent extensions, led by the function of the internal space rather than external appearance, is typical of agricultural buildings and is retained within the converted and extended barn. The proposal, as originally submitted, called for alterations to the rear (south) elevation gable end to create additional openings (both new and enlarged) arranged to give the gable a symmetrical layout and appearance which would be alien to the host property and its asymmetrical designs led by internal function. In this respect the proposal would fail to have regard to best practice concerning the conversion of agricultural buildings which advocates retention of agricultural character by avoiding regular patterns of openings and symmetrical layouts, a step which the existing single off centre window opening achieved well. As such the proposal would not follow guidance promoting 'good design' and would not benefit from the presumption in favour of sustainable development as the NPPF goes to lengths to explain that good design is a key aspect of sustainable development.

As the original proposal would reduce the agricultural character of the retained outbuilding it would also diminish the extent to which it contributes towards the significance of the principal listed building via its setting (Grade II Common Farmhouse). The proposal would therefore be harmful, albeit in a minor and certainly less than substantial way, to the special significance of a listed building and must be supported by a clear and convincing justification as per paragraph 194 of the NPPF. Whilst the design and access statement explains what the proposal is, there is no justification provided as to why the work was being proposed. The proposal includes a further two external doorways in a room which already benefits from extensive glazed bi-fold doors along the whole of its west side which also overlook the long and narrow garden of the plot, whilst only a narrow strip of garden area sits to the south where the two proposed doors would open. As such there would be no sound reasons to depart from the statutory presumptions against granting listed building consent under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal would fail to preserve the significance which listed buildings derive from their settings.

An amended plan (drawing no. 1309B 04) was received on 3rd January 2020 showing the omission of the new opening to the left hand side of the south facing gable and the existing window enlarged to a door height fixed screen - a photograph of an existing screen that would be copied was received on 6th January 2020. The accompanying justification states that their conservation consultant was of the opinion that, in view of the 2015 approval where the whole of the southern apex was being glazed and two door style openings were approved on the west facing gable, the proposed alterations as originally submitted would not be an issue particularly as these were approved under the same NPPF guidance that still applies now. He further points out that whilst it is understood that this modern element of the build should not compete with the existing historic elements, this does not mean it should slavishly copy them either. A photograph showing evidence of a single storey gable of a milking parlour in Twyford with a pair of door openings was also submitted to show how this kind of elevation could be historical. That being said, the Council's point of view is understood and to that effect, the amended scheme now omits the new opening altogether and just lowers the cill on the existing window (emulating a former doorway opening).

The Conservation Officer is satisfied that the amended proposal (drawing no. 1309 04) would address the concerns raised regarding design in relation to best practise and maintaining the agricultural character of the building, which in turn contributes to the significance of the principal listed building (Common Farmhouse). As a result the amended proposal would represent a good design and would preserve the special architectural and historic significance of both the converted barn as part of the listed building and its contribution to the setting of the principal listed building, achieving the desirable objectives set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the significance of the heritage asset (listed building) would be preserved in line with the requirements of the NPPF and Policy BNE2 of the LP1 and Policy BNE10 of the LP2.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	06/02/2020
Report agreed:	07/02/2020
Authorised officer:	Chris Nash
