LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 3 JUNE 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

ALLERDALE BOROUGH COUNCIL (YELLOW SHEETS)
RECOMMENDATION:  APPROVE with conditions

REPORT:

1  BACKGROUND AND PROPOSAL

  1.1 I am reporting this application to committee because my recommendation of approval conflicts with the views of Keswick Town Council. There is a related application at the neighbouring 17a Church Street on this agenda (7/2008/2281).

  1.2 17 Church Street is a three storey Victorian end of terrace house within the Conservation Area on a corner plot. It is characteristic of houses within the Conservation Area having local stone walls, slate roof and a distinctive Victorian character.

  1.3 This application seeks planning permission for a single storey pitched roof extension on the gable of the house. It would have a footprint of approximately 6m x 4m and a height to the ridge of the roof of 5m. Subject to the revised elevations referred to in the body of my report the extension would be detailed to reflect the house and finished in local materials characteristic of the Conservation Area including slate stone walls and local slate roof. Internally the extension would provide extended living accommodation and a utility area.

  1.4 The application also proposes the alteration of a dormer window to form a door and provide access to an existing flat-roofed terrace area above the neighbouring house (no. 17a Church Street).
2 REPRESENTATIONS

2.1 Keswick Town Council have objected to the application on the grounds of impact on residential amenity if both this and another application at no. 17a (7/2008/2281) are approved and particularly to the overbearing impact of the single storey extension.

2.2 One letter of objection has been received from the owner of 1 Ratcliffe Place, diagonally opposite. Objections raised are to the design of the proposed extension which the objector feels is out of character with the predominantly two and three storey buildings in this part of the Conservation Area. The objection also states that visibility of the extension would be increased if a previous planning permission for a new access through the boundary were implemented (7/2004/2087).

2.3 A further letter of objection received in response to the application at no. 17a is also relevant to the roof access element of this application. The letter was received from the owner of 18 Leonard Street, directly adjoining 17a Church Street and objects on the grounds of overlooking from the flat-roofed area.

3 POLICY AND ASSESSMENT

3.1 Although the issues are essentially site specific the following policies form the development plan context for the assessment of this proposal:

North West of England Regional Spatial Strategy:

- Policy DP7 (Promote Environmental Quality)

Extended policies of the Cumbria and Lake District Joint Structure Plan 2001-2016:

- EM38 (Historic Environment)

Saved policies of the Lake District National Park Local Plan:

- BE11 (Conservation Areas)

Is the design of the proposed extension acceptable in this Conservation Area setting?

3.2 Policy DP7 of the Regional Spatial Strategy requires high quality design for all new development and Policy BE11 of the Local Plan ensures that all development in Conservation Areas pay special attention to the desirability of preserving or enhancing their character and appearance.

3.3 The gable of no. 17 Church Street forms a prominent feature in the Conservation Area. However, I do not consider a single storey extension constructed of high quality materials and with the appearance of an attached out building would be harmful to this character. An improved design was negotiated with the applicant's architects and the main
elevations of the extension now better reflect the character of the host building with detailing to match.

3.4 Stone walls, slate roof and timber windows would all reflect the local traditional materials in the conservation area and assist in the integration of the extension into its built context. I therefore consider that the proposal would conform with the above-mentioned policies and I have reached this conclusion assuming that the new access for which planning permission already exists, was implemented.

Would there be an adverse impact on residential amenity?

3.5 There are two possible sources of harm to residential amenity: harm to the amenities of no. 17a from the erection of the single storey extension and use of the flat roofed area which sits between no. 17 and 17a.

Proposed extension

3.6 The proposed extension would be sited along the boundary with no. 17a facing a small patio / yard area at the front of the house which gives access from the street to the front door. There are a pair of French windows facing into this yard area which would look out onto a side wall of the proposed extension. This yard area is currently contained on three sides, by the two walls of the house and by a high hedge along the boundary. It does not benefit from much direct sunlight and the views out of the windows are into the hedge. The extension is shown as following the boundary which would necessitate the removal of the hedge. However, the eaves height along the boundary will be considerably lower the than the height of the existing hedge. Therefore, although there would be a changed outlook from a hedge to a wall and single storey slate roof I do not consider that this would be any more overbearing or would lead to any more loss of daylight than is currently the case. There are no issues of overlooking.

Changing the access to the flat roof

3.7 Currently occupiers of no. 17a have use of a flat roofed area as a roof terrace. This proposal would allow access to the flat roof by occupiers of no. 17 instead, through an existing dormer window which would be altered to form a door. The erection of railings to match the existing railings which line the flat roof would mean that use by 17a would cease.

3.8 The applicant owns both houses at this time but this is not necessarily a situation that will continue. We have to be convinced therefore that the amenities of both houses will be protected regardless of ownership. The potential for harm comes from the use of the flat roof of no. 17a by the occupiers of no. 17. A scheme of noise attenuation would be sufficient to ensure that there was limited impact on amenity by noise transfer through the roof structure. I am expecting details of a noise attenuation scheme in time for the meeting. Subject to its implementation there would be no harm to the amenities of the occupiers of either house.
3.9 The overlooking which is currently possible from this flat roof would be unchanged, it would simply be accessed in a different way.

4 CONCLUSION

4.1 The proposed extension and alterations would preserve the character and appearance of the Keswick Conservation Area and would not have an unacceptable impact upon the amenity of neighbours subject to a suitable noise attenuation scheme that may need to be secured by planning condition.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

Summary of Reasons for Approval

The proposed extension and alterations are appropriately designed and finished for this Conservation Area setting and would have a negligible impact on the amenities of neighbours. Having regard to the relevant development plan policies, in particular Policy DP7 of the North West of England Regional Spatial Strategy, Policy E38 of the Cumbria & Lake District Joint Structure Plan 2001-2016 and Policy BE11 Lake District National Park Local Plan and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Lake District NPA Development Control Committee – Wednesday June 3 2009

Application no: 7/2008/2281
Applicant: Mr C Prentice
Date of Application: 1 December 2008
Type of Application: Full
Location: 17a, Church Street, Keswick, Cumbria, CA12 4DT
Grid Reference: 326915 523304  See Plan
Proposal: Proposed renovation of house, including attic conversion/heightening of roof

District Council:
Parish Council: Object – see report
Highway Authority:

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to the committee because my recommendation of approval conflicts with the views of Keswick Town Council. There is a related application at the neighbouring 17 Church Street on this agenda (7/2008/2280).

1.2 17a Church Street is an unusual house. It is sandwiched between the end of two Victorian terraces sitting at right angles to each other. It is a pink-painted rendered building and is split between a flat roofed section and a two storey pitched roof section.

1.3 This application seeks planning permission to raise the roof of the pitched roof part of the house by 0.6m to form loft space accommodation. A window would be inserted into the gable to light this loft space.

1.4. In addition, access to the flat roofed area would be subject to alteration. Access would be allowed from the neighbouring house (no. 17 Church Street) rather than from no. 17a as is currently the case. This is also the subject of the application at 17 Church Street (7/208/2280).

2 REPRESENTATIONS

2.1 Keswick Town Council have objected to the application on the grounds of impact on residential amenity if both this and the application at no. 17 are approved.

2.2 Two letters of objection from neighbours have been received. A letter received on behalf of the occupier of 1 Ratcliffe Place objects on grounds of
design to the size and proximity of the new window in the gable end and asks of the pink render can be removed or painted white if permission is granted.

2.3 A letter from the owner of 18 Leonard Street, adjoining, objects on the grounds of overlooking from the flat-roofed area.

3 POLICY AND ASSESSMENT

3.1 Although the issues are essentially site specific the following policies form the development plan context for the assessment of this proposal:

North West of England Regional Spatial Strategy:

- Policy DP7 (Promote Environmental Quality)

Extended policies of the Cumbria and Lake District Joint Structure Plan 2001-2016:

- EM38 (Historic Environment)

Saved policies of the Lake District National Park Local Plan:

- BE11 (Conservation Areas)

Is the design of the proposed extension acceptable in this Conservation Area setting?

3.2 Policy DP7 of the Regional Spatial Strategy requires high quality design for all new development and Policy BE11 of the Local Plan ensures that all development in Conservation Areas pay special attention to the desirability of preserving or enhancing their character and appearance.

3.3 The existing building makes only a limited contribution to the character of the Conservation Area. Its pink rendered walls and flat roof section in particular are out of character with the local stone walls and Victorian character by which this area of Keswick is defined. The front of the house which has stone facing is of a more traditional character but its modern construction and design is clearly at odds with the buildings around it.

3.4 The pitched roof part of the building is stepped down significantly from the roof of the adjoining three-storey terrace. The increase in height proposed would still leave a step in the roof, retaining the separation between the rest of the terrace and what is clearly a different character of building.

3.5 The window in the gable, although large is not considered to be harmful to the character of the building or the wider conservation area. The proposals conform with policy relating to Conservation Areas.

Would there be any adverse impact on residential amenity?

3.6 This part of the Keswick Conservation Area is characterised by three and four storey buildings, a two storey building therefore gives rise to little overbearing
or loss of light to neighbours. An increase in height of 0.6m would lead to no further loss of light or overbearing. The additional window proposed in the gable would look down on an area already subject to public view and overlooking from other houses.

3.7 In partnership with the application at no. 17 Church Street (7/2008/2280) which is under the same ownership, this proposal would also alter the layout and use of the flat roofed area which sits between no. 17 and 17a.

3.8 Currently occupiers of no. 17a have use of a flat roofed area as a roof terrace. This proposal would allow access to the flat roof by occupiers of no. 17 instead, through an existing dormer window which would be altered to form a door. The erection of railings to match the existing railings which line the flat roof would mean that use by 17a would cease.

3.9 The applicant owns both houses at this time but this is not necessarily a situation that will continue. We have to be convinced therefore that the amenities of both houses will be protected regardless of ownership. The potential for harm comes from the use of the flat roof of no. 17a by the occupiers of no. 17. A scheme of noise attenuation would be sufficient to ensure that there was limited impact on amenity by noise transfer through the roof structure. I am expecting details of a noise attenuation scheme in time for the meeting. Subject to its implementation there would be no harm to the amenities of the occupiers of either house.

3.10 The overlooking which is currently possible from this flat roof would be unchanged, it would simply be accessed in a different way.

Would there be any impact on nature conservation interests?

3.11 A bat survey was undertaken as part of the application. No evidence of use of the building by bats was found and no mitigation considered necessary. Under the circumstances I consider an informative to be appropriate. This would remind the applicant and developer of the need to be vigilant for bats during construction.

4 CONCLUSION

4.1 The proposed extension and alterations would preserve the character and appearance of the Keswick Conservation Area and would not have an unacceptable impact upon the amenity of neighbours subject to a suitable noise attenuation scheme that may need to be secured by planning condition.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the
INFORMATIVE:

Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is an offence to deliberately capture, kill or disturb bats or to recklessly damage or destroy their breeding sites or resting places. The applicant/developer should remind the building contractors to be vigilant for bats during the building work. If at any time bats are found or suspected then, as a legal requirement, work must cease in that area and further advice must be sought from Natural England. Natural England's telephone number is 01539 792800 or, in an emergency outside office hours, the bat help line is 017687 76911.

Summary of Reasons for Approval

The proposed extension and alterations are appropriately designed and finished for this Conservation Area setting and would have a negligible impact on the amenities of neighbours. Having regard to the relevant development plan policies, in particular Policy DP7 of the North West of England Regional Spatial Strategy, Policy E38 of the Cumbria & Lake District Joint Structure Plan 2001-2016 and Policy BE11 Lake District National Park Local Plan and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed.

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