

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**12 DECEMBER 2012**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**12/2565/LBC**

**111 High Street, Yarm**

**Listed building consent for conversion of existing dwelling into dental practice. Demolition of small single storey rear annexe and covered area, construction of new single storey rear extension. Raising of front door head height.**

**Expiry Date 21 December 2012**

#### **SUMMARY**

This revised application seeks Listed Building Consent for the conversion of the existing dwelling into a dental practice (D1 Use Class) and the demolition of a small single storey rear annexe and covered area, and the construction of a new single storey rear extension. Within the front elevation, the works include raising of the front door head height by approximately 29 cm and the installation of a new timber access door.

The application site is a three storey, mid terraced, Grade II Listed Building located along Yarm High Street. The property is adjoined by No 107-109 to the south (retail/food shop) and No 113 to the north (retail/clothes shop) with the highway (High Street) to the front (east).

The main heritage considerations are therefore whether or not the works would cause harm to the appearance, setting or significance of the grade II listed.

17 written of objection have been received. An objection has also been received from Yarm Town Council. These objections primarily relate to the impact on the character and setting of the existing building and surrounding area, the impact on the amenity of neighbouring properties (particularly the properties within Holmedene) and the principle of development (loss of residential use)

3 written letters of support have been received, relating to the positive impact of the proposed development which would bring an empty building back into use.

The Council's Historic Buildings Officer has raised no objections to the scheme in terms of the impact on the character and appearance of the building and the courtyard. Tees Archaeology have also raised no objection to the scheme.

A representation has been received from Councillor Sherris commenting that the proposed extension would project into a historic yard and would be over-bearing and intrusive for the occupant of No 1 Holmdene. An objection has been received from Councillor Chatburn relating to the principle of development, the impact on neighbouring properties and the character of the area.

It is considered that the scheme would have no adverse impact on the character of the listed building and there are no architectural features that would be adversely affected as result of the proposal. The proposal satisfies the principles of the NPPF and therefore the proposals are considered acceptable. The application is therefore recommended for approval.

## **RECOMMENDATION**

That planning application 12/2565/LBC be approved subject to the following conditions and informatives below;

**01** *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>26 October 2012</i>
<i>001 REV A</i>	<i>22 November 2012</i>
<i>002 REV A</i>	<i>22 November 2012</i>
<i>003 REV A</i>	<i>22 November 2012</i>
<i>004</i>	<i>26 October 2012</i>
<i>005</i>	<i>26 October 2012</i>

*Reason: To define the consent.*

**02.** *Notwithstanding the submitted information and prior to the proposed access door facing onto the High Street being installed, the final finishing materials and colour scheme for the proposed access door shall be submitted to and agreed in writing with the Local Planning Authority. The door shall then be installed in accordance with the agreed details.*

*Reason: In order to safeguard the special architectural or historic interest of the building and the visual amenity of the surrounding conservation area, in accordance with the provisions of Core Strategy Policy CS3.*

**03.** *All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent materials/finishes with regard to the methods used and to material, colour, texture and profile. The materials shall be completed in accordance with plan 002 REV A (dated 22nd November 2012).*

*Reason: In order to safeguard the special architectural or historic interest of the building and the visual amenity of the surrounding area, in accordance with the provisions of Core Strategy Policy CS3.*

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

The proposal has been considered in line with the Planning Listed Buildings and Conservation Areas Act 1990 and the NPPF. It is considered that the scheme accords with the act and the planning policy framework and will not have an adverse impact on the character and appearance of the listed building and there are no other material planning considerations which indicate that a decision should be otherwise.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

## **BACKGROUND**

1. 90/1404/P; Planning application for a change of use from a dwelling to a shop at ground floor level with residential use above was refused by the Local Planning Authority on 20th July 1990; the subsequent appeal was allowed, decision dated 11th July 1991. There are no planning records for the property reverting back to a full residential use.
2. The following applications were withdrawn on 24th August 2012 following concerns regarding the scale and siting of the proposed single storey rear extension. The footprint of the proposed extension has been reduced to that of a similar footprint of the existing enclosed yard area as detailed below under the heading 'Proposal'.
3. 12/1726/COU Conversion of existing dwelling into dental practice. Demolition of small single storey rear annexe and construction of new single storey rear extension. Raising of front door head height, withdrawn 24th August 2012.
4. 12/1727/LBC Listed building consent for the conversion of existing dwelling into dental practice. Demolition of small single storey rear annexe and construction of new single storey rear extension. Raising of front door head height, withdrawn 24th August 2012.
5. An associated revised planning application has been submitted for the change of use and proposed works (reference 12/2564/COU) and is currently pending consideration .

## **SITE AND SURROUNDINGS**

6. The application site is a three storey, mid terraced, Grade II Listed Building located along Yarm High Street. The property is adjoined by No 107-109 to the south (retail/food shop) and No 113 to the north (retail/clothes shop, also a Listed Building) with the highway (High Street) to the front (east). The property features a small, single storey lean to extension on the rear elevation with an enclosed rear yard area beyond that consists of an approximately 1.9m high trellis fence with 2.15m high plastic sheet covering and a landscape buffer of planting (approximately 2.3m deep) between the trellis and the walkway to the front of No 1 Holmdene. The area of planting is broken by the provision of a picnic bench with potted plants. The rear yard and the properties of Holmedene are accessed by a passageway that runs from the High Street and below No 113.
7. The residential properties of 1, 2 and 3 Holmedene (located within the Protected Residential Zone) face onto the rear of the application site and courtyard area. A detached, pitched roof storage structure is sited to the west of the existing courtyard area in addition to the siting of a tree.

## **PROPOSAL**

8. This revised application seeks Listed Building Consent for the extension and alteration of No 111 High Street to facilitate a proposed change of use of the existing dwelling into a dental practice (D1 Use Class). The scheme includes the demolition of a small single storey rear annexe and covered area, and the construction of a new single storey rear extension. Within the front elevation, the works include raising of the front door head height by approximately 29 cm and the installation of a new timber access door.
9. The single storey rear extension will follow a similar footprint to the existing covered area and annexe extension; the main element of the proposed extension (on the footprint of the existing enclosed yard area) would measure approximately 6m in length x 3.1m in width x 3m in height primarily with a dual pitched roof, although the end of the extension would

feature a hipped roof that would pitch back towards the main ridge height of the proposed extension. The proposal would feature a maximum eaves height of 2.2m. The main element of the proposed extension would feature 5 velux roof lights with 1 timber double glazed sliding sash window in the rear (west) elevation. As noted above, the existing single storey annexe extension (adjoining the main/original rear elevation of the building) is to be demolished and replaced with the proposed single storey element measuring approximately 2.5m in projection (that would adjoin the 6m element as detailed above) x 5.6m in width x 3.4m in height with a lean to roof. This element of the proposal would feature 1 velux roof window and would follow a similar footprint to that of the existing annexe extension.

10. The submitted plans indicated that the proposed extensions would be finished in a painted render with the colour and finish to match those of the existing building, including roof tiles. The plans also indicate that that additional supplementary planting will be provided in place of the existing picnic bench and that all existing and proposed planting would be maintained at a minimum height of 2m-2.2m.
11. The proposed floor plans indicate that a new staircase will installed at ground and first floor level to facilitate the proposed layout with the provision of a reception, toilet, sterilisation room and surgery 1 on ground floor level (surgery 1 being sited within the proposed rear extension) with surgery 2 on second floor level and a staff room and toilets on the second floor level.

## **CONSULTATIONS**

12. The following Consultees were notified and comments received are set out below:-

### **Conservation and Historic Buildings Officer**

The main heritage implications of the application are the affect of the works on the designated heritage assets of the grade II listed 111 High Street and the Yarm conservation area.

The property is a grade II listed building identified in the listing description as an early-mid C18 altered property. It has an attractive appearance facing Yarm High Street in a typical early Georgian domestic scale in comparison to some of the grander Georgian buildings found on the High Street. Many of which have significant large often two storey extensions to the rear.

### Policy

The NPPF states that in determining planning applications, local planning authorities should take account of:

- 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- 'the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Significance is defined as the value an asset has because of its heritage interest, while defining heritage interest as architectural, archaeological, historic or artistic interest. The NPPF also clearly identifies that the setting of heritage assets should be conserved for the value it brings to the various aspects of heritage interest. English Heritage (EH), have produced specific guidance on the setting of heritage assets (2011), in which it is made clear that the setting of a heritage assets is not a fixed envelope but should be assessed relating to the potential impacts of individual developments; it is also clear that it should not just be equated with visibility but should also consider a range of other issues such as noise and spatial relationships.

The main heritage considerations are therefore whether or not the works would cause harm to the appearance, setting or significance of the grade II listed building and to the amenities of the wider Yarm Conservation Area, the designated heritage assets.

#### Impact on heritage assets

The proposed extension proposes little physical change to the listed building in terms of works to the existing structure of the house. The raising of the head height of the front doorway will not affect the significance of the property, the appearance of the property will be largely as existing from the High Street elevation. Such alterations are often required to suit modern building regulations and keep properties in active use, the works are minimal and are not considered to affect the significance or appearance of the listed building.

Consulting the historic maps the yard area directly to the rear has always had built structures which would have been associated with the building fronting the High Street. The 1897 OS map shows continual built structures (due to the size and form may be privies or coal houses) on the northern boundary with Holmdene running for 36m.

The Wynds running at right angles to the High Street are composed of smaller dwellings usually of lesser importance than those facing the High Street the neighbouring terrace of Holmdene representing this historic development pattern.

Many of the buildings sitting to the rear of the High Street have been subject to alteration and extension. Only towards the far extremes of the burgage plots are there no structures a common layout of the burgage plots of Yarm.

The extension would undoubtedly alter the appearance of the property on the rear elevation. However, this extension replaces an existing modern annexe and yard area therefore the principle of extension to the property has previously been accepted. The extension is a single story building, which retains the landscape buffer and general spatial relationship to Holmdene. The design of the extension and proposed materials match with the existing property and it is not considered that the extension will be overly incongruous to the existing building.

Turning to the impact on the Yarm Conservation Area. As previously stated the historic pattern of the Wynds concentrates built development towards the High Street with buildings reducing in height and status towards the back of the historic burgage plots, ending in garden areas. The extension would be in keeping with this arrangement. Single storey behind the existing taller High Street frontage. The scale and form of the extension is appropriate for the building and retains sufficient breathing space for the building and the extension will be largely screened by the proposed planting buffer

### Conclusion

The spatial relationship of the existing building and neighbours will not significantly alter through the proposal. The extension is single storey in height and does not involve any significant changes to the structure of the listed building.

I do not consider that the extension will adversely affect the character and appearance, significance or setting of the listed building or the Yarm Conservation Area. I consider that the proposal conforms with the NPPF and I therefore raise no objection to the proposal.

### **Tees Archaeology**

Please accept earlier comments for 12/1727/LBC.

The development lies within the historic medieval town of Yarm. The town takes the traditional Norman layout of two rows of properties laid out along either side of a broad High Street. The properties will have been in continuous use since at least the 13th century. Archaeological excavation in the rear plots of these properties is usually productive with good preservation of medieval material. For example archaeological excavations at 101 High Street in 1981 revealed evidence for a medieval building, an iron working site and associated finds.

The proposal is for an extension to the rear (approximately 8m x 6m). The foundations for this extension are likely to expose and destroy archaeological features associated with the medieval town. In this case I would recommend that the developer arranges for archaeological monitoring during the development in order that any remains are properly recorded prior to their destruction. This is in line with the advice given in the National Planning Policy Framework Para. 141.

I would recommend a planning condition to secure this work, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

- A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

I attach a brief for the archaeological monitoring along with a list of contractors who are able to tender for works in the area.

Please do not hesitate to contact me if you require any further information.

**Councillor Sherris**

REPRESENTATION. Recent amendments that have deleted the air conditioning units are to be welcomed. However, the rear extension into what is one of Yarm`s best and most historic yards, will still be over-bearing and intrusive for the occupant of No 1 Holmdene who will lose light and amenity value to her property. Some comments refer to noise from traffic in the High St. In fact if more residents were actually to visit Holmdene for themselves they would appreciate that there is very little noise at all and this is a tranquil area that should be preserved.

**Councillor Ben Houchen**

No comments received.

**Councillor Mark Chatburn**

Please would you take into account my concerns as detailed in my comments to the earlier application.

*Application Number: 12/1727/LBC, (comments received 15.08.2012)*

I wish to object to this application, and would echo Councillor Sherris' request that this matter goes before the Planning Committee for consideration. I would also request that, should the application be considered by the planning committee, that a site visit is undertaken. The communal yard cannot be seen from the High Street and I consider a site visit essential in order for members to fully appreciate the yard's unique nature and qualities.

111 High Street is a Grade II listed building in the heart of Yarm's conservation area. One of the area's most attractive features is the yards and alleyways running perpendicular to the High Street; the communal yard at Holmdene to the rear of 111 High Street is one of the best examples in the town and is an amenity enjoyed by the residents of 1-3 Holmedene cottages.

Whist 111 High Street as a residence is not afforded the protection of being identified within Saved Policy S9, the cottages 1-3 Holmedene are. The communal yard is an integral feature of the cottages, and has been for centuries, and it is my belief that the yard should be retained unspoilt and in its current use, as the cottages are. I believe that the proposed extension to the rear of 111 High Street would have a substantial and detrimental impact on the current and future residents' enjoyment of the yard, contrary to the spirit, if not the letter, of Saved Policy S9.

I consider that the change of use of 111 High Street would have a detrimental impact on the historic nature and qualities of the High Street and the wider Conservation Area, contrary to saved policy EN23.

I am concerned that due to its close proximity and size, the proposed extension may have a substantial and detrimental impact on the mature tree in the communal courtyard.

Core Strategy Policy CS5 states that proposals within Yarm will be supported 'provided that the residential mix within the district centre is not compromised'. Paragraph 10.4 of the relevant justification states that 'Yarm has, however, retained a number of residential frontages within the historic town centre, which contribute to its character, and these should be retained'. I would therefore contest that the application is also contrary to Core Strategy Policy CS5.

I would draw officers' / members' attention to paragraph 2.39 of the 'Regeneration & Environment LDD: Consultation Statement relating to the YEAPP Issues and Options' (consultation draft July 2012) states that "the preferred option policy for Yarm District Centre seeks to maintain residential properties within the High Street".

I would finally draw officers' / members' attention to Policy TC6 ' Development and Change of Use within District Centres in the 'Regeneration & Environment LDD: Preferred Options' (consultation draft July 2012). Paragraph 3 states that 'residential properties on the High Street and other side streets [should be] protected in that use'. Whilst only limited consideration may be given to the preferred options at this stage, it is clear it is not the council's intention to deviate from longstanding policies seeking to protect residential properties in/around the High Street.

I would also fully concur with and echo the objections lodged to date by residents, and by Councillor Sherris.

### **Yarm Town Council**

The Yarm Town Council wishes to object to the proposed development at number 111, The High Street, Yarm (applications 12/2564/COU and 12/2565/LBC)

Number 111, The High Street, is one of the very few remaining examples of the, Yards, opening off Yarm High Street and, as such, is a part of the Towns heritage that should be preserved. It is also one of the last of the original private dwellings at ground-level on the High Street as opposed to the later creation of apartments above commercial premises. To allow the proposed development would be detrimental to the character of the High Street and to its ambiance.

### **PUBLICITY**

13. 17 written objections have been received from the owner/occupiers of No's 1 (x3) and 2 Holmedene (x 2), 127 High Street Yarm, 120A High Street Yarm, 18 Fauconberg Way Yarm, 31 Davenport Road Yarm, 16 Mount Leven Road Yarm, St Anne's House The Green Egglecliffe (x2), 5 Martindale Grove Egglecliffe, 12 The Green Kirklevington (x3), 5 Barrack View Richmond, 64 Pelham Street Middlesbrough, 13 High Street Great Ayton, Lingers Low Church Lane Fylingthorpe Whitby, 110 Blackwell Lane, Darlington, 3 Moor Close Kirklevington, 9 Portland Close Egglecliffe (x2). In addition to the 17 objections, an objection has also been received from Yarm Town Council.

These objections can be summarised as follows

- the scheme is not suitable for area, over development of the site/back-land development
- the proposal will be out of character with the historic setting of the rear courtyard, the surrounding area and the design of the adjacent properties. Insufficient information has been submitted with respect to the impact on the listed building/heritage asset.
- A letter of representation from No 1 Holmdene disagrees with the comments of the Council's Historic Buildings Officer.
- The proposal will have an adverse impact upon the amenity and privacy of the neighbouring properties, particularly No 1 Holmedene in terms of overbearing, overlooking, noise disturbance and odour nuisance. The proposal would be contrary to Policy GP1
- In terms of noise disturbance, the scheme is contrary to PPS24 and a noise survey should be carried out



- The scheme will affect the courtyard which is the only outdoor space serving the properties of Holmedene. The courtyard is protected by covenants and property deeds, although this is acknowledged in the representations from No's 1 and 2 Holmdene.
  - Any windows should be fixed and obscurely glazed
  - Impact on water supplies
  - property devaluation
  - impact on existing landscaping
  - proposal would set an undesirable precedent
  - impact on car parking, and access for disabled users
  - Impact on human rights/Right to Light
  - Impact on car parking/exacerbate existing car parking issues
  - proposed business is concerned primarily with private, cosmetic dental work and is not providing a necessary public service
  - Impact on means of fire escape
14. 3 written representation have been received from the owner/occupiers of Tees Villa Aislaby Road, Eaglescliffe (the applicant), 1 Egglecliffe Court Egglecliffe (Rosenberg x 2) and 32 The Wynd Wynyard.

The representations state that the scheme will provide a much-needed service, investment into the Borough, suitable for elderly and disabled users and for parents with pushchairs. The letters of support also indicated that the proposal would also return the building back to its former commercial use and that the precedent for extensions to properties within the Conservation Area has been established to the rear of adjacent properties.

### **PLANNING POLICY**

15. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
16. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
17. The following planning policies are considered to be relevant to the consideration of this application:-

#### **National Planning Policy Framework**

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

#### Planning Listed Buildings and Conservation Areas Act 1990

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990

provides that in considering whether to grant permission for development which affects a listed building or its setting, the decision maker should pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses

### **MATERIAL PLANNING CONSIDERATIONS**

18. National Planning Policy Framework states that "*in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets*". The NPPF further states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
19. The main heritage considerations are therefore whether or not the works would cause harm to the appearance, setting or significance of the grade II listed building and to the amenities of the wider Yarm Conservation Area and to designated heritage assets.
20. The property is a Grade II Listed Building identified in the listing description as an early-mid C18 altered property. It has an attractive appearance facing Yarm High Street in a typical early Georgian domestic scale in comparison to some of the grander Georgian buildings found on the High Street. Many of which have significant large often two storey extensions to the rear.
21. The external alterations to the front elevation consist of raising the door head height in the front elevation by approximately 29 cm with the installation of a new timber access door, which are considered to be modest alterations to the existing Listed Building and it is not considered to adversely affect the character and appearance of the existing building, in accordance with the provisions of the NPPF. This view is supported by the Council's Historic Buildings Officer who has commented that "*the raising of the head height of the front doorway will not affect the significance of the property, the appearance of the property will be largely as existing from the High Street elevation. Such alterations are often required to suit modern building regulations and keep properties in active use, the works are minimal and are not considered to affect the significance or appearance of the listed building*". The final finishing materials of the proposed access door (colour, materials) could be secured by planning condition 02.
22. The proposed single storey extension to the rear is considered to feature a modest pitched roof design (with a hipped end roof) and a number of velux roof lights and a set of sliding sash windows in the rear elevation of the proposal. The submitted plans indicate that the proposed extension would be a painted render finish to match the existing building, in addition to pantile roof tiles and a timber glazed sliding sash window, the details of which could be ensured by a second planning condition (03) to ensure that the materials match those of the existing building by way of material, colour, texture and profile.

23. The proposed extension would also be sited on a similar footprint to the enclosed rear yard that serves the property and the hipped roof end would be sited opposite the detached, dual pitched roof outbuilding opposite No's 2 and 3 Holmdene. Furthermore, the proposed plans indicate that the existing buffer strip of planting would be retained and enhanced as part of the scheme, which could be secured by way of planning conditions on the associated planning application (reference 12/2564/COU).
24. The Council's Historic Buildings Officer (HBO) notes that the extension would undoubtedly alter the appearance of the property on the rear elevation however has emphasised that "the extension is a single story building, which retains the landscape buffer and general spatial relationship to Holmdene. The design of the extension and proposed materials match with the existing property and it is not considered that the extension will be overly incongruous to the existing building". With respect to the impact of the proposed scheme on the historic fabric of the building, the HBO has stated that "the proposed extension proposes little physical change to the listed building in terms of works to the existing structure of the house".
25. The HBO therefore raises no objections to either the current application or the associated planning application (12/2564/COU), concluding that the "the spatial relationship of the existing building and neighbours will not significantly alter through the proposal. The extension is single storey in height and does not involve any significant changes to the structure of the listed building. I do not consider that the extension will adversely affect the character and appearance, significance or setting of the listed building or the Yarm Conservation Area...the proposal conforms with the NPPF".
26. Overall it is considered that the works have no adverse impact on the character of the listed building and there are no architectural features affected as result of the proposals and therefore the proposals are acceptable. The proposal therefore satisfies the principles of the NPPF.

### **Archaeological Interest**

27. Para 128 of the NPPF notes that "*in determining applications, local planning authorities should require an 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".
28. Tees Archaeology have been consulted on the application and with reference to the current site has commented that "*archaeological excavation in the rear plots of these properties is usually productive with good preservation of medieval material...the foundations for this (proposed) extension are likely to expose and destroy archaeological features associated with the medieval town*". As a result, they have recommended that the developer arrange for archaeological monitoring during the development in order that any remains are properly recorded prior to their destruction, in accordance with the NPPF and has recommended a planning condition relating to a programme of recording archaeological works.
29. With respect to the requirement for the submission of a heritage impact statement, this is intended to allow the Local Planning Authority sufficient information to make an informed

judgment on the heritage impact of the proposal. If that information is not submitted the local authority has to determine the application on the information available if that information is sufficient to make an informed decision.

30. Furthermore, Tees Archaeology has assessed the application and has recommended an appropriately worded planning condition for the recording of a heritage asset through a programme of archaeological works, as detailed above. In this instance it is considered that the heritage impact of the proposal can be considered with the available information. The appropriate condition (No 04) has been included in the recommendation.

### **Residual matters**

31. Objections received in relation to the impact on the amenity of neighbouring properties, the principle of the loss of the residential use, highway safety and car parking and the other residual matters (including property devaluation and Right to Light) are not material considerations when assessing a Listed Building Consent application. These matters have been assessed as part of the associated planning application (12/2564/COU).

### **CONCLUSION**

32. The proposals by virtue of the size, location, scale and massing would not have a significant impact on the appearance, setting or significance of the Grade II listed building or to the amenities of the wider Yarm Conservation Area or designated heritage assets.
33. The proposal is considered to accord with the guidance set out in the National Planning Policy Framework guidance and Planning Listed Buildings and Conservation Areas Act 1990.
34. It is recommended that Listed Building consent be granted with Conditions for the reasons specified above

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Daniel James Telephone No 01642 528551**

### **WARD AND WARD COUNCILLORS**

**Ward Yarm  
Ward Councillor Councillor A B L Sherris**

**Ward Yarm  
Ward Councillor Councillor Mark Chatburn**

**Ward Yarm  
Ward Councillor Councillor Ben Houchen**

### **IMPLICATIONS**

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

Financial Implications: As report

Legal Implications: As report

Environmental Implications: As report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on neighbouring properties, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

**Background Papers:**

National Planning Policy Framework

Core Strategy Development Plan Document

Withdrawn application files 12/1726/COU and 12/1727/LBC