



REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00499/ALB	WHITCHURCH The Local Member(s) for this area is/are: -	13/02/19
REMOVAL OF MODERN EXTENSION FROM GARDEN BOUNDARY WALL IN THE CURTILAGE OF NEIGHBOURING LISTED BUILDING AND REINSTATEMENT AND RESTORATION OF THIS SECTION OF THE WALL. 6 MARKET HILL HP22 4JB MR & MRS CULL	Councillor Mrs J Blake	
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1.0 The Key Issues in determining this application are:-

- a) Impact on the special architectural and historic interest of the listed building.**
- b) Other Matters**

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

Conclusion and recommendation

1.1 The proposal is considered to preserve the architectural and historic interest of the listed wall and will cause no harm to the significance of the heritage asset. It is therefore, considered that the proposal accords with the relevant sections of the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.

1.2 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

Conditions:

1. STC6 – Standard time condition
2. US05 – The materials to be used in the development shall be as indicated on the approved plans. Please also see note no. 5 on the back of this notice.
3. No development shall commence until a sample panel for the proposed bricks and mortar has been constructed on site and approved in writing by the Local Planning Authority. The development shall thereafter take place only in accordance with the approved details. Please also see note no. 5 on the back of this notice.
4. No development shall commence until details of the Capping Brick to be used on the development has been submitted to and approved in writing by the Local Planning Authority. Please also see note no. 5 on the back of this notice.
5. All new or altered external surfaces shall be finished or made good to match those of the existing wall.

Reasons:

1. RE04 – To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. RE13 - To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
3. RE13 - To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
4. RE13 - To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the listed building and to comply with the National Planning Policy Framework.
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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

application was considered to be acceptable as submitted and no further assistance was required so it has therefore been dealt with without delay.

2.0 INTRODUCTION

2.1 Whitchurch Parish Council raised material planning objections to the scheme and indicated that they wish to speak at committee. Whitchurch Parish Council raised objections relating to the proximity of the extension to the boundary, the height of the proposed extension having a significant impact and overshadowing the neighbouring dwelling. The Parish Council also raised concerns over the position of a new opening within the proposed extension which would cause concerns regarding privacy to the neighbouring dwelling.

2.1 The Local Member requested that the application be considered by the Committee. The comments received from the Local Member are appended to this report and a summary of their comments are provided below:

- Concerns over the previous advice received from the AVDC Heritage Officer, in relation to the previous application on the site. Whilst it is noted that the current application has been amended from that submitted in 2017, however, it carried with it the same detrimental effects in respect of the adverse impact on the amenity of Quaker Barn.
- Concerns regarding the proposed extension causing damage to the historic boundary wall, including the foundations of the foundations of the neighbouring property
- Impacts on residential Amenity

2.2 The comments raised above which relate to the potential impact on the street scene and residential amenity, are matters which are assessed under the Planning Application, which has been submitted in conjunction to this Listed Building Consent. This application does not give scope for the impact on the street scene or residential amenity to be considered and relates solely to the impact on the designated heritage asset.

2.3 Consultation has been carried out with the AVDC Heritage Office regarding the impact on the listed wall, and it is considered that there would be no harmful impact to the significant of the heritage assets, and therefore, the proposal accords with the relevant sections of the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site relates to a detached, two storey dwelling located on the northern side of Market Hill, Whitchurch. The dwelling is constructed of brick, painted white, and a tiled

gable roof. The property is 'L' shaped in form and has previously been extended, in the form of a single storey side extension to the eastern side of the dwelling. This extension was built in the 1970s (prior to the listing of the adjacent property) which provided a boot room, utility and cloakroom and forms part of the wall along the eastern boundary of the site.

- 3.2 This application relates to a boundary wall which runs to the east and north of the host dwelling. The application relates to the part of the eastern boundary wall, which forms part of the historic wall within the curtilage of the neighbouring Grade II Listed Building, Quaker Barn, where the existing single side storey extension is built into.
- 3.3 The applications site is located within the Whitchuch Conservation Area and Quaintion-Wing Hills Area of Attractive Landscape.

4.0 PROPOSAL

- 4.1 This application seeks Listed Building Consent to restore the historic garden wall which forms part of the shared boundary to the east of the host dwelling, with the neighbouring dwelling to the south east, Quaker Barn, No.1 Oving Road. This application relates to a 3.9m section of the wall which forms a boundary between Quaker Barn and the host dwelling.
- 4.2 This application has been submitted in conjunction with a planning application for the demolition of an existing single storey side extension and erection of a two storey side extension (Reference 19/00498/APP).
- 4.3 The proposal is to reinstate this 3.9m section of the wall as a separate structure and to make good its appearance, to match the existing remaining section of the wall.

5.0 RELEVANT PLANNING HISTORY

- 5.1 78/02225/AV - ERECTION OF UTILITY ROOM AND ENCLOSURE OF PORCH AREAS – Approved
- 5.2 17/02281/APP - Removal of existing rear single storey extension and replacement with a two storey extension. – Withdrawn
- 5.3 19/00498/APP - Replacement of an existing single storey side extension with a two storey extension – Pending Consideration

6.0 PARISH COUNCIL COMMENTS

- 6.1 Whitchurch Parish Council have objected to this application, as outlined below.

6.2 “The closeness of the extension to the boundary, the height of the building blocks out light to the neighbouring property, the window impedes on the privacy of the neighbouring property”.

7.0 CONSULTATION RESPONSES

7.1 AVDC Heritage – *“The proposals would preserve the architectural and historic interest of the listed building and therefore complies with sections 66 of the Act. The proposals would preserve the character and/or appearance of the conservation area and therefore complies with section 72 of the Act. The proposal would cause no harm to the significance of the heritage assets”.*

7.2 Buckingham and River Ouzel Drainage Board – No Comment

8.0 REPRESENTATIONS

8.1 2 letters of representation have been received from the occupiers of the neighbouring dwelling to the east of the site, Quaker Barn. As summarised below:

- The advice from the Heritage Officer is contrary to previous advice given for the application site, as dated 21st July 2017 and 23rd March 2018.
- Impact on the setting of the nearby listed buildings.
- The site is on higher ground than Quaker Barn and therefor is noticeable in public views from the highway.
- The proposed extension is equivalent to a 3 storey building being built on the border, which is an historic garden wall, between two properties causing harm to the setting of Quaker Barn, the street scene on Oving Road and neighbouring dwellings.
- Concerns over the existing foundations of the existing extension and the impact this may have on the listed wall to the east of the site. A full assessment of the integrity of the Listed Wall is required along with calculations to substantiate no damage is caused as a result of the increase from the proposed two storey extension.
- There is a high risk that the wall is compromised either during or after construction and potential damage to the listed building and a tree in the Conservation Area.
- The extension would be built close to the listed wall, making maintenance of the wall impossible
- Concerns that the development would not be carried out in accordance with the submitted plans.

- Impact on residential amenity, including loss of light and overlooking
- The extension does not respect the local area, including the nearby listed buildings and Conservation Area.
- The design of the extension does not respect the original building line facing Oving Road nor does it produce an unfettered roof slope.
- The proposed includes to add a boundary fence above the current wall which would add a further material to the listed wall which is made up of stone and brick. The effect of this would make the two dwellings appear semi-detached and would detract from the Listed Building, as viewed from Quaker Barn and Oving Road.
- Inaccuracies in the submitted plans (Not to scale).

9.0 EVALUATION

a) Impact on the special architectural and historic interest of the listed building.

- 9.1 Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses.
- 9.2 The relevant policies within the Aylesbury Vale District Local Plan in respect of Listed Buildings are now out of date and these policies have been replaced by the guidance of the Framework which is a material consideration in the assessment of this proposal.
- 9.3 Paragraph 189 of the NPPF states that in determining applications, LPA's should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 9.4 In this instance, a heritage statement has been submitted alongside the application which is considered to be sufficient and therefore acceptable for the above purposes.
- 9.5 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 9.6 The application site is located in the heart of Market Hill with the front elevation facing onto Market Hill to the south and the rear facing onto Oving Road, to the north. The host dwelling currently includes a single storey side extension to the east of the dwelling which

is located on the boundary with Quaker Barn, a Grade II Listed Building. Quaker Barn includes a historic garden wall which forms the boundary between the two plots and also forms part of the eastern wall of the existing extension.

- 9.7 This application relates solely to the works to the historic wall, which is being submitted in conjunction to the application for the demolition of the existing single storey side extension and erection of a two storey side extension. The garden wall which the existing single storey side extension forms is a red brick wall located between the host dwelling and Quaker Barn, the wall can be seen from Oving Road. The ground level to the adjoining site is set at a lower level than 6 Market Hill, due to the fall of the land the garden wall acts as a retaining wall. The gable wall of the side extension of 6 Market Hill c.1970's has been built directly on top of the wall, the fabric of the wall is in a good condition. The remaining red brick garden wall is capped with bull-nosed bricks which appear contemporary with the 19th century wall.
- 9.8 This application also submitted an inspection from a structural engineer, the report provided demonstrates that the design of a separate foundation for the proposed new extension will not cause damage to the garden wall nor to its function as a retaining wall. This will thereby allow the boundary wall to be reinstated and its appearance made good, to match the remaining sections of the wall. This can be controlled by a condition to ensure that the new section of the wall is finished to match the existing.
- 9.9 The AVDC Heritage Officer considers that the restoration and repair of the garden wall will reverse an unsympathetic later alteration to the historic garden wall which will not harm the special interest or significance of any heritage asset.
- 9.10 In addition to the comments provided from the AVDC Heritage Officer conditions have also been suggested which relate to samples of the bricks, brick bond, pointing, mortar mix and capping brick to be submitted for approval. It is considered reasonable to attach these conditions to ensure the works can be carried out without causing harm to the listed wall.
- 9.11 In summary, the proposals would preserve the architectural and historic interest of the listed wall and therefore complies with sections 66 of the Act. The Heritage Officer has concluded that the proposal would cause no harm to the significance of the heritage asset. Therefore, the proposal would accord with Section 16 and 66 of the Act and guidance contained within the NPPF.

b) Other matters

- 9.12 Representations were received raising concerns over the structural report provided along side the application, advice has been sought from the AVDC Heritage Officer who

suggested that in this instance they would not be asking for any evidence that the works would not undermine the barn (given the distances involved). It should also be noted that this is something that would be addressed within the Building Control Regulations should any works be granted consent.

- 9.13 Representations were also received raising objections to the scheme in regards to impact on amenity and the design of the extension. As previously stated, this application relates solely to the works to the listed wall and therefore an assessment of the impact on the dwellinghouse, street scene and wider area, impact on residential amenity, impact on the setting of the designated heritage assets will be considered within the planning application submitted alongside this application. The assessment of the Listed Building Consent does not allow for the assessment to include any other matters, as raised by the Parish Council and the occupier of the neighbouring dwelling.

Case Officer: Alice Culver

APPENDIX 1 – Local Member Comments

First of all, I'd like to refer you to the report of the heritage officer in respect of the previous application (17/02281/APP) on this site dated 21st July 2017.

She stated "the proposed extension would loom above the adjacent Quaker Barn and its associated barn and would cause harm to the setting of these listed buildings". She also expressed her concern at the harmful effect the proposed extension would have on the setting of 2 Oving Road, which is Grade II listed, and the fact the proposal would fail to preserve or enhance the conservation area.

She also had a concern about the detrimental effect of the proposed extension on a historic boundary wall.

She went on to say the design of the extension would sit uncomfortably with the existing dwelling and would have an awkward proportion with the main house.

She recommended the proposal be refused.

Whilst the current application has been amended from that submitted in 2017 it carries with it the same detrimental effects in respect of the adverse impact on the amenity to Quaker Barn.

The amenity land of the neighbouring property, Quaker Barn, sits just below the proposed extension and the massing effect of this proposal would seriously impact on that amenity space and the annex which sits directly opposite the proposal.

The Heritage Officer, in her letter to the applicant dated 23rd March 2018, clearly stated that her advice only related to the impact on the conservation area, the adjacent listed buildings and the historic boundary wall. It did not take into account the adverse impact on the neighbour's amenity or other, wider, planning issues – although, having said that, she did recommend the installation of a small window which would introduce light into the extension. This latter comment would not only seem to contradict her statement but would also introduce a factor that might have an adverse impact on the privacy of Quaker Barn through overlooking.

The impression from the Heritage Officer is that the adverse impact on the historic boundary wall would be reduced by this revised application due to the method of constructing foundations for the

extension. This should be extensively tested before the commencement of any work because if any damage is caused to the wall its integrity will be severely compromised.

There is also a concern that, given the proximity of the neighbouring listed property to the proposed extension, the foundations of that property could be adversely impacted by construction work.

It's sometimes very difficult to assess the impact of a proposal from drawings alone, particularly in a situation like this where slab levels are so different from one property to another. A site visit would better demonstrate the serious issues associated with this application and I would urge members to defer taking a decision today to allow them to make a more informed decision after having seen for themselves the harm that would be caused by this application.