

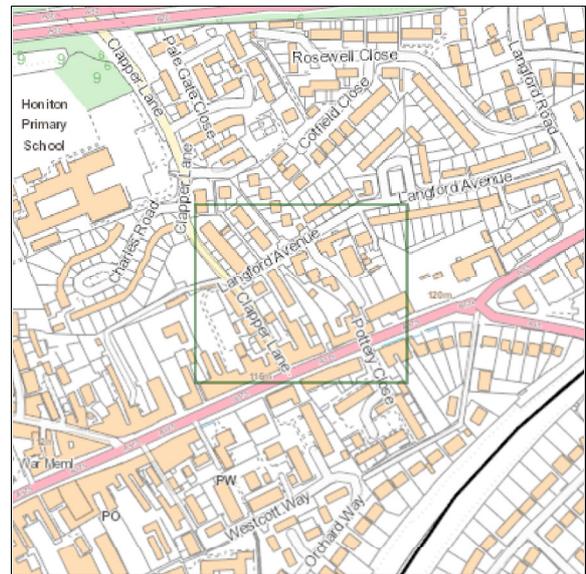
Ward Honiton St Pauls

Reference 19/2348/FUL

Applicant Mr & Mrs B White

Location 13-15 High Street Honiton EX14 1PR

Proposal Erection of 2 no. dwellings in rear garden.



RECOMMENDATION: Refusal



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| | | Committee Date: 4th February 2020 |
| Honiton St Pauls (Honiton) | 19/2348/FUL | Target Date: 06.01.2020 |
| Applicant: | Mr & Mrs B White | |
| Location: | 13-15 High Street Honiton | |
| Proposal: | Erection of 2 no. dwellings in rear garden. | |

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

The application is before Members as there are potential financial implications for the council due to the requirement for access to be taken over EDDC owned land.

Nos. 13-15 High Street is a grade II listed building. Together they form a single dwellinghouse fronting onto the north side of the High Street to the east of the town centre. The site falls outside the town's conservation area but within the defined built-up area boundary of the town. To the rear of the site a narrow garden area that extends deep into the site terminating just short of Langford Avenue, which runs parallel with the High Street at this point. The garden is largely undeveloped and contained by stone boundary walls. Together with the neighbouring site to the immediate east it represents one of the few remaining undeveloped burgage plots within the town.

The application proposes the construction of 2 no. semi-detached properties within the northernmost part of the rear garden. These would be relatively simple pitched roof structures utilising a palette of render and slate. The buildings would be located adjacent to a detached double garage on the adjoining property to the east and southeast of a block of EDDC owned flats. There is further residential development between Langford Avenue and High Street further to the east.

In terms of location, the site is considered to be sustainably located and where additional residential development is supported in principle by policies of the Local Plan. Furthermore, in terms of issues of design and amenity the proposal is generally considered to be acceptable, address a reason for refusal on a previous proposal for 4 dwellings on the site. Access to the site would be pedestrian only and would be over EDDC land and appears to be achievable without affecting the council owned assets.

However from a conservation perspective there are concerns that development of the site would result in harm to the setting of the listed building. Whilst the harm

identified is considered to be 'less than substantial' in this instance it is amplified by the cumulative effect of change on the setting of the designated heritage asset and the undeveloped nature of the site representing one of the few remaining links to the building's original setting.

Where 'less than substantial harm' is identified this needs to be balanced against any public benefits of the proposal. In this regard the proposal would result in the provision of 2 no. dwellings which would have some limited social and economic benefits. However, where the council can demonstrate an up to date five year housing land supply these limited benefits are not considered to outweigh the harm to the setting of the listed building which would arise.

In light of this, and as 'special regard' needs to be given to preserving the listed building and its setting, the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Clerk To Honiton Town Council

SUPPORT subject to receipt of guidance from the Conservation Officer relating to the status of the listed walls should the application be granted.

Note: Members were of the view that all future new build applications should include proposals to limit future carbon footprint such as the inclusion of solar panels and rain harvesting measures.

(4 votes for, 2 against and 1 abstention)

Other Representations

- 1 no. objection has been received to the application citing the following concerns:
 - Development of one of the few remaining burgage plots should be resisted and approval of similar development in the past should not be used as an excuse
 - Impact within curtilage of listed building should be resisted.
 - Poor access to development site over EDDC land
 - Given required access over EDDC land the council has a pecuniary interest in the application.
 - Lack of parking provision and lack of footway links to town Centre.
 - If permission were to be granted it should be single storey and allow for solar gain to the rear of the building and use of renewable technologies.

Technical Consultations

Devon County Archaeologist

Application No. 19/2348/FUL

13-15 High Street Honiton EX14 1PR - Erection of 2 no. dwellings in rear garden:
Historic Environment

My ref: Arch/DM/ED/34930a

I refer to the above application. The proposed development lies within the medieval core of Honiton and groundworks associated with the construction of the dwellings to the rear of no.15 High Street, Honiton, have the potential to expose and destroy archaeological and artefactual deposits associated with the early settlement in the town. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an

appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Conservation

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

Regarding the proposal to construct 2 dwellings in the rear garden of grade II listed buildings of 13-15 High Street and the impact on their setting, the comments are as follows;

Their significance is through the archaeological and historical values. The fabric of the buildings is generally 18th century although there is evidence of an earlier 17th century house on this same plot, mostly found on the ground floor of number 13. This is attributed to the rebuilding of some areas of the town due to fires during the late 18th and 19th centuries. The plot to the rear is consistent with the common size and depth of the historic burgage plots for this town. The plot was originally subdivided between number 13 and 15, but during 1842 it had the same owner hence a reallocation to one address.

The architectural style of the heritage asset reflects the local vernacular and informs the narrative of the area. Its contribution is also reflected in the listing description which includes it as being part of a larger listed group.

The communal contribution of the setting form an important part of the historical development of the town and the direct setting of the listed building. The landscape and open spaces around the historic built environment are as important as they add to the understanding and setting of the long history associated with this town.

The outbuildings to the rear of the listed buildings form part of the grade II listing, rather than be considered to be cluttering the view to the rear. They have value as they are part of the phases of change that these 2 dwellings (now formed into one) have experienced over the centuries. They appear on the 1888-1890 historic mapping, along with a defined boundary around the burgage plot. They do not distract from the immediate and extended, traditional roofscape.

The design has responded to the previous comments, which has benefitted with the reduction in the quantity of the units, the subservient ridge height reduced compared to the heritage asset, a considered design and a more sympathetic boundary treatment. The stone boundary wall is grade II listed curtilage, as also noted in the assessment study. There is merit in the proposal for the retention of this wall, however,

it is recommended that any repairs are with sympathetic and appropriate materials. This could be as a condition.

The materials proposed have been improved and have a closer relationship with the local vernacular, however, it is always disappointing when Upvc windows are specified.

In conclusion, the heritage assets including the curtilage structures, (e.g. the stone boundary wall), are historically associated to the open burgage plots. They are significant as they have always formed part of the ownership and urban form for centuries. The proposal of the reduced number of dwellings i.e. 2, a bin storage area and a larger cycle store, including the materials, are at odds with the natural garden-scape that forms the setting of the heritage assets and intrinsic character of the area. There are also no heritage gains to the listed buildings within this proposal. It is a compromise on this awkward strip of garden, therefore the impact is considered to be moderate adverse.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 4 (Balanced Communities)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site relates the northernmost part of the garden area at the rear (north) of the joined properties 13-15 High Street. The main building is grade II listed and in residential use as a single dwellinghouse.

The building fronts onto the High Street and there is vehicular access from here to a parking area at the rear of the building. The narrow rear garden is contained by stone boundary walls and extends a considerable distance to the north. This garden terminates short of Langford Avenue and there is no direct access from here to the site. To the west of the site is a residential apartment block and associated parking area, accessed from Langford Avenue. To the immediate east is the garden of the adjoining property, No.11 High St. and includes a large garage building immediately adjacent to the site. Further to the east is the small residential development of Tremaine Close located between the High St. and Langford Avenue.

The site lies to the northwest side of the town centre outside of the designated conservation area but within the built-up area boundary of the town.

Planning History

Planning permission (reference 19/1041/FUL) was refused on the 13th September 2019 for a proposal to build 4 dwellings in the rear garden of 15 High Street. The application was refused for the following reasons:

1. The site is part of an historic burgage plot currently forming the garden of 13-14 High Street a Grade II Listed Building at the southern end of the site. The burgage plot contributes to the setting of the Listed Building. The proposed terrace of 4 dwellings would have a tightly knit layout within the development site and would be located close to the burgage plot boundaries with very small gardens (on the whole), resulting in an intimate relationship with each other and with the surrounding built form. This intimate relationship would be a departure from the surrounding urban grain and the reduction in the size of the garden associated with 13-14 High Street would harm the setting of that Listed Building, with both of these harms being discernible from public viewpoints to the south. In addition, the design of the dwellings, which include a brise soleil, and the materials proposed to be used which include artificial slate and an extensive area of vertical timber panelling, are considered to detract from the setting of the Listed Building and in the absence of evidence to the contrary, such as scaled section drawings and elevations of the wider site (including a Listed curtilage wall), it is considered that the proposal potentially has an adverse impact on the significance of the Listed Building itself and a Listed curtilage wall. The proposal therefore conflicts with the requirements of Policies D1 Design and Local Distinctiveness, Policy EN9 Development Affecting a Designated Heritage Asset of the East Devon Local Plan.
2. The northern dwelling of the proposed terrace of 4 no. 2 storey dwellings is located close to the southernmost flats in a neighbouring block of flats to the west (containing no.s 37 to 59 Langford Avenue) and in the absence of information to the contrary, the proposal is considered to have an adverse

impact on the privacy of the southernmost ground and first floor flat, an adverse impact on the daylight reaching the southernmost ground floor flat and to fail to provide adequate privacy to the future occupants of the northernmost proposed dwelling, contrary to the requirements of Policy D1 Design and Local Distinctiveness of the East Devon Local Plan.

Proposed Development

The current proposals represent a reduction in the quantum of development previously proposed and now seek permission for 2 no. dwellings on the site. The site area has also been reduced with the boundary with No.13-15 moved further to the north.

The reduction in no. of units proposed has also curtailed the development which now does not extend as far to the north/northwest.

The 2 no. units proposed are of 1 ½ storey form featuring asymmetrical pitched roofs with mono-pitched slate clad dormers in the western roof slopes. The materials proposed are render to the elevations under slate roofs.

The existing stone walls that currently form the side boundaries of the plot are indicated to be retained and repaired, although a section of the western wall, in line with the proposed properties is indicated to be lowered. Access to the site is shown via a new private pathway and then over adjoining land (EDDC owned) to link to the public highway. A cycle store and bin enclosure is shown at the northern end of the site.

ANALYSIS

The main issues for consideration include the principle of the development, its visual impact and impact on heritage assets, residential amenity, access and highway safety issues and archaeological impact.

Specifically in relation to the most recent application to redevelop the site development was refused on the grounds of: adverse impact on the setting of the listed building as a result of a proposed reduction in the size of its garden; development being out of character with the prevailing urban grain; use of inappropriate design and materials, and; loss of amenity to existing occupiers through overlooking and loss of light. It is necessary to consider whether the development appropriately addresses these issues.

Principle

The site is located within the built-up area boundary of the town where development, including residential, is acceptable in principle in accordance with Strategy 6 of the Local Plan. Strategy 23 also encourages the building of additional new homes within the built up area boundary of the town.

Visual and Heritage Impacts

The application site represents one of the few remaining undeveloped burgage plots in this part of the town and reflects the distinctive historic development of Honiton. The site is visible in close range public views from Langford Avenue, however it is recognised that in such views development would be seen in context with existing development some of which has significantly eroded the original pattern of burgage plots extending back from the High Street. There are notable examples of this in the form of the EDCC flats development to the immediate west of the site and the Tremaine Close development further to the east. The current proposal needs to be considered in the context of this existing development but also in relation to the existing burgage plot which strongly informs the setting of the Listed Building (13 and 15 High Street). It should be noted that the other backland development in the immediate area is not to the rear of a listed building.

The current proposal has sought to address concerns raised with the previous application and the reduction in the number of units and site area together with changes to their design represent improvements on the earlier scheme. The simplification of the design and lowered eaves height also assists in lending a subservient appearance to the buildings stepping down in height from the development to the north which fronts the High St. Whilst taken in isolation the design of the units are considered to be acceptable, although in context the narrow nature of the plot and proximity of development to the retained stone boundary walls would still result in a constrained form of development, with plot 2 having limited amenity space.

The application is accompanied by a Heritage Statement which considers the heritage implications of the proposed development, including the impact on the setting of the listed building. It concludes in relation to impact on setting that the development would represent 'a degree of change' but that this would not be untypical of the immediate surroundings. The report does not however appear to classify the magnitude of the degree of change in line with the assessment criteria set out at page 17 within the report.

Historic England has produced a good practice guidance note for assessing the setting of heritage assets. (Good Practice Advice in Planning Note 3 (Second Edition): 'The Setting of Heritage Assets'). This confirms that, '*...the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.*' It also states that settings will change over time and that, '*Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance.*' Finally, in relation to cumulative change it advises that where the significance of a heritage asset has been compromised in the past by unsympathetic development, which is considered to be the case here, consideration still needs to be given to whether additional change would further detract from, or could enhance, the significance of the asset. As an example it is stated that, '*...negative change could include severing the last link between an asset and its original setting.*'

It is accepted that the manner in which surrounding land has been developed over the years has affected the setting of the listed building and it is further acknowledged that

there has been a history of the development of the town's burgage plots, some more successfully than others. Nevertheless, each application needs to be considered on its individual merits and in this respect any development that sub-divides the existing burgage plot and listed building curtilage and proposes development within it will have a degree of impact on the setting of the listed building. This harm is considered to be heightened by the proposal representing one of the last remaining undeveloped burgage plots in the vicinity of the site/setting of this listed building. In this regard such development is considered to represent a degree of harm rated as moderate adverse which equates to 'less than significant harm' to the significance of a designated heritage asset. Some further limited harm would arise through the alterations proposed to the boundary walls, including sections which would be raised and others that would be lowered to facilitate the development, although this is off-set by the proposed repairs to the walls.

In accordance with policy EN9 of the Local Plan and para. 196 of the NPPF such harm needs to be balanced against any public benefits arising from the proposal. It should be remembered however that the decision maker has to give 'special regard' to the desirability of preserving listed buildings and their setting.

Residential Amenity

In relation to the previous application, concerns over the relationship between the development proposed at that time and existing properties within the block of flats to the west formed a reason for refusal. The current application has resulted in a reduced footprint for the development, as a result the building would not extend as far to the north and would not be in line with windows serving existing residential units within the adjoining block of flats. Other than narrow oblique angled views, direct views between existing and proposed properties would be avoided.

The proposed gardens of both units would be overlooked to a greater or lesser extent but this is to be expected in a town centre location. Similarly, whilst the proposed amenity space for plot 2 is limited, particularly in comparison with surrounding development, it is not in itself considered to be unacceptable. Additionally, whilst the proposal may result in an increased perception of overlooking over the bottom part of the garden of the neighbouring property to the east first floor window in the rear elevations of the units are indicated to be obscure glazed and this could be conditioned. It is also noted that this area is already open to similar close range views from properties in Tremaine Close and the flats development further to the west to the extent that objection on such grounds would be unwarranted.

Access and Highway Safety

The location of the site lies within level walking distance of the town centre and the facilities and services available therein. As such the site is considered to be highly sustainable when assessed against advice within the NPPF and policy TC2 of the Local Plan. Whilst there is no on-site parking proposed to serve the development the availability of public transport options within walking distance of the site needs to be taken into account. Policy TC9 of the Local Plan, as a guide, seeks to secure provision of 1 no. parking space per 1 bed home and 2 no. parking spaces per 2 bed homes. However it acknowledges that lower provision in town centres may be appropriate and

in exceptional circumstances (where there are very good transport links) no parking provision may be deemed necessary. It was accepted on the previous scheme that parking provision was not essential and there is no reason to take a different view on this scheme for fewer units. Appropriate cycles storage is indicated.

In terms of site access the application as originally submitted did not indicate how the site would be accessed from the public highway. The application has subsequently been amended to indicate a pedestrian access route over EDDC owned land to Langford Avenue. Notice has been served on the Council to reflect this and were permission to be granted access rights would need to be subject to separate discussions with the appropriate department of the Council.

Archaeological Issues

The site has been identified by the County Archaeologist as having potential archaeological and artefactual deposits associated with the early settlement in the town, which could be exposed and/or destroyed by the development. The archaeologist recommends that a condition be imposed to require that a programme of archaeological work be undertaken to investigate, record and analyse any archaeological evidence at the site. In the case that permission is to be granted it is recommended that this condition be imposed. As a pre- commencement condition advance notice of intention to impose such a condition must be given to the applicant allowing them the opportunity to consider and comment upon the implications of such a condition.

Other Issues

The ecological survey provided with the application indicates that no important habitats or protected species would be affected by the development provided that development avoids removal of bird nesting habitat outside of the nesting season, which could be ensured by a planning condition, in the case that permission was to be granted. The development could therefore demonstrate compliance with policy EN5 – Wildlife Habitats and Features of the Local Plan.

The proposal would bring forward 2 no. 2 bed dwellings which would add to the housing offer within the town and are likely to be targeted at the lower end of the market. These benefits are recognised and are supported in principle by Strategy 23 of the Local Plan.

CONCLUSION

The proposal would make a small contribution to housing supply in the town and whilst this is recognised as a social benefit it needs to be considered within the context of the Council's current position of being able to demonstrate a five year housing land supply.

It is further recognised that economic benefits would arise from the development both direct in relation to construction related jobs and indirect in terms of future occupier's ongoing interaction with the local economy.

These benefits are however limited by the scale of the development and need to be balanced against any environmental harm that would result.

In this regard, the proposal would result in harm to the setting of the listed building through the sub-division of what appears to be one of the few remaining burgage plots in this part of the town and the sub-division of the listed curtilage. Such harm is considered to be less than substantial and therefore needs to be balanced against the identified public benefits of the scheme. The application includes proposals to repair the boundary walls but these are not considered to represent heritage benefits of significant weight (particularly as this is off-set by some lowering of a part of the wall), and there are no other apparent heritage gains resulting from the proposal.

In carrying out the required balancing exercise it is recognised that in this instance the sub-division of the plot would represent the severing of one of the last links between the designated heritage asset and its original setting and this is considered to tip the balance against the proposal, particularly bearing in mind the requirement to give 'special regard' to the desirability of preserving listed buildings and their setting. This recommendation is also in line with the previous decision.

On balance, the proposal is found not to represent sustainable development and is recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

1. The site comprises part of an historic burgage plot currently forming the garden of 13-15 High Street, a Grade II Listed Building, at the southern end of the site. It represents one of the few remaining examples of undeveloped burgage plots within the town. The proposed subdivision of the plot and development in the manner proposed would represent a form of development that would be somewhat out of character with the surrounding pattern of development but which more importantly would result in harm to the setting of that listed building. The resulting harm is considered to be less than substantial but it has not been demonstrated that any public benefits that would arise would sufficiently outweigh the identified harm to the significance of the heritage asset and as such conflicts with the requirements of Policies D1 (Design and Local Distinctiveness) and EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework (particularly para. 196) and associated planning practice guidance.

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:

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| 13330/5000C | Proposed Site Plan | 24.10.19 |
| 13330/5001A : facing materials strategy | Other Plans | 24.10.19 |
| 13330/5002 : boundary strategy | Other Plans | 24.10.19 |
| 13330/6101C | Proposed Floor Plans | 24.10.19 |
| 13330/6102A | Proposed Elevation | 24.10.19 |
| 13330/1030 D (amended) | Location Plan | 22.11.19 |
| 13330/6104A | Sections | 11.11.19 |
| 13330/6103C : refuse+cycle store | Proposed Combined Plans | 11.11.19 |

List of Background Papers

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