

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
6 March 2024  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**23/0916/FUL**

**111 High Street, Yarm, Stockton-On-Tees  
Erection of a first floor rear extension.**

**Expiry Date 13 July 2023**

**SUMMARY**

The application site is a commercial mid terraced property used as a dentist. It is a three storey building with a grade II listed status situated within the Yarm Conservation area along the western section of the High Street.

Previously planning permission was granted for the erection of a single storey extension to the rear under applications 12/2565/LBC and 12/2564/COU.

This application seeks to erect a first-floor rear extension to the existing dental practice and in order to meet the needs of the business and provide additional patient care. The extension would create a waiting area and single surgery room.

Six objection comments and nine supporting comments have been received. Support is given to the expansion of the business, additional dental places and other economic benefits. However, objection comment raise concerns over a number of matters including the impacts upon the conservation area and the amenity of neighbouring occupiers with regards noise, disturbance, dust, overlooking and overbearing impacts.

The proposed expansion of the existing business is supported in national and local policy terms, while the impacts of the extension are also not considered to significantly affect the character of the area (including conservation area), amenity of neighbouring occupiers or highway safety.

In assessing the impact on the significance of the heritage asset, although a degree of harm will occur, it is considered 'less than significant' and the overall significance of this rear setting has already suffered from some harm as a result of the previous ground floor extension. In addition, the proposals in providing an existing dental practice the opportunity to grow and expand its services offer public benefit which weight in favour of the proposals. Thus the identified 'less than substantial harm' on the heritage asset is outweighed.

In view of these factors the application is recommended for approval subject to those considerations set out below;

**RECOMMENDATION**

**That planning application 23/0916/FUL be approved subject to the following conditions and informatives below;**

**Time Limit**

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

**Approved Plans**

02 The development hereby approved shall be in accordance with the following approved plans:

Plan Reference Number	Date Received
2097-23-100 REV B	18 May 2023

2097-23-101 REV C

28 July 2023

Reason: To define the consent.

**03 Construction Hours**

No construction/demolition works, or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: In the interests of the amenity of adjoining residents

**04 Details of proposed external materials**

Notwithstanding the submitted information details of all external finishing materials including samples (as appropriate) shall first be approved in writing with the Local Planning Authority prior to that element of the works been installed at site.

Reason: To ensure materials that are compatible and appropriate for the listed building.

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Smoke Control

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>
- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

**BACKGROUND**

1. Previously planning permission was granted for the erection of a single storey extension to the rear under applications 12/2565/LBC and 12/2564/COU.
2. Accompanying this planning application is an application for listed building consent for the first-floor extension and associated internal alterations to create a doorway into the extension.

**SITE AND SURROUNDINGS**

3. The application site is a commercial mid terraced property used as a dentist. It is a three storey building with a grade II listed status situated within the Yarm Conservation area along the western section of the High Street.
4. The property is adjoined by Café Nossa and residential flats to the south (107-109 High Street), to the north 113 High Street which is a grade II listed commercial property. To the west is the rear yard area associated with the site, which is accessed via a passageway from the High Street. Properties of Holmedene have a right of access to parts of the rear courtyard and adjoin the rear of 113 High Street.

**PROPOSAL**

5. The application seeks to erect a first-floor rear extension that would project from the rear wall of the property at its greatest length by approximately 5.7 metres. The extension would have an overall eaves height of 4.5 metres and overall height of approximately 5.5 metres. Within the rear elevation is a window and three roof lights within the southern roof slope and one within the north.

6. The proposed extension will provide a first-floor rear extension to the existing dental practice and in order to meet the needs of the business and provide additional patient care. The extension would create a waiting area and single surgery room.

## **CONSULTATIONS**

7. Consultees were notified and the following comments were received (in summary).
8. Historic Buildings Officer – This proposal seeks to place an additional story on top of a recent single storey extension granted under 12/2565/LBC. 111 High Street is a grade II listed building within Yarm Conservation Area. The adjoining property at 113 High Street is also Grade II listed and the cottages of Holmedene are within this curtilage. The significance of 111 High Street lies in its simple, vernacular architectural style and its historic age being a good example of an early 18<sup>th</sup> century modest town house with minimal later additions.

### **Rear Elevation 111 High Street**

The proposed first floor extension would site on top of the existing, recent, ground floor extension to the rear of the grade II listed 111 High Street and join to the first-floor rear elevation of the host property with a doorway opened between the two for access. It is considered that the existing recent ground floor extension (12/2565/LBC) of the rear historic façade was adequately justified in part due to previous single storey structures present historically within this area. Any further alterations to this rear façade could cause harm to the significance of the building.

Historically, there does not appear to have been first floor rear extensions to this property, a rare occurrence in the Yarm area (discussed further below). As such, this indicates, that although occupying a prime position on Yarm High Street, this was a relatively modest property and has remained so to the present. The plain rear elevation currently provides clear evidential value of the history of the building, and the loss of this elevation would cause less than significant harm to the overall significance of the property. Nevertheless, the proposed first floor extension would conceal a significant proportion of the remaining historic elevation.

The creation of a new doorway through the historic rear wall, connecting the proposed first floor extension with the host property has not been adequately explored or justified within the accompanying heritage statement and it is not possible to ascertain the level of harm this may cause. It is unclear, due to internal and external faces and lack of detail within the heritage statement on this, whether any historic features may lie concealed under these finishes.

### **Setting**

The proposed extension would have less than substantial harm on the Conservation Area and the setting of the Grade II neighbouring property (113 High Street) due to its scale and location, dominating the small open courtyard area and negatively affecting the character and setting of the neighbouring properties.

There are few significantly unaltered rear elevations on the listed properties within Yarm conservation area. Their scale, design and siting provide significant evidential and aesthetic value to both the property and the wider area and as a finite resource, should be carefully protected. It is noted that other properties, both listed and unlisted, within Yarm conservation area do have two storey rear extensions. These extensions are generally of a historic age, and on properties of a larger size and status. Regardless, each proposal and property are considered on their own individual merits and are not necessarily comparable to another. The alteration of the simple rear façade of 111 High Street would cause less than substantial harm to the significance of the conservation area as a whole through the loss of the historic building patterns evidential value.

The rear of 111 High Street is visible from public space due to the existence of a unique courtyard area to the rear of 111 and 113 High Street and the location of the Holmedene cottages. Yarm is noted for its historical 'wynds' – narrow side streets leading off the high street, with both sides built up with residential and commercial dwellings of a more modest stature than on the main streets. This creates narrow, winding lanes along the historical burgage plots. Uniquely, although the Holmdene properties were built to the rear of the grade II listed 113 High Street (and considered curtilage listed), such properties were not built to the rear of 111 High Street, nor the adjoining 109 High Street. As such, this rear space has remained an open courtyard feel, a rare survivor in the built-up Yarm centre. This courtyard space, with

the low dwellings of Holmedene remains as evidence of the evolution of the Yarm Wynds. This proposed extension would harm the character and setting of these heritage assets.

### **Policy**

Due to the impact on the host listed property, the setting of neighbouring listed properties and the conservation area, it is considered that this proposal does not respond positively or enhance heritage assets contrary to Local Plan policy HE2 part 1. The proposal fails to conserve or enhance the affected heritage assets as required under Local Plan policy HE2 part 3. The proposal runs contrary to NPPF paragraph 197 which requires proposals to sustain and enhance the significance of heritage assets, and that proposals should make a positive contribution to the area.

Clear and convincing justification for the less than substantial harm to the host building, the setting of the adjoining listed buildings and the conservation area has not been provided as per paragraph 200 of the NPPF, whilst paragraph 199 reinforces the 'great weight' that should be placed on conservation. Paragraph 202 of the NPPF requires that the less than substantial harm caused by the proposal should be weighed against public benefit and securing its optimal viable use, evidence for which has not been adequately provided by the applicant.

9. Environmental Health Unit – No objections in principle subject to conditions controlling the following matters;
- Construction/ Demolition Noise
  - In a Smoke Control Zone
  - Acoustic, Ventilation, Overheating Design
  - Noise and Vibrations
  - Noise disturbance from New Plant
  - Noise disturbance from the air conditioning plant
  - Noise disturbance from access and egress to the premises (opening hours)
  - Noise disturbance from vehicles servicing the premises (no deliveries outside of 07:00Hrs and 18:00Hrs)
10. Yarm Town Council – Yarm Town Council objects to planning applications 23/0916/FUL and 23/0899/LBC as the applications are considered to cause significant detriment to both people and place. With regards to the impact on residents, the proposal for the extension will cause loss of residential amenity, loss of light and overshadowing, loss of privacy, noise, loss of public visual amenity. Concern is also expressed regarding staff and visitor using Holmedene for access which would generate additional movements, noise and general disturbance.

In terms of place, the design, materials and protrusion of the proposed extension is considered to be out of keeping with the conservation area and the appearance of the specific listed building and surrounding environs. The proposal will permanently alter and lose aspects of significant heritage assets and the character of one of Yarm's unique listed buildings, courtyard and wynd.

Concerns are also expressed over existing drainage problems within the area and whether the expansion can be accommodated alongside the storage of clinical waste.

### **PUBLICITY**

11. Neighbours were notified and wider publicity was given to the application through a site notice and press advertisement. Of those comments received a total of five letters of objection have been received and nine letters of support, these are summarised below;

#### Objection comments

- Holmedene Yard is steeped in local history and its beauty and tranquillity it is being desecrated and destroyed
- Proposals will affect the character of Holmedene Yard
- Will impact of the privacy, light and outlook of the residents of Holmedene
- No evidence this development will have any positive impact on the availability of dental services in Yarm or Stockton on Tees.
- The current dental practice is essentially a private dental business and doesn't provide NHS services
- Increases in noise and disturbance from the surgery
- A second story extension would be incongruous and ill considered

- Extension will create over shadowing
- Extension will result in the loss of the view of the sky
- Planting within the garden area will be lost
- A protected tree may be impacted upon
- Noise and disturbance during the construction period
- Impact on biodiversity and wildlife
- Impact on parking provision within Yarm
- Impact on property value

#### Support comments

- Local services need expansion to cope with increasing population
- There is a current crisis in provision of dental care
- Let a successful business providing essential dental care expand to meet community needs
- There aren't many dental practices accepting new patients and it will relieve some pressure with dental emergencies
- Patients visiting the practice visit shops and eateries on the high street so expansion will support other businesses on the high street.
- The dental practice is well served by regular public transport reducing the need to travel, especially by car
- The proposal will not adversely affect the appearance or character of the Yarm Conservation Area.
- The building extension is in keeping with other developments within the high street.
- Expansion will help to reduce waiting lists allowing more patients to be seen

#### **PLANNING POLICY**

12. 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 Stockton on Tees Borough Council Local Plan 2019.
13. Section 143 of the Localism Act came into force on the 15 January 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 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.

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

14. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
15. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. 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.

#### **Local Planning Policy**

16. The following planning policies are considered to be relevant to the consideration of this application.

#### Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of

sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,

#### Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.

c. Supporting sustainable water management within development proposals.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

3. Conserve and enhance the historic environment through a variety of methods including:

a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.

b. Ensuring monitoring of the historic environment is regularly undertaken.

c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.

d. Supporting proposals which positively respond to and enhance heritage assets.

#### Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

#### Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

11. Proposals for new town centre uses will be directed to suitable and available sites and premises in the centres within the following Town Centres Hierarchy:

Centre Tier	Location	Role and Function
Primary Shopping Area /Town Centre	a. Stockton	The largest shopping centre within the Borough containing the Primary Shopping Area, an administrative function and evening economy.
District Centre	b. Billingham c. Thornaby d. Yarm e. Norton	District centres will generally comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
Local Centre	See SD4.12 (below)	Centres which serve a small catchment and, typically include a small supermarket/ convenience store and a range of other small

#### Economic Growth Policy 2 (EG2) - Managing Centres

##### Maintaining Vitality & Viability

1. The Council will seek to maintain and enhance the vitality and viability of all centres in the Town Centre Hierarchy, as defined in Policy SD4 and represented on the Policies Map. Proposals for the change of use, or redevelopment of premises, away from retail (Use Class A1) will only be supported where it can be demonstrated that:

- a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and
- b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and
- c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre; and
- d. Proportionate evidence has been provided to demonstrate that the premises are no longer required for retail purposes.

9. To support Yarm and Norton Centre's historic character and mix of uses, residential properties within and adjacent to the centres, as defined on the Policies Map, will be protected in that use.

#### Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
4. The loss of a heritage asset, in whole or part, will not be permitted unless the Council are satisfied that reasonable steps to ensure new development will proceed after loss has occurred.
5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before development commences.

#### Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
2. Development on land in Flood Zones 2 or 3 will only be permitted following:
  - a. The successful completion of the Sequential and Exception Tests (where required); and
  - b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
  - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
  - b. Foul and surface water flows are separated;
  - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
  - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
  - a. To an infiltration or soak away system; then,
  - b. To a watercourse open or closed; then,
  - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

#### Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:
  - a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
  - b. Work with partners to ensure existing deficiencies are addressed; and
  - c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.
  
2. Proposals which would lead to the loss of valued local shops, services and facilities, including public houses and village shops, and reduce the community's ability to meet its day-to-day needs will not be supported unless:
  - a. There is no demand for the facility in the locality and its continued future use would be economically unviable, or
  - b. Equivalent alternative facilities are available nearby and the proposal would not undermine the community's ability to meet its day to day needs.
  
4. To ensure needs for community infrastructure are met, the Council will:
  - a. Support opportunities to widen the cultural, sport, recreation and leisure offer;
  - b. Support proposals of education, training and health care providers to meet the needs of communities;
  - c. Encourage the multi-purpose use of facilities to provide a range of services and facilities within one accessible location;

### **MATERIAL PLANNING CONSIDERATIONS**

17. The main considerations of the application are the requirements of the development plan, the effect of the works on heritage assets including the character, appearance and significance of the grade II listed property and the Yarm Conservation Area, highway safety implications and any implications for neighbouring land users.

### **Principle of development**

18. The commercial property as well as being grade II listed, is located within Yarm District Centre which is a designated conservation area. The existing premises operates as a dental practice and in order to meet the needs of the business additional space is required to provide additional patient care.
  
19. In terms of economic growth, planning policy SD4 sets out economic development needs will be directed to appropriate locations to ensure the delivery of sustainable economic growth. The policy sets out district centres should provide a range of services of retail and non-retail and with policy TI2 ensuring community health needs are met. Paragraph 97 of the National Planning Policy Framework sets out decisions should provide services the community needs and support development that improves health, social and cultural well-being for all sections of the community. The provision of additional dental appointments is considered to be in accordance with those local and national policy aims.
  
20. The provision of a range of services within town centre locations also help to create linked trips and support the overall vitality and viability of those centres. The growth of the proposed business and potential for increased patrons therefore offers some economic benefits to those existing business and the overall vitality and viability of Yarm Town Centre.
  
21. As such it is considered the retention and expansion of the dental practice within the High Street location would allow for the continuation of a community service and in principle is acceptable subject to other considerations discussed further below.

### **Character and appearance**

22. The application site is located within the commercial high street where there are also residential properties. The front of the building would remain unaffected with the proposed extension being located at the rear. The adjoining property to the north 113 High Street is also a grade II listed building. The application site is detailed within its listing description as;

“Early-mid C18 altered. Smooth rendered. High Pitched pantile roof, ridge chimney. Three storeys including attic with a returned gable window breaking eaves (modern copy of Yarm dormer) Small paned sash windows (behind modern replacements)”

23. The rear part of the property benefits from a long and narrow curtilage and is accessed via the side passage which is shared with the residential cottages at Holmedene, which are not listed. There is a single storey communal outbuilding located within the rear courtyard area of 111 High Street.
24. The proposal seeks to place an additional storey on top of a recent single storey extension. Since the original proposal, the projection and height of the extension within the original submission have been reduced in scale. The projection would have a similar projection to that of the adjoining Café Nossa (not listed) to the south and would have a shallow roof pitch that would sit below the second-floor window of the host property. The proposed works look to create a part first floor element above a previously added ground floor rear extension at the premises. The extension would be accessed via a new opening (approximately 1.5 metres wide) and would create a waiting area and single surgery room. The upper second floor window would remain in place.
25. The proposed extension would occupy a section above the existing newly added ground floor extension and in terms of its architecture it would follow that of the existing extension. The proposed works would impact on a proportion of historic fabric of the building; however, this would not fully obscure the full rear elevation of the building. The extension would be largely viewable from the adjoining premises and in part would follow the existing grain and layout of the High Street which consists of long narrow off shoots with passageways to wynds and court yards.
26. Therefore in view of those considerations above, it is not considered that the scale or appearance of the proposed extension would have any significant or unduly harmful impacts on the overall character of the property, surrounding area nor that of the conservation area.

#### **Impact on Heritage Assists**

27. Sections 16, 66 and 72 of the Listed Buildings Act requires the LPA to give special consideration to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to the desirability of preserving or enhancing the character or appearance of that area.
28. The National Planning Policy Framework requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting' which is set out within the submitted Heritage Impact Assessment. In addition, it sets out Local Planning Authorities should take account of the desirability of sustaining the significance of heritage assets putting them to viable uses, their contribution to making sustainable communities, economic vitality and the desirability of new development positively contributing to local character and distinctiveness.
29. The National Planning Policy Framework details that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. It also states the LPA should identify and assess the particular significance of any heritage assets that may be affected, taking into account available evidence to avoid or minimise any conflict between the heritage assets conservation.
30. The Council's Historic Buildings Officer has raised concerns over the impact of the proposed first floor rear extension on the rear elevation of the property and that it would cause harm to the significance of the building given that there does not appear to have been first floor rear extensions to this property which is rare within Yarm. However, it is also acknowledged that the loss of this elevation would cause less than significant harm to the overall significance of the property and conservation area as a whole.
31. The Council's Historic Buildings Officer therefore considers that the proposals are contrary to Local Plan policy HE2 part 1 and paragraph 197 (now para 203, following a recent NPPF update) which requires proposals to sustain and enhance the significance of heritage assets and make a positive contribution to the area. However, reference is also made to paragraph 202 (now para 208, following a recent NPPF update) of the NNPF which requires less than substantial harm to be weighed against public benefit and securing its optimal viable use.
32. In response, the applicant has submitted a response which comments that the extension does not involve any significant changes to the structure of the listed building and would have minimal visual impact to the grand façade of the High Street and would largely be screened from view. The statement also sets out that they consider there are clear and convincing benefits to the proposals which would outweigh the perceived harm, these include;

- the current issues surrounding the availability of Dentists in the area;
- the long waiting list and appointment availability;
- the clear need for further facilities to cope with the demands and pressures of providing a much-needed health service in the area;
- the closing of other facilities which has led to more pressure on service;
- the opportunity to provide local employment opportunities;
- the need for more dentist post pandemic; and
- the lack of specialist/complex providers of dental treatment.

33. Within the wider detail of the statement reference is made to an increase in client base from c.800 patients to c.2050 in three and a half years later alongside referrals for other local private and NHS practices for complex procedures such as root canal treatment. In order to meet that demand working hours have increased along with the employment of additional staff, however waiting lists have also increased significantly from two weeks up to nineteen weeks for treatment. The additional surgery would allow the practice to increase its capacity by 50% to meet those existing and future demands, as well as creating seven new job opportunities (two dentists, a receptionist, a treatment care coordinator and three dental surgery assistants).
34. With regards to the overall impact on the historic fabric of the listed building, a new opening would be created within the first floor rear wall at approximately 1.5 metre wide. The impacts of those works have been classified as minor adverse due to extent of intervention and loss of historic fabric. However, a planning condition could be imposed on these works to ensure the remainder of the fabric of the building remains protected and any associated impacts are kept to a minimum.
35. In terms of archaeological interest, which seeks to yield historical human activity evidence, the works are concerned with a first-floor rear extension. Therefore, due to the nature of the works and the significant alterations already made to the ground floor rear it is not considered there would be a high chance of further archaeological findings on this site.
36. In assessing the impact on the significance of the heritage asset, it is ultimately a matter for the Local Planning Authority to consider the harm identified and weigh that against the benefits of the development. The proposed extension would occupy a section above the existing newly added ground floor extension and in terms of its architecture it would follow that of the existing extension. The proposed works would impact on a proportion of historic fabric of the building; however, this would not fully obscure the full rear elevation of the building. Although a degree of harm will occur, it is considered the significance of this rear setting has already suffered from some harm as a result of the previous ground floor extension. The reduced scale of the extension also mean that it would read as a subservient addition and would not detract from historic building pattern to the detriment of the overall character and appearance of the High Street.
37. Nevertheless, the pressures facing dentistry have been well documented within the national media in recent years and Government have also very recently announced a need to reform NHS dentistry. The proposals in providing an existing dental practice the opportunity to grow and expand the services it offers, undoubtably offer some public benefit which in this instance weight in favour of the proposals and thus the identified 'less than substantial harm' on the heritage asset is outweighed.

### **Amenity of Neighbouring Residents**

38. Planning Policy SD8 and NPPF Paragraph 130 seek to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings. In considering the associated impacts of this proposal, consideration is given to the tight urban grain which forms an intrinsic character of central Yarm and the close proximity which residential and commercial uses find themselves.
39. In terms over overlooking impacts, no side elevation windows are proposed other than those within the roof slopes which would be located within a position whereby direct views are not achieved into main habitable rooms of the Holmedene Cottages. With regards to the rear facing window, this would overlook the rear area of the host property and would not result in any direct overlooking. However, the very nature of the surrounding area does allow for a degree of mutual overlooking which often occurs within High Street living arrangements due to the tight grain of development.

40. 1-3 Holmedene are two storey cottages located to the north of the application site and benefit from a shared arrangement of the rear outbuilding at 111 High Street. These properties do not benefit from rear facing windows. Within the ground floor front elevation is a living room and kitchen, and at first floor bedroom windows. The existing rear extension is approximately 5 metres from 1 Holmedene and the new addition of the first floor would project out to approximately the centre of the nearest living room and bedroom window. Since the original submission, the extension has been reduced in length and as a result the overbearing impact it is not considered to result in such demonstrable harm that it would warrant a refusal of the application on this basis.
41. With regards to overshadowing, it is acknowledged these properties are positioned to the north with their main light source coming from the south. A degree of light loss would be experienced. However due to the reduction in length of the building and the very nature of the shallow roof pitch which sits below the second-floor window it is not considered there would be such an overshadowing impact upon the residents at Holmedene to justify a refusal of the application in this instance.
42. To the south is 109 High Street which is known as Café Nossa; a commercial premises. Above is 107 High Street which is a residential flat. This building benefits from a ground floor rear extension. The extension would project beyond the rear elevation of the first floor flat; requiring the 45-degree standard to be applied as set out within the SPD. The extension would not breach this guidance. As such it is not considered there would be sufficient harm to the amenity space of this flatted property in terms of overbearing or overshadowing impacts
43. Whilst comments in relation to increased noise and disturbance are noted, as are the Environmental Health Units request for additional acoustic protection. The use of the extension is not considered to significantly increase the degree of noise and disturbance already occurring from the premises. In addition, matters relating to the noise insulation of the build fabric of the building would be covered under building regulations.
44. With regards to noise during construction, a planning condition is recommended to ensure that disturbance to residents is kept to a minimum.
45. To conclude it is not considered the extension would lead to significant harmful impacts upon the residential amenity of adjacent residential properties. Planning conditions can be imposed to control elements which relate directly to the extension only, such as hours of construction.

### **Highways**

46. The property is located within a town centre location with access to sustainable transport and public car parking being available along the High Street and wider Town Centre.
47. Whilst the proposal would increase the potential for additional patrons, it is considered that any additional parking requirements can be accommodated within the immediate area and there are no highway safety implications raised over the development.

### **Flood Risk**

48. The NPPF states that development proposals should provide an assessment of whether the proposed development is likely to be affected by flooding and consider measures to deal with these effects and risks. The application relates to a commercial use for health care purposes.
49. The existing use of the building is a 'more vulnerable use' in accordance with the NPPG. The site also falls within flood zone 3. The extension is considered to be a minor extension based on its floor area and would be subject to standing advice (as defined by the Environment Agency's Flood Risk Vulnerability Classification of the Flood Matrix). The extension would be located at first floor level, which would be above 300 mm. Due to the minor floor space of the development and it being at first the proposal satisfies the guidance contained within the Flood Matrix, National Planning Policy Framework and local planning policy ENV4.

### **Residual Issues**

50. The proposals given they relate to a first floor extension are not considered to result in any significant impacts on wildlife or ecology.
51. Any loss of planting to the rear garden area is a civil issue and would not justify a refusal of the planning application.

52. Matters relating to a loss of view and impact on property prices are not material planning considerations and can be given no weight in determining the application.

## **CONCLUSION**

53. The proposed expansion of the existing business is supported in national and local policy terms, whilst as detailed in the report above the impacts of the extension are also not considered to significantly affect the character of the area (including conservation area), amenity of neighbouring occupiers or highway safety.

54. In assessing the impact on the significance of the heritage asset, the concerns of the Historic Buildings Officer are noted and although a degree of harm is considered to occur, this is 'less than significant'. In addition, the overall significance of this rear setting has already suffered from some harm as a result of the previous ground floor extension and the additional of the first floor extension is considered to be minor and subservient.

55. In addition, the proposals in providing an existing dental practice the opportunity to grow and expand its services offer public benefit which weight in favour of the proposals. Thus the identified 'less than substantial harm' on the heritage asset is outweighed.

**Director of Finance, Development and Business Services**  
**Contact Officer Jade Harbottle Telephone No 01642 528716**

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor John Coulson</b>
<b>Ward Councillor</b>	<b>Councillor Dan Fagan</b>
<b>Ward Councillor</b>	<b>Councillor Andrew Sherris</b>

## **IMPLICATIONS**

**Financial Implications:** N/A

**Environmental Implications:** Matters relating to visual impacts, including the impacts on the historic environment have been considered in the report above.

### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

### **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

### **Supplementary Planning Documents:**

SPD1 – Sustainable Design Guide - Oct 2011

SPD3 – Parking Provision for Developments - Oct 2011

SPD4 – Conservation and Historic Environment Folder - Jan 2006