

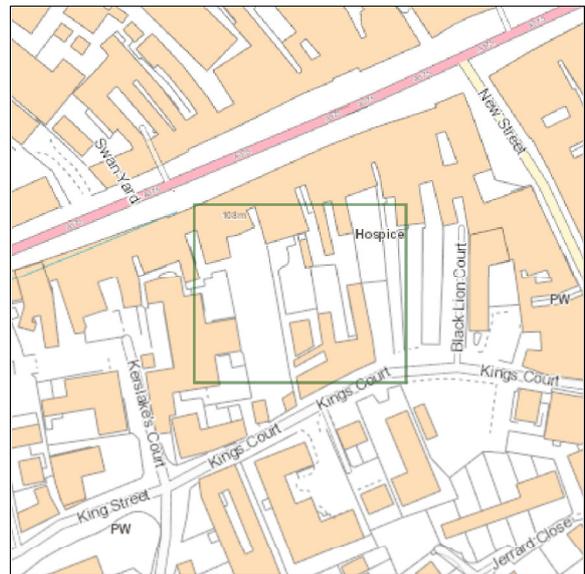
Ward Honiton St Michaels

Reference 19/2246/FUL

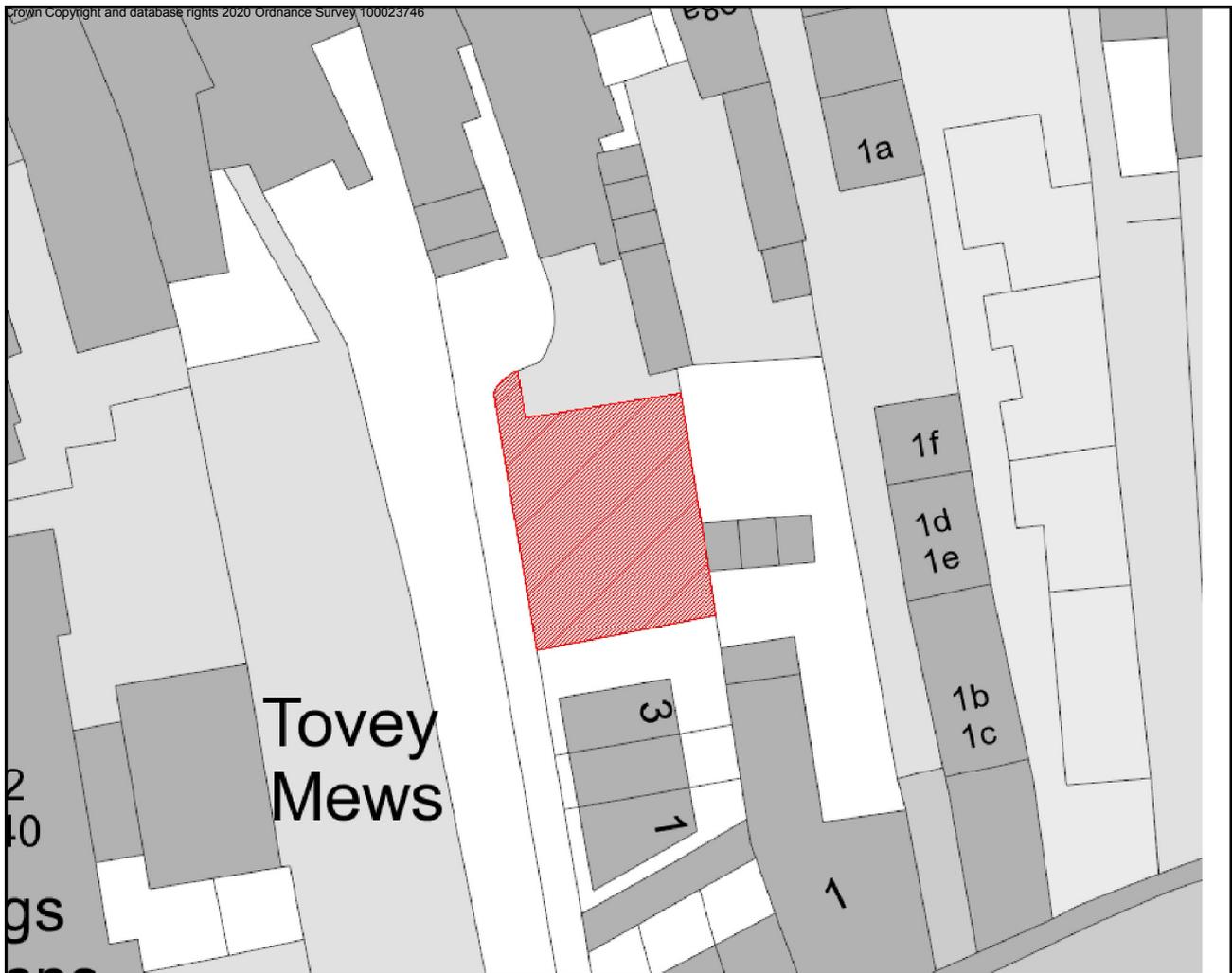
Applicant Mr M Cooper

Location Land To The Rear Of 102 High Street Honiton
EX14 1JW

Proposal Construction of 3no. dwellings.



RECOMMENDATION: Refusal



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|--------------------------------------|--|--|
| | | Committee Date: 3rd March 2020 |
| Honiton St Michaels (Honiton) | 19/2246/FUL | Target Date: 05.12.2019 |
| Applicant: | Mr M Cooper | |
| Location: | Land To The Rear Of 102 High Street Honiton | |
| Proposal: | Construction of 3no. dwellings. | |

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from the view of one of the Ward Members.

The proposal seeks planning consent for the creation of a terrace of three dwellings to occupy land to the immediate rear of 102 High Street, which is a listed building in Honiton in use as a public house. The proposal also takes place within the Conservation Area.

Objections from the Conservation Officer have been received. In the main these relate to the impact on the setting of the listed building and Conservation Area. The position, design and size of the development negatively impacts the setting of the listed building and in particular the rear of this building. The proposal also occupies a notable burgage plot which is a common feature within the market town of Honiton and the design fails to respect this. The alterations consisting of the position and design of the dwellings themselves, and subsequent alteration to a listed wall, negatively distorts the interpretation of this plot – which in turn harms one of the defining features of the Conservation Area. This interpretation would be harmed when viewed from the rear of the listed building, from the adjoining plots and from the pedestrian access to the site.

Additionally the arboriculture officer has raised concern with regards to the removal of a significant tree. Although off site planting has been offered this would not prevent harm to the tree on site itself and there is no mechanism or agreement in place to secure the off-site replacement tree planting.

The proposal is therefore considered to result in harm which is considered to form 'less than substantial harm'. As there are no public benefits of sufficient weight to outweigh the identified harm the proposal conflicts with the requirements of Local Plan policy EN9 and the guidance in the NPPF in relation to listed buildings.

Given the harm identified from the proposal to the setting of the listed building, Conservation Area and the tree, and the need to give 'special regard' to any impact upon heritage assets, this weighs heavily against the proposal and as such the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Honiton St Michaels - Cllr Mike Allen

Please note my concerns that although well designed, this development adds to the number of houses crammed into the historic burgage plots of the historic high street Saxon layout. As such it will need archeological care with excavations.

The overdevelopment of this area with no parking is going to add to the chronic parking problems in Honiton and I would like the Chairman's meeting to take careful note of my opposition to such development.

I would not like the Town Council's views to be missed and if they agree, then this application should go to DMC

Honiton St Michaels - Cllr Phil Twiss

This windfall site application sited in a tucked away, highly sustainable location just behind Honiton High Street High Street seeks to develop a redundant site to three new homes that would compliment existing properties in close proximity and others that have used similar sites in recent years within a short radius of this site, in both design and type of materials proposed. It is in close walking distance to car parks, Doctors surgery, railway station and High Street shops and services

The Homes would be of a reasonable size compared to neighbouring properties, where it would have been tempting to overdevelop the site with an application for four properties of different types and subject to the removal of the common species of Bay Tree (to repair the damage it is doing to an adjoining wall) with an off site scheme to replace it with three other trees, together with agreed on site planting scheme, I am happy to support this application.

20/01/2020 – ADDITIONAL COMMENTS

The Executive summary and a recommendation for refusal of this application for 3 small homes rests largely on comments from the EDDC conservation and tree officers, but do not take in to account the significant benefits offered by this windfall site in a highly sustainable location in the middle of the Honiton, but is inconsistent with previous approvals such as the current adjoining site 17/0809/FUL or 10/1837/FUL (reports attached) granted since 1999 and the formal recognition of the Honiton conservation area and both using redundant burgage plots (there are other sofa similar nature).

Conservation comments about the listed status of the 102 High Street and the curtilage of it are stretching the point as the listing at <https://historicengland.org.uk/listing/the-list/list-entry/1116632> make no reference to either the burgage plot or boundary walls and are arguable.

The Tree Officer is objecting to removal of a Bay Tree which has grown out of control, damaging the boundary wall. I understand a structural report commissioned by the applicant has determined that even if it were to be repaired it will cause the wall to fail and that it will need to be removed anyway.

Specifically the Bay Laurel or *Laurus nobilis* is an “aromatic evergreen tree or large shrub with green, glabrous smooth leaves, in the flowering plant family Lauraceae. It is native to the Mediterranean region and is used as bay leaf for seasoning in cooking”. It is neither rare or unusual and from personal experience is also easy to grow and maintain. Recognising that the applicant has made an offer to replace the Bay Tree with others elsewhere in Honiton I would expect that to be an condition of approval for suitable sites, where clearly there are very many that could be used, subject to relevant permission of the landowner/s.

The design and plans for this application are consistent with other similar properties and the stepped nature of the site to the south of the plot are stepped to a very minor degree as the attached photograph indicates.

The plot itself slopes gently towards the High Street and there would be no adverse visual impact on neighbouring properties or the conservation area and any damage to heritage assets is also arguable given the lesser impact than the approved site next door currently under construction (17/0809/FUL) for 5 dwellings on a former burgage plot with similar characteristics i.e. to the rear of High Street buildings, in a similar terraced style to that for this application.

The attached photograph shows the more dominant nature of this development in comparison to this one where it would be virtually enclosed by surrounding developments and with no visible adverse impact on the conservation area.

Comment is also made about a wooden fence, where one already exists for the boundary between the two sites which I find puzzling.

The relevant policies cited, other than D3 regarding trees are very similar between 17/0809/FUL and 19/2346/FUL with one approved and one recommended for refusal which is inconsistent between them and other similar approved applications and I would imagine EDDC would run a real risk of losing an appeal if the conservation and tree reasons are the main reasons for recommending refusal.

I would like this application to go to the Development Management committee for their decision, based on the key arguments I have presented in this response, not least the public benefit of three new homes in the middle of the town, increased panting of trees and similar design to the immediate surrounding area as outweighing the conservation and tree/shrub protection reasons put forward.

Clerk To Honiton Town Council

Members OBJECT to the proposal for the following reasons:

- o The proposal would remove the rear access to 102 High Street. As such 102 High Street would only have access from the High Street.
- o The proposal was overdevelopment of the site.
- o The proposal would adversely impact on the Town's weekly market as access for deliveries to 102 High Street would only be possible from the High Street.
- o The proposal does not provide parking and would exacerbate existing parking issues.
- o The proposal would result in the loss of a tree in the Conservation Area with no proposal to provide a replacement in the Conservation Area. Members were of the view that the applicant's proposal to plant 3 trees in a location within Honiton to be agreed with EDDC did not sufficiently mitigate the loss of a tree in the Conservation Area.
- o The proposed removal of a section of the boundary wall would adversely affect the appearance of the area and would result in the loss of historic fabric which should be retained.
- o The proposal was out of keeping with the character of the Conservation Area.

(5 for; 1 abstention)

Technical Consultations

County Highway Authority

Observations:

The site is situated on the rear of the High Street (A375), but has a vehicular and pedestrian access from King Street, W1808.

The three proposed dwellings are not planned to have dedicated parking, however Honiton makes an ideal non-car development in anycase, due to the regular train service, bus service and the range of facilities and services within the town centre.

I would recommend that each development is equipped with a cycle storage space to further encourage the sustainable travel modes. It is noted the vehicular access is still viable for deliveries ect but a great increase in trip generations to this development is not envisaged on the whole.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with policy 5B of the East Devon Local Plan 2013-2031.

Conservation

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This site forms part of the former garden space for the grade II listed building. The stone wall that that forms the boundary to the West and East of the site are considered to be curtilage and therefore grade II listed as well.

The submitted structural appraisal makes a thorough analysis of its current condition, which is clearly being damaged by the mature bay tree and the recent presence of ivy. It recommended that this wall is repaired in the first instance (with an appropriate lime mortar base) or re-built using the same stone.

The significance of this site is by its association as a grade II listed site and its setting within a conservation area. Its traditional materials reflect the local vernacular. The architectural form, i.e. the 3 storey, terrace town house with a typical commercial shop unit at ground floor. In general the subsequent additions to the rear elevations of this large group of listed buildings, are modest in their massing, subservient in height and of sympathetic materials. They follow the linear pattern of the boundaries and long burgage plots.

The proposal creates a built form in an area that forms a visual and open break between the listed building, its small outbuildings and a modern housing development at the Southern most end of the plot. The drawings do not illustrate in elevation the comparable ridge heights between the proposal, the heritage asset(s) and the modern Southern development. It is recommended that they should reflect the subservient character of the existing, historic structures in these spaces. There is an existing view into the rear of the listed building from the access route that would be lost with this proposal. This view informs the narrative of the heritage assets.

The design is of a local cottage style. The materials are a little inconsistent in quality, the Upvc windows in particular. The hard landscaping is excessive in this green, urban space of character. The proposed extent of loss of the Western stone wall is not supported as this is listed, however there would be scope for some sympathetic alteration.

In consideration of the existing modern development at the Southern end of the burgage plot and the extent of the (subservient) historic, rear outbuildings to the listed building. The partial loss of the Western curtilage stone wall. The loss of the open, green setting and also as a historic burgage plot to the listed building, it is also seen as an important group of listed buildings in the historic centre of Honiton Conservation, this is considered to be less that substantial harm to the setting of these significant heritage assets.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

AMENDED PLANS - 04.02.2020

In addition to the initial comments and recommendations; there is merit in the retention of the stone boundary wall, however drawings No. 0005A and 0004A do not accurately reflect the change to the division of 3 differently sized dwellings. The recommendation stands.

Trees

I object to this application due to the loss of a significant tree, the removal of which has not been justified either within a previous tree works application or this application.

Other Representations

At the time of writing two objections have been received (in summary);

- Noise from occupants post completion.
- Design and materials – harm to a listed wall.
- Lack of parking proposed.
- Overlooking into adjacent land leading to loss of privacy.
- Overbearing and over dominant impact.
- Harmful change to the character of the area.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|-----------------|-------------|
| 19/2247/LBC | Removal of a section of boundary wall and erection of acoustic timber fencing. | Refused | 03.01.2020 |
| 03/P1773 | Removal Of 3 Metres Of Exterior Stone Wall To Afford Vehicular Access To Rear Of Premises | Approved | 07.10.2003 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
EN10 (Conservation Areas)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This site forms part of the former rear garden space for the grade II listed building forming 102 High Street Honiton. The main building being in retail use.

The stone wall that that forms the boundary to the West and East of the site are considered to be part of the curtilage to the building and therefore also grade II listed.

The proposal is situated within the centre of the settlement of Honiton and within the Conservation Area.

Adjoining the site to the south is a development of 3 dwellings.

Proposed Development

The proposal seeks planning consent for the creation of three dwellings on land to the rear of 102 High Street, Honiton. The three dwellings would form a terrace of two storey dwellings with kitchen and dinner on the ground floor with two bedrooms at first floor level each.

The front elevation would face the east and would comprise of canopy porches and stone decoration up to the bottom level of the cill on the ground floor windows. The rear (east) facing elevation would have patio doors on the ground floor facilitating access to a small rear garden area and first floor windows serving the first floor bedrooms.

The dwellings would be originated on a north to south alignment, matching those of a series of dwellings positioned further to the south. Subdividing this development from the listed building to the north would be a new stone wall.

Access would be via an existing vehicle and pedestrian access which joins Kings Street. No vehicular parking is proposed.

Rebuild of one of the boundary walls is also proposed and this requires the removal of an existing tree within the site.

It should be noted that amended plans have been received during the consideration of the proposal which have retained more of a listed wall in front of the properties and altered the proportions of the size of dwellings themselves.

ANALYSIS

The main issues concerning this proposal are;

- Principle of the development
- Design and impact on the heritage assets (conservation area and listed building)
- Impact on Amenity
- Access and parking
- Impact upon trees
- The planning balance

Principle of the development

The application site is located within the Built Up Area Boundary (BUAB) of Honiton and therefore the principle of residential development is established under Strategy 6 of the adopted East Devon Local Plan, subject to site constraints. Therefore the main issues concerning this proposal are the impact on heritage assets (listed building and conservation area), the impact on the amenity of proposed and adjacent properties, the impact on ecology and the impact on highway safety.

Design and impact on the heritage assets (conservation area and listed building)

Policy D1 states that development should respect the local distinctiveness of an area with local plan policy EN10 stating that the historic fabric of the conservation area should be conserved or enhanced. The design has been promoted in that it sits well within the topography of the site and it is claimed it will be relevant when the adjacent building works have been completed (for conversion of the house to the south of the adjoining plot to the east to 4 flats and re-building of barn in the garden to create 3 flats).

The significance of this site is by its association as a grade II listed site, its setting within a conservation area and its form as a burgage plot. The use of traditional materials features random stone, slate and render reflect the local vernacular.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that in considering whether to grant planning permission for development which affects the setting of a listed building special regard shall be had to the desirability of preserving the building or its setting. Section 72 of the same Act, also provides a general duty for conservation areas.

The proposal creates a built form in an area that forms a visual and open break between the listed building, small outbuildings and a modern housing development at the Southernmost end of the strip plot. In light of this and its burgage plot nature the conservation officer has recommended that these dwellings should reflect the subservient character of the existing, historic structures in these spaces. Traditionally

burgage plots will have been development in a way that building further down the plot are ancillary and subservient in nature and design.

There is an existing view into the rear of the listed building from the access route that would be lost with this proposal. This view is particularly important as it informs the narrative of the heritage assets, including the evolution of the building over time. The applicant has noted that the principle reason for the listing of the buildings is the contribution that these terraces contribute towards the high street, however, the entirety of the building is listed and this includes the modified rear façade and rear walls and the history to the plot in terms of its burgage plot that justify the inclusion of the who site within the conservation area. The scale of the dwellings, and their modern design, means that they would obscure the main views of the rear elevation of the listed building (102 High Street) in a form that would not have been traditional to a burgage plot or to the setting of the original listed building.

The design of the dwellings is of a local cottage style. The materials are a little inconsistent in quality, for example the upvc windows in particular not being reflective of its historic setting. There is a lack of articulation in the buildings themselves or reference to its surrounds which could have enhanced the design and made this development more compatible or have provided interest. Instead the proposal is arguably more akin to dwellings found on modern estates rather than a dwelling which respect or are informed by the historic context. The design of these dwellings neither conserve nor enhance the wider conservation area and will simply appear as modern houses dropped into the middle of a plot with no reference to the listed building, conservation area or burgage plot history. Whilst the buildings will not be highly visible from surrounding roads, they will be visible from the listed building, adjoining plots and when being accessed via the pedestrian path.

It is evident that there has been previous development in the rear of adjoining burgess plots over the years. For example the three dwellings to the south were approved in 2005 under planning consent 04/3160/FUL. However, the ridge line of the dwellings was stepped to facilitate some subservience and respect for the scale of its setting and it is not unusual in burgage plots to have appropriate/subservient development at the rear of the plots fronting access lanes as demonstrated by the site to the east. That said the plot boundaries have remained legible although large size buildings do now occupy these rear plots within the wider context.

The proposal would result in the loss of the open setting and also as a historic burgage plot to the listed building, it is also seen as an important group of listed buildings in the historic centre of Honiton Conservation Area. This harm is considered to be less than substantial harm to the setting of these significant heritage assets.

The proposal would also result in the partial removal of an existing wall which is a listed structure, in order to allow for the development including its access. The hard landscaping proposed is considered excessive. In light of the design approach adopted, the proposed loss of part of the western stone wall is not supported as this is listed, however there would be scope for some sympathetic alteration as part of a more sympathetic proposal. Alterations to this listed wall and the provision of an acoustic fence (now replaced by a stone wall) were the subject of a separate listed building consent which has been refused for the following reason:

'The works would result in the unjustified loss to an historic listed wall which contributes to the historic fabric of a listed building and is one of the defining features of burgess plots in which the listed building is situated. Additionally the timber acoustic fencing introduces an incongruous element which would be prominent due to its height and would produce a harsh subdivision of a burgage plot which in turn contributes to the setting of the listed building. The proposal fails to conserve the historic fabric which results in less than substantial harm as the proposal would result in the loss of historic fabric and impact on the wider conservation area. As there are no public benefits to outweigh such harm there is conflict with policies EN8 (Significance of Heritage Assets and their setting), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan and guidance contained within the National Planning Policy Framework and the National Design Guidance.'

Listed building consent 03/P1773 allowed for 3 metres of the wall to be demolished to make way for the existing gates. It is considered that further demolition of these walls would add to the cumulative effect of incremental change which would be a negative change that would sever an important link to the history of the listed building and wider Honiton Conservation Area.

In summary therefore, it is considered that the form of development proposed, combined with the loss of part of the listed wall is unjustified and harmful to both the setting of the listed building and character and appearance of the Conservation Area contrary to Local Plan policies D1, EN9 and EN10. Where harm such as this is regarded as 'less than substantial', there need to be significant public benefits that outweigh the harm in order to justify approval of planning permission. This is addressed below.

Impact on Amenity

On the rear elevation there are first floor windows, serving each of the three units. This is on the east elevation and facing over the strip plots and car parking areas to the east and west. However, it is clear that the windows of the upper floor would not result in harmful levels of overlooking as the positioning is not in close proximity to the private amenity space of surrounding properties. Given the space of the proposal to neighbouring dwellings and their respective windows the proposal would not lead to an oppressive outlook toward neighbouring properties.

It is also noted that an acoustic screen wall is proposed between the development and the rear of number 102. To erect such a structure hints at the close proximity of the proposed dwellings to the rear elevation of the listed building.

Whilst the amenity space proposed to be provided to each of the dwelling is minimal, given the similarities to the existing dwellings to the south, it is difficult to argue that this is unacceptable or out of context.

Access and parking

The submitted layout plans do not illustrate any onsite parking for vehicles. However, given the good level of facilities and services within Honiton itself this would not be insisted upon given these circumstances. Access would be through a narrow access route which joins Kings Street. This already serves other dwellings as well as the rear of 102 High Street. Given that this access route would mostly be used by pedestrians, as there is no allocated parking, the increased use of the access route is unlikely to result in nuisance or highway safety issues.

Whilst number 102 High Street would have to be serviced via its front elevation, this is likely to occur at present and it would be difficult to justify refusal of planning permission on the basis that a retail unit on the high street is required to be serviced via its front elevation. This is not an uncommon arrangement.

Trees

The Council's Tree Officer has objected to the application due to the loss of a tree within the site without adequate mitigation, the site being in a Conservation Area and as such replacement planting is required. A structural survey of the wall which is adjacent to this has been submitted. It would appear that only a basic visual inspection of the tree was carried out. The survey states that the proximity of the tree is definitely having some impact on this wall and likely to make it unstable within 5 years.

Whilst works are required to the wall in the future, the proposal would result in the loss of the tree without any adequate replacement given that the remainder of the site will be developed with no room for replacement planting.

Whilst the proposal suggests the provision of 3 trees elsewhere within Honiton, no sites within the applicant's control have been identified or agreed at this stage. Whilst the applicant has contacted the Council's Streetscene department suggesting Apple Trees within the Honiton Bottom Nature Reserve off Battishorne Way, at the time of writing no mechanism is in place to secure this, or future maintenance or replacement costs, and in any event this does not directly offset the harm to this specific tree within this site in the Conservation Area.

Whilst the tree is not visible from the public domain, it does provide a green setting to the rear of the listed building and provide relief to the built development in this area. As such, the loss of the tree has not been justified.

Given the loss of the tree in the Conservation Area, this also makes the application unacceptable and contrary to Policy D3 of the Local Plan.

The Planning Balance and Conclusion

From the above the proposal has been found to harm the setting of the listed building and wider Conservation Area. Accordingly, and with special regard paid to the duties enshrined within Section 66 and 72 of the Listed Building and Conservation Area Act, 1990, the proposal harms the setting of the listed building and conservation area.

This harm is considered to be 'less than substantial' and in accordance with the NPPF it is necessary to balance this harm against any potential public benefits.

In this case there are no such clear public benefits, and indeed none have been put forward by the applicant. Whilst the construction phase would entail short lived employment benefits and the proposal would make a modest contribution towards the supply of housing in the district these alone, or in combination, would not result in a public benefit which would outweigh the identified harm to an irreplaceable heritage asset.

In addition to the above, harm has been identified to a tree within the site which has drawn an objection from the council's tree officer. This adds to the harm from the proposal.

In light of the harm to the heritage assets and tree, and given the minimal public benefits from the proposal, the application is considered to be unacceptable and is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed dwellings, by reason of their large scale, incongruous design and appearance would detract from the surrounding historic character of the area and rear of the listed building. The proposal fails to conserve the historic fabric which results in less than substantial harm. As there are no public benefits to outweigh this identified harm there is conflict with policies EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan and guidance contained within the National Planning Policy Framework and the National Design Guidance.
2. The development would result in the unjustified loss to an historic wall which contributes to the historic setting of a listed building and is one of the defining features of burgess plots within the conservation area. The proposal fails to conserve the historic fabric which results in less than substantial harm as the proposal would result in the loss of historic fabric and impact on the wider conservation area. As there are no public benefits to outweigh such harm there is conflict with policies EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan and guidance contained within the National Planning Policy Framework and the National Design Guidance.
3. The proposal would result in the loss of a notable tree within the designated conservation area. Although compensatory planting has been offered off site this has not been secured and does not mitigate the direct harm to the tree on site. The proposal therefore conflicts with the requirements of policy D3 (Trees and Development) and EN10 (Conservation Areas) of the adopted East Devon Local Plan and the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

| | | |
|------|----------------------|----------|
| 001 | Location Plan | 10.10.19 |
| 002 | Existing Site Plan | 10.10.19 |
| 003C | Proposed Site Plan | 06.02.20 |
| 004A | Proposed Floor Plans | 14.01.20 |
| 005A | Proposed Elevation | 14.01.20 |

List of Background Papers

Application file, consultations and policy documents referred to in the report.