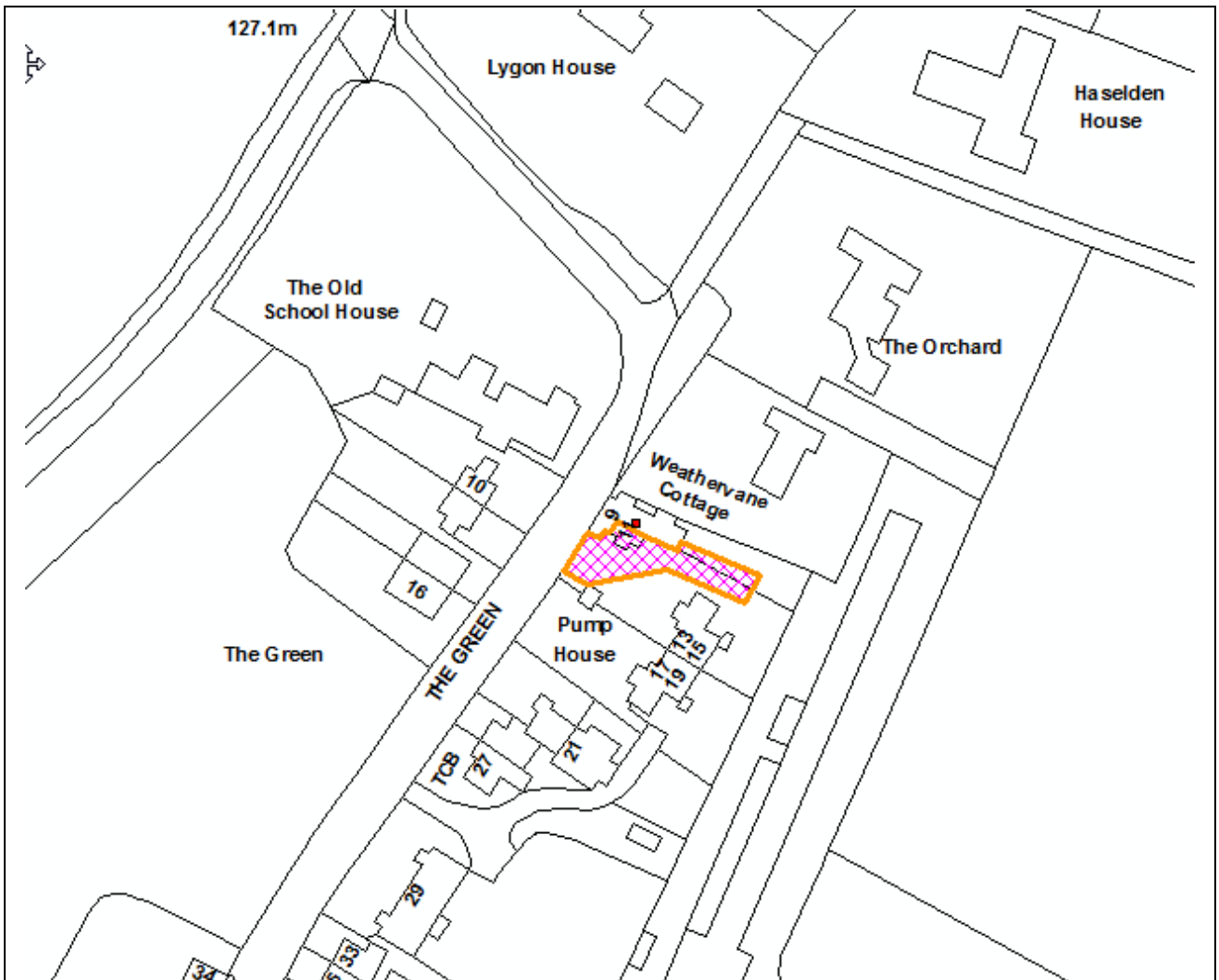


18/02618/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02618/APP	MENTMORE The Local Member(s) for this area is/are: -	03/04/19
ERECTION OF NEW SHED/SUMMERHOUSE AND PLANTED SCREEN (PART RETROSPECTIVE) 11 THE GREEN LU7 0QF	Councillor P Cooper	
NIGEL ALLEN		
STREET ATLAS PAGE NO. 90		

**1.0 The Key Issues in determining this application are:-**

- a) Impact on appearance and character of the dwelling house, street scene and wider area**
- b) Impact on the conservation area and setting of the listed buildings**
- c) Impact on residential Amenity**
- d) Other matters**

The recommendation is that permission be **GRANTED**, subject to conditions

**2.0 Conclusion and recommendation**

2.1 The proposal would respect the character of the host dwelling, and would not appear overly prominent within the street scene and surrounding area. It would preserve the character and appearance of the conservation area and the setting of the listed buildings and would not have an unacceptable adverse impact upon neighbour amenity.

2.2 Consequently, the proposal would accord with Policies GP8, GP9, GP35 and GP53 of the AVDLP and the National Planning Policy Framework.

2.3 It is therefore recommended that the application be APPROVED subject to the following conditions:

1. The shed/summerhouse hereby permitted shall not be used or occupied for business or any other purposes other than ancillary to the residential use of the property on the site, currently known as no. 11 The Green, Mentmore.

1. **Reason:** To preserve and maintain the residential character of the area in

accordance with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

2. Within one month of the date of this approval the existing shed on the site shall be removed from the site.
2. **Reason:** To ensure that the proposed works can be affected without detriment to the setting of special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
3. Within three months of the date of this approval, the existing fence erected at a 90° between the house and the shed/summerhouse as shown on plan ref F+P.E001 shall be removed from the site and a replacement planting scheme to provide for a planting screen has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate species, plant sizes and proposed numbers/densities and shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.
3. **Reason:** To ensure a satisfactory visual appearance to the development and to comply with policy GP35 and GP38 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
4. The development hereby permitted shall only be carried out in accordance with drawing No. F+P.P001 Rev A - received on 16.10.2018; F+P.E001 received on 8.8.2018; F+P.P002 Rev A - received on 16.10.2018 and Location Plan - received on 3.4.2019.
4. **Reason:** For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

## **2.4 Informative**

### **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant was informed of the issues arising from the proposal and given the opportunity to submit amendments in order to address those issues prior to determination. The applicant responded by submitting amended plans which were found to be acceptable so the application has been approved.

## **3.0 INTRODUCTION**

- 3.1 The application needs to be determined by the Development Management Committee as Mentmore Parish Council has raised material planning objections and confirms that a representative will speak at Committee.
- 3.2 The Parish Council has objected on the grounds of inappropriate development within the curtilage of a listed building and within the Mentmore Conservation Area. They have suggested that the Heritage Officer's comments are not strong enough given that the proposed shed/summerhouse is within the Hanna de Rothschild model village. In addition, they have stated that it is out of place in size, shape, colour, finish and roofline and is visible from adjoining listed properties and that the fencing should be included in the assessment.
- 3.3 The AVDC Heritage Officer explained that only a few of the original Hanna de Rothschild buildings were retained. The Heritage Officer added that it is reasonable for a sensitively designed garden structure to be erected within the garden of a listed building and that in this case, the distance between the listed building and the shed/outbuilding is acceptable. The new section of fencing will be replaced by a planted screen and this is included within the application. The applicants have also painted the summerhouse/ shed with a black tarred finish and the Heritage Officer has confirmed this colour would be more in keeping with the surrounding context.

## **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 This application relates to a semi-detached two storey dwelling house located to the north

east of The Green in Mentmore, a Grade II listed building within Mentmore Conservation area. The dwelling is built in the traditional style of the Rothschild estate building and is believed to date principally from the late 18th/early 19th century. It is constructed of red and vitreous chequer brick with a tiled roof with chimneys with 'V' pilasters and off-set heads. It is double fronted and each bay has a 2-storey gabled bay window, half-timbered with pebbledash infill to front, tile-hanging and herringbone brick infill to sides, and upper floors. The fenestrations are barred wooden casements with thick glazing bars. There is also a lean-to roof between bay windows at first floor level over a half-glazed door with similar glazing bars. Similar door in architrave frame with tiled lean-to hood to left gable. To the rear it has a gabled projection in style matching that of front bays, but with canted oriel window on coved base to first floor.

4.2 The property has a mature hedgerow border with wrought iron gated access to the front garden. There is a winding gravel path which leads to the front door and to the rear garden. The gardens are landscaped with mature shrubs and flower bed borders. The rear garden has a wooden store, a storage shed and a log store. There is a central lawn area with a stone paved patio next to the house. The garden has a brick wall along the boundary with no. 9 to the northern side and a 1.8m high timber boarded fence along the rear (eastern) boundary and on its southern side with No. 13. Currently there is a section of fence extending beyond the southern fence at 90°.

4.3 There are several buildings within close proximity to the site which are also listed, including the dwelling attached, No.9 the adjoining property and the adjacent properties which are No.13 and 15 The Green. To the north of the site is Weathervane Cottage a detached property. To east of the site is open countryside with a number of trees.

## **5.0 PROPOSAL**

5.1 This application seeks retrospective planning permission for the erection of a new shed/summerhouse positioned in the south east corner of the rear garden of No.11 The Green . It replaced a small shed in a similar location. The previous shed measures 1.21m in width by 2.72m in length by 2.2m in height. The replacement summerhouse/shed which is already in place measures 2.57m in width by 3.76m in length with a shallow mono-pitch roof, to a minimum height of 2.20m and a maximum height of 2.25m. The structure has a set of folding glazed doors along its front elevation facing towards the house with a full height window on its side elevation facing towards Weathervane Cottage. There is no fenestration on the flank elevation facing towards no. 13 or on its rear elevation. The roof slopes down slightly from west (front) to east (rear). The structure is constructed in shiplap timber wood with a shiplap timber roof covered with roofing felt. The window is

constructed of soft wood frames stained white with acrylic glazing whilst the shed door is shiplap timber wood. As submitted, the shed/summerhouse was grey in colour but since then a revised plan was submitted and it shows that it has now been painted with a black tarred finish.

- 5.2 Retrospective planning permission is also sought for the erection of a section of fence placed at 90 degrees between the house and the summerhouse/shed. Since the submission of the application, a revised site plan has been submitted to show that this fence will be removed and replaced by a planted screen. This can be secured by a condition.
- 5.3 The old shed has been moved to a location near the house temporarily. This will be removed if planning permission is granted for the shed/summerhouse and could be reinstated in its previous position were retrospective planning permission to be refused. This can be secured by a condition.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 02/02202/ALB - Internal and external alterations - Refused
- 6.2 02/03006/ALB - Internal alterations (retrospective) - Approved
- 6.3 06/02906/APP - Single storey side extension. - Refused
- 6.4 06/02907/ALB - Single storey side extension. - Refused
- 6.5 07/01017/APP - Single storey front extension. - Approved
- 6.6 07/01018/ALB - Single storey front extension. - Approved

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

- 7.1 Mentmore Parish Council objected on the 13<sup>th</sup> September 2018 on the grounds of inappropriate development within the curtilage of a listed building and within the Mentmore Conservation Area. Also they suggested that the comments of the Heritage Officer are not strong enough given the fact that this large and imposing summerhouse finds itself in the heart of this well-preserved Hanna de Rothschild model village. They added that it is out of place in size, shape, colour, finish and roofline and visible from

adjoining properties but they did not ask to take it to planning committee.

7.2 The application was re-advertised in April 2019 and on the 9<sup>th</sup> April Mentmore Parish Council reiterated their original objection but this time they asked to speak at Committee.

## **8.0 CONSULTATION RESPONSES**

8.1 Buckingham and River Ouzel Drainage Board has no comments to make regarding this application.

8.2 The AVDC Heritage Officer has no objections to the position and scale of the summerhouse and shed but raised concerns about the colour and the new fence erected without planning permission and advised the applicant to add this in the description.

8.3 Following the submission of further details by the applicant, the Heritage Officer provided a second response. The officer was satisfied that with the changes made to the colour of the summerhouse and the planting screen, it is considered that the proposal would not cause harm to the significance of the heritage asset and it is recommended that the application be approved subject to conditions.

## **9.0 REPRESENTATIONS**

9.1 Four neighbours have objected on the following grounds:

- Inappropriate size, style and colour is unsympathetic to the Conservation Area and the Listed Building (heritage assets).
- The building is intrusive, bulky with a large flat roof and of an unacceptable design and the garden lighting is intrusive.
- Misleading site plan and claim to be 'partially retrospective' with incorrect description of structure, subversion of the planning process.
- The summerhouse/shed has been built close to the boundary fences with No. 13 The Green and its thick frames and large glass panels, no mullions or transoms whatsoever and none of the intricacies of design or charm of the listed cottage windows of the main dwelling house.
- It is incumbent for the Heritage Officer to explain how the building as built contributes to the significance of the setting of the Heritage Asset as a design.

## 10.0 EVALUATION

### a) Impact on appearance and character of the dwelling house, street scene and wider area

- 10.1 AVDLP policy GP9 indicates that proposals should accord with SPG advice, should respect the appearance of the original dwelling, and should show respect for the setting of the dwelling and other buildings in the area.
- 10.2 Policy AVDLP GP35 requires that all forms of development should complement the physical characteristics of the site and its surroundings, the building tradition of the locality, and the scale and context of the setting.
- 10.3 The NPPF at paragraph 8, states that one of the overarching principles of the planning system is a social objective, including fostering well designed and safe built environment. NPPF paragraph 124 highlights that 'achieving well designed places' is central to the purpose of the planning system and to achieving sustainable development.
- 10.4 The shed/summerhouse is positioned at the far south east corner of the rear garden. It would be barely visible from public vantage points as it is shielded from views mainly by dense hedges and trees at the front when viewed from The Green (highway), looking east highway. The screen planting now proposed would further shield the shed/summerhouse from view.
- 10.5 With regard to its design, the shed/summerhouse is simple and modern in design. It is located in the same position as the previous shed but is larger in scale, with a footprint of about 9.6 square metres compared to 3.3 sq.m. for the previous shed. The shed/summerhouse has a maximum height of 2.25m compared to 2.2m for the old shed, but the increase of 0.05m is considered to be marginal. However, whilst it is relatively large in scale, it is aesthetically more pleasing and would remain subordinate to the host dwelling.
- 10.6 The structure is constructed of shiplap timber wood with a shiplap timber roof covered with roofing felt, materials which are considered to be appropriate in a domestic setting.
- 10.7 Mentmore Parish Council has objected on the grounds that the structure is out of place in size, shape, colour, finish and roofline. Some neighbours have also objected on the grounds of its size and colour. However, for the reasons given above, it is considered that the shed/outbuilding, whilst modern in design and larger in scale than the previous shed, would remain subservient to the host dwelling and would preserve the character of the area. The structure would also be constructed from appropriate materials and be in an appropriate colour, and these matters can be controlled by condition.



10.8 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the street scene or the locality in general. The proposals are therefore considered to comply with GP9 and GP35 of the AVDLP and NPPF.

**b) Impact on the conservation area and setting of the listed buildings**

10.9 Section 16 and 66 of Planning (Listed Buildings and Conservation Areas) 1990 place a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Listed Buildings.

10.10 Section 16 of the NPPF (2019) states that heritage assets should be conserved in a manner appropriate to their significance. It adds that Local Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal, including to the setting of a heritage asset. It also states that great weight should be given to the asset's conservation, and any harm to, or loss of, the designated heritage asset should require clear and convincing justification.

10.11 Paragraph 189 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

10.12 The NPPF at paragraph 192 emphasises the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness.

10.13 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Paragraph 194 stipulates that any harm to or loss of the significance of a designated heritage asset must be supported by a "clear and convincing justification". In the case of heritage assets, permission for the substantial harm to or loss of the significance of these assets would only be granted in exceptional circumstances. This is echoed by AVDLP policy GP.53. AVDLP policy GP53 seeks to preserve the special characteristics that led to the designation of the Conservation Area. Proposals will not be permitted if they would cause harm to the character or appearance of the Conservation Area or to its setting. However, policy GP.53 is not entirely consistent

with the 'language' of the NPPF in so far as it does not go on to comment on whether the proposal would result in substantial or less than substantial harm which would need to be outweighed by the public benefits of the scheme. In this respect GP.53 cannot be given full weight but is still a material consideration.

- 10.14 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.15 The site is within the Mentmore Conservation Area, designated in 1978. The dwellinghouse is a Grade II Listed Building. It also lies within the setting of other listed buildings, including the adjoining No.9, as well as No.13 and No.15 The Green.
- 10.16 The AVDC Heritage Officer explained that Mentmore is a small rural settlement substantially rebuilt as a model village in 1877 by Hannah Rothschild but that only a few of the original buildings were retained.
- 10.17 The Heritage Officer stated that it is perfectly reasonable for a sensitively designed garden structure to be erected within the garden of a listed building, and the guidance is to consider a location which is screened from view of the listed building at an acceptable distance. The officer considered that in this case, the distance between the listed building and the shed/outbuilding (about 10m) is acceptable, with further screening provided by a section of timber fencing positioned at 90° to the boundary fencing. The Heritage Officer added that the screening in this location may be more suitable as a planted screen, limited to below the height of the adjoining fence. The applicant responded by submitting amended plans, showing that the 2m section of timber fencing would be replaced by a planted screen as suggested by the Heritage Officer.
- 10.18 The Heritage Officer then considered the impact on the other listed buildings. The gap between the shed/outbuilding and the listed buildings at No.13 and No.15 The Green is about 5.5m. The heritage officer added that the new garden structure is modern in style with full height glazed panels and painted grey. The officer asked if the external finish of the proposed shed/summerhouse could be changed to be more in keeping with the setting of the surrounding listed buildings. The applicant responded by painting the summerhouse/ shed with a black tarred finish. The Heritage Officer has confirmed that this colour would be more in keeping with the surrounding context. The Heritage Officer concluded that the proposals, as amended, would preserve the architectural and historic interest of the listed building and therefore complies with section 66 of the Planning (LB&CA) Act 1990.

10.19 With regard to the impact on the Conservation Area, the gardens in this part of the village contribute positively to the character of the area as a whole. However, the Heritage Officer acknowledges that the shed/summerhouse replaces a previous shed in the same location although the new structure will be larger in scale and is modern in its appearance. The officer added that if the external finish is changed to be more in keeping for with the area, as now proposed through the amended plans, and the setting of the listed buildings, the increased scale of the proposed garden structure would be acceptable and would preserve the character of the conservation area. Timber garden structures are typically subservient in their style with the timber simply varnished or tarred weatherboarding. If the applicants were willing to replicate this style of finish to the structure, the officer considered that the garden outbuilding would be more in keeping within the setting of the listed buildings.

10.20 Therefore, the Heritage Officer concluded the proposals, as amended, would preserve the character and appearance of the conservation area and therefore complies with section 72 of the Act.

10.21 It should be noted that several neighbours have objected to the proposal, including on the grounds that the shed/outbuilding is unsympathetic to the Conservation Area and the Listed Building. Some of these neighbours have disagreed with the conclusions of the Heritage Officer, for example the comment that a black tarred finish would be in keeping with the surrounding context. However, the Heritage Officer has confirmed that the proposal would be an appropriate form of development and give rise to no heritage objection, should it be approved.

10.22 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset, and as such the proposal accords with guidance contained within the NPPF.

**c) Impact on residential amenity**

10.23 Policy GP8 of AVDLP seeks to protect the residential amenity of nearby residents whilst a core planning principle of the NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

- 10.24 Paragraph 127 of the NPPF seeks to ensure that developments create places with a high standard of amenity for all existing and future occupants.
- 10.25 The shed/outbuilding is clearly visible to the occupants of No.13 and 15 The Green. It is acknowledged that the structure is close to the boundary with these dwellings. However, although it is a larger structure, it is only marginally taller (0.05m) than the previous shed, and the existing 1.8m high timber boarded fence along the boundary would substantially shield it from view, although it is acknowledged that the top section of the proposed building would remain visible. The proposal would not result in any overbearing impact upon the enjoyment of the rear gardens of the neighbouring properties. In addition, there are no windows on the structure facing towards this neighbour. Therefore it is considered that on balance, the shed/outbuilding would not have an unacceptable impact on these neighbours in terms of loss of privacy, overlooking or loss of light.
- 10.26 The neighbours at Weathervane Cottage to the north east are also likely to be able to view the shed/outbuilding. There is a full height window at ground floor on its side elevation facing towards this neighbour. However, there is a distance of approximately 15m between this dwelling and the structure, and the brick wall along the boundary with this neighbour will also help to shield it from view. The shed/outbuilding is also likely to be visible to the occupants of No.9 The Green, but there is a distance of at least 15m between this dwelling and the structure, and the intervening brick wall will assist to shield the proposal from view. It is not considered, therefore, that there would be any material impact on the amenity of these neighbours.
- 10.27 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. Therefore the proposal accords with GP.8 of AVDLP and NPPF.

**d) Other matters**

One neighbour has objected on the grounds that it would be used as a home office by the applicant. However, the applicant has responded on this issue by stating that it would be used only for personal office use and storage of garden equipment. This can be secured by a condition.

Case Officer: Bibi Motuel