

SUMMARY OF APPLICATION

Application Reference	B/21/0010		
Application Type	Full Planning Permission		
Proposal	Proposed extension and alterations to form annexe and enlarged kitchen, dining, living, utility and wc		
Location	Neptune Cottage, Fishtoft Road, Boston PE21 0AD		
Applicant	Mr P Heslop, c/o Neil Dowlman Architecture Ltd		
Agent	Mr Neil Dowlman, Neil Dowlman Architecture Ltd		
Received Date:	13-Jan-2021	Consultation Expiry Date:	17-Feb-2021
Valid Date:	13-Jan-2021	Statutory Expiry Date:	10-Mar-2021
Date of Site Visit:	22-Feb-2021	Extension of Time Date:	---
Objections received?	None		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	REFUSE Planning Permission		
Report by:	Simon Eldred		
Date:	1 st March 2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is accessed via a private drive from Rectory Road, and contains:

- a two-storey dwelling with white-painted brick walls, a slate roof, and a large central chimney stack in a yellowish brick;
- outbuildings to the north-east and west of the dwelling;
- gardens to the south and east of the dwelling;
- a paved courtyard to the north of the dwelling; and
- a parking/manoeuvring area to the west of the dwelling.

The site's boundaries are strongly defined by: 2m-high brick walls to the north and west; a 1.8m-high close-boarded fence to the east; and a 1.8m-high close-boarded fence and 2.5m-high privet hedge to the south.

It has modern dwellings to its west and north, the Grade II listed Skirbeck Hall to its north-east; a churchyard and the Grade II* Listed Parish Church of St Nicholas and Grade II Listed Skirbeck War Memorial to its east; and a raised flood defence bank topped with a public footpath to its south and, beyond that, a reservoir/pond. It is located within the Boston (Skirbeck) Conservation Area.



DETAILS OF PROPOSAL:

It is proposed to:

- demolish an existing conservatory attached to the dwelling's northern elevation, and replace it with a single-storey extension. The extension will provide an open plan kitchen/dining room/lounge, a hall, a bedroom with en-suite bathroom and walk-in wardrobe. It will stand approximately 3.9m high at the ridge of its parallel pitched roofs and will have: one window in its western elevation; three windows in its northern elevation; two windows in its eastern elevation; and black metal conservation lights in both slopes of its more easterly roof. Walls will be in buff brickwork, roofs will be in artificial slate, and windows will be of a sash design in off-white uPVC. The application form indicates that this accommodation will be used as an annexe; and
- erect a single-storey porch at the building's north-westerly corner. It will have painted timber doors in its northern and western elevations (with painted timber sidelights on the western elevation), and a black metal conservation rooflight in its northern roof-slope. It will be constructed in buff brickwork and will have an artificial slate roof.

RELEVANT HISTORY:

No recent relevant history.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the building as being within Boston's Settlement Boundary, and within the Boston (Skirbeck) Conservation Area. The following policies are relevant to this application:

- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk; and
- Policy 29: The Historic Environment.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making;
- Section 12: Achieving well-designed places;
- Section 14: meeting the challenge of climate change, flooding and coastal change; and,
- Section 16: Conserving and enhancing the historic environment.

CONSULTATION RESPONSES:

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) indicates that *"Neptune Cottage would still have ample off road parking and the access remains unchanged. There would be no impact on highway safety."* It therefore concludes that the proposed development is acceptable and accordingly does not wish to object.

The Witham Fourth District Internal Drainage Board asks to be contacted if there is any change to the surface or treated water disposal arrangements stated in the application.

Heritage Lincolnshire identifies that:

- the property is within the setting of the Grade II* listed St Nicholas Church, and that proposals need to ensure they do not adversely affect its character or appearance; and
- Neptune Cottage, despite a number of recent alterations, also contains the core of a historic structure, which could potentially be classified as an undesignated heritage asset.

Heritage Lincolnshire continues to indicate that *“whilst there is certainly scope for development, the proposed scheme appears random and incoherent. Inconsistent fenestration arrangements, roof proportions and extensions make the property confused and fail to preserve the character of the host building. Views will be impacted from the south, and potentially from within the churchyard of the adjacent GII* listed church. In summary I feel the extension needs to be reduced in scale and considered in more detail in order for it to be sympathetic to the host building and reduce the impact on views from the churchyard. A more coherent design considering design elements of the host structure will help make the extensions more sympathetic to the property, and mitigate its wider impact.”*

The applicant's agent has responded to Heritage Lincolnshire's views to indicate that:

- the proposal is sited on the rear of the property, where one would expect subservient extensions to be placed;
- the proportions of the extension are modest and sympathetic in the form of narrow span gables;
- a double gable pitch is a treatment found on Lincolnshire vernacular buildings;
- the size of the extension is driven by the requirement for an annexe to accommodate the applicant's parents;
- the building retains very little of its original character in terms of openings;
- the building's original character has been harmed by an unsympathetic conservatory on the front elevation, irregular new window openings, the use of unsympathetic plastic windows, and the painting of the original brickwork. The only remaining original character is the prominent chimney stack and low-pitched overhanging roof; and
- only a single-storey wing will be visible from the churchyard, and this will not have a significantly harmful impact.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are:

- impacts upon heritage assets;
- impacts upon neighbours' amenity; and,
- flood risk.

Impacts upon heritage assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest. In the context of Section 66 and 72 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration – ‘the first consideration for a decision maker’. Planning decisions require balanced judgement but, in that exercise, significant weight must be given to the objective of heritage asset conservation.

Paragraph 197 of the NPPF indicates that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Policy 29 of the Local Plan indicates that *“development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets ... through high-quality sensitive design.”*

In practice, the above requires a methodical approach to be followed, wherein the relevant assets which will be affected need to be identified, along with their significance. Consideration can then be given to any effects on this significance resulting from the proposals, which may be reduced through mitigation. If harm is identified, it is then required to establish the scale and extent of such harm, before moving on to matters such as the planning balance and weighing the public benefits arising from any identified harm.

Heritage assets affected

It is considered that a number of heritage assets are potentially affected, namely:

- the Grade II* listed Parish Church of St Nicholas, located to the east of the application site;
- the Grade II listed Skirbeck War Memorial, located to the east of the application site;
- the Grade II listed Skirbeck Hall, located to the north-east of the application site;
- the Boston (Skirbeck) Conservation Area, which encompasses the application site and land to its north, south and east; and
- Neptune Cottage itself. Although the Cottage’s original appearance has been somewhat undermined by unsympathetic additions and alterations, it is considered that it retains sufficient historic character (principally in its relatively ‘square’ plan form, its low-pitch hipped roof, and its central chimney stack) to justify being considered as a non-designated heritage asset.

Impacts of the proposals on these assets

Listed buildings - The extensions are proposed to be built on the northern side of the existing dwelling, and will approach only within approximately 30m of Skirbeck Hall, 45m of the Church and 90m of the War Memorial. Given these separation distances, the modest height of the proposed extensions, and the visual separation that will be provided by intervening land forms, boundary treatments and buildings it is considered that the proposals will not have significant adverse impacts upon the settings of the nearby listed buildings.

Conservation Area - The character of this part of the Boston (Skirbeck) Conservation Area is generally verdant and spacious. The proposed extension(s) will be visible from public vantage points only from the public footpath on top of the flood defence bank to the south of the application site, and from the churchyard to its east. The extensions are proposed to be constructed on the northern side of the existing dwelling, and these views will therefore be relatively distant and partially obscured by boundary treatments and a mature tree in the garden to the east of the dwelling. Furthermore, significant proportions of the existing curtilage will remain undeveloped and the proposed extensions will not adversely impact upon the spacious and relatively verdant character of the wider area.

The plan area of the proposed extensions is significant, however, the proposal does not involve the removal of any trees or the development of the great majority of the curtilage. Taking into account, the proposals are confined largely to the northern side of the existing dwelling (where their visual impacts upon the Conservation Area will be minimised), it is considered that the proposals will not have a significant adverse impact upon the Conservation Area's character and appearance.

Non-designated Heritage Asset - Although the extensions are proposed to be built in materials that will match the existing dwelling (buff brick and artificial slate) it is considered that they will conflict with the character of the Neptune Cottage. In particular, it is considered that:

- the scale of the extensions (increasing the plan area of the building by approximately 55%); and
- the use of double gables (when the character of the original dwelling is so strongly determined by its shallow-pitched hipped roof)

will not be sympathetic to Neptune Cottage's existing and distinctive character - a view shared by Heritage Lincolnshire.

The agent argues that Neptune Cottage's character has been undermined by past unsympathetic additions and alterations. Although this is accepted up to a point, it is considered that sufficient elements of its original character remains (principally its relatively 'square' plan form, its low-pitch hipped roof, and its central chimney stack) to mean that proposed extensions would require a sensitive design. The agent argues that narrow span double gables of the sort proposed are common features of local vernacular buildings, and again this is accepted. However, such features are not considered to be in character with Neptune Cottage's very distinctive and particular appearance.

In short, it is considered that the proposed extensions will directly affect the character of a non-designated heritage asset and that these impacts will be harmful. Although it is accepted that:

- the significance of Neptune Cottage as a non-designated heritage asset is lesser than would be the case if it were listed; and
- its significance is further reduced by the effects of past unsympathetic works,

the conservation and enhancement of its character is nonetheless sought by both the NPPF and the Local Plan. There are no clear public benefits to weigh against the harm that would be caused and it is considered that the impacts of the proposals, as a consequence of their scale and inappropriate design, will be sufficiently severe to justify a refusal of planning permission.

Neighbours' amenity

Policies 2 and 3 of the Local Plan require the amenities of neighbouring land users to be protected. It is noted the application site has a raised flood defence bank topped with a public footpath to its south (and, beyond that, a reservoir/pond) and a churchyard to its east.

As such it is considered that the proposed alterations/extensions will not have any adverse impacts upon these neighbouring land uses. However, impacts upon the residential properties to the west and north require more detailed consideration.

To the north are dwellings at 16 and 18 Skirbeck Gardens, and Skirbeck Hall. The proposed extensions will approach within approximately 25m of the Skirbeck Gardens' dwellings and 30m of the Hall. Given the separation distances; the relatively low height of the extensions, and intervening boundary walls and buildings, it is considered that the proposals will have no significant adverse impacts upon these dwellings in terms of overlooking/loss of privacy, over-shadowing, loss of light, or harm to outlook.

To the west are dwellings at 39 to 49 Rectory Road. The proposed extensions will approach no closer to these dwellings than Neptune Cottage does at present. Given the relatively low height of the extensions, and the presence of intervening boundary walls and buildings, it is considered that the proposals will have no significant adverse impacts upon these dwellings in terms of overlooking/loss of privacy, over-shadowing, loss of light, or harm to outlook.

In all, it is considered that the proposals will not harm neighbours' amenity and that they therefore meet the requirements of Policies 2 and 3.

Flood risk

Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The application site is located within Flood Zone 3, but the application is not accompanied by a Flood Risk Assessment or by a completed 'Householder and other minor extensions in Flood Zones 2 and 3' form. Whilst it is accompanied by an Air Quality and Flood Risk Statement, this (in respect of flood risk) simply indicates that *"the proposed work is ... not considered to present an increase in risk to life given that this is ancillary in connection with the same household within the host building and that floor levels will match that of the host dwelling."*

It is considered that the Statement does not meet the requirements of Policy 4 to:

- demonstrate that the vulnerability of the proposed use is compatible with the flood zone;
- identify the predicted flood risk level and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding;
- propose appropriate flood resistance and resilience measures to ensure that the development maintains an appropriate level of safety for its lifetime; or
- include appropriate flood warning and evacuation procedures.

CONCLUSION:

The proposals:

- will not harm neighbours' amenity;
- will not have significant adverse impacts upon the settings of nearby listed buildings; and

- will not have significant adverse impacts upon the character and appearance of the Boston (Skirbeck) Conservation Area.

However, the proposals:

- will directly and adversely affect the character of Neptune Cottage (which is considered to be a non-designated heritage asset), and therefore do not meet the requirements of Policy 2, 3 and 29 of the South East Lincolnshire Local Plan 2011-2036; and,
- have not demonstrated that they will be adequately safe from flooding, and therefore do not meet the requirements of Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

Consequently, it is considered that planning permission should be refused.

RECOMMENDATION:

REFUSE Planning Permission for the following reasons:

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1.	The proposed extensions, by virtue of their scale and unsympathetic design, will significantly harm the distinctive character of the Non-designated Heritage Asset, Neptune Cottage. There are no clear public benefits to weigh against the harm that would be caused and the impact of the proposals. As a consequence the proposed development is therefore contrary to South East Lincolnshire Local Plan (2011-2036) Policies 2, 3 and 29 and Chapter 16 of the National Planning Policy Framework (NPPF) (2019) which seek to ensure quality development and to protect the character and special interest of non-designated heritage assets.
2.	The applicant has failed to demonstrate the proposed extension would overcome a high, unacceptable risk to the occupants from flooding. In the absence of an acceptable scheme in relation to flood risk considerations, and the lack of a sufficient flood risk assessment which provides adequate mitigation measures, it is considered that the proposed development would be unacceptable in relation to flood risk and would place future residents at significant risk. As a consequence, the proposal is contrary to the provisions of Policies 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

This application has been carefully considered and determined on the basis of the following

plans and documents:

- B/3472-1001 Existing Ground Floor Plan and Location Plan
- B/3472-1001 Existing First Floor Plan and Elevations
- B/3472-3001 Block Plan, Location Plan and Proposed ground Floor Plan
- B/3472-3002 Proposed First Floor Plan and Elevations
- Air Quality and Flood Risk Statement
- Historic Impact Assessment