

**DELEGATED**

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

**23/0899/LBC**

**111 High Street, Yarm, Stockton-On-Tees**

**Listed building consent for the erection of a first floor rear extension to include internal alterations for the creation of a doorway.**

**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 listed building consent 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.

One objection comment has been received. The objection comment raises concern 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.

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.

**RECOMMENDATION**

**That planning application 23/0899/LBC be approved subject to the following conditions and informative;**

**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 plan(s);

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 Works of making good**

All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution, and finished appearance except where indicated otherwise on the drawings hereby approved or otherwise agreed in writing with the Local Planning authority.

Reason: In order to safeguard the special architectural and historic interest of the building

**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.

**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 listed building consent application is an application for full planning permission for a first floor rear extension (ref; 23/0916/FUL).

**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. 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 Holmdene 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.

9. 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.

## **10. Joint Amenity Societies – No comments received**

### **PUBLICITY**

11. Neighbours were notified and wider publicity was given to the application through a site notice and press advertisement. Of those comments received one letter of objection has been received those comments 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
- 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

### **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.
1. 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.
  2. The following paragraphs of the NPPF are considered relevant to the determination of the application.

**195.** Heritage assets range from sites and buildings of local historic value to those of the highest Significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

**200.** 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.

**201.** 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**203.** In determining applications, local planning authorities should take account of:

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

**205.** 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

**206.** Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

**207.** Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

**208.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**211.** Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

### **Local Planning Policy**

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

#### **Policy 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.
6. The following are designated heritage assets:
  - a. Scheduled Monuments - Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle Mound and Bailey; Larberry Pastures Settlement Site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge
  - b. Registered Parks and Gardens - Ropner Park and Wynyard Park
  - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglecliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
  - d. Listed Buildings
7. The Council has identified assets on a Local List, which are considered as having local heritage significance.
8. The route of the Stockton & Darlington Railway of 1825, the branch line to Yarm, and associated structures should be considered for their international interest.
9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset.
10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.
11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.

12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record

### **MATERIAL PLANNING CONSIDERATIONS**

16. 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.
17. Paragraph 200 of the framework requires that the significance of a heritage asset should be established to a level of detail proportionate to the asset's importance. A heritage assessment has been submitted with the application and it is considered that this submission meets the requirements of paragraph 194 of the NPPF and policies SD5, HE2 of the local plan enabling the significance of affected heritage assets to be appropriately understood and established to inform the decision making process.
18. As with most listed buildings within Yarm High Street, it is the front elevation which is largely seen and appreciated within the historic context of the high street and conservation area. The proposals do not seek to make any alterations to this part of the building.
19. Towards the rear of the property is a long and narrow curtilage which is accessed via the side passage which is shared with the residential cottages at Holmedene, which are not listed. The proposal seeks to place an additional storey on top of a recent single storey extension. However, views of the extension and wider setting of the rear elevation of the building are limited and largely restricted to those accessing the yard areas serving Holmedene cottages.
20. The proposed extension itself 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 internal changes to the listed building would consist of a new opening (approximately 1.5 metres wide) and would create a waiting area and single surgery room.
21. 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.
22. In assessing the overall impacts, the first-floor extension would sit above a recently added ground floor extension. Whilst noting the Historic Building Officers comments the proposal would not fully obscure the rear elevation of the building and the overall impacts to the significance of the building are considered to be less than substantial.
23. The NPPF advises at paragraph 208 that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### *Public Benefits*

24. 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.

25. Within the wider detail of the statement reference is made to a client base of c.800 patients to c.2050 three and a half years later alongside referrals for other local private and NHS practices for complex procedures such as root canal treatment.

26. In view of the above information, the proposed development would result in additional dental places for the Members of the surrounding community. 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 weight in favour of the proposals.

#### *Economic Benefits*

27. The supporting information sets out that the additional surgery would allow the practice to increase its capacity by 50% to meet those existing and future demands, as well as create seven new job opportunities (two dentists, a receptionist, a treatment care coordinator and three dental surgery assistants).

28. Additionally, the proposed extension to, and expansion of, the existing dental practice would generate short term employment through the construction of the extension.

29. Being located within Yarm High Street there is also the potential for some wider economic benefits for the surrounding businesses through linked trips from those potential additional patients attending the dental practice.

#### **CONCLUSION**

30. 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.

31. The proposed extension would be located above a newly added ground floor extension and in terms of its architecture it would follow that of the existing extension. Whilst it is recognised that the extension would impact on a proportion of historic fabric of the building this would not fully obscure the full rear elevation of the building and the impact on the overall significance of the building is less than substantial.

32. The proposals in providing an existing dental practice the opportunity to grow and expand the services it offers, undoubtedly offer public benefit which weight in favour of the proposals and 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:**

### **Environmental Implications:**

### **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

### **Background Papers**

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents

SPD1 – Sustainable Design Guide - Oct 2011

SPD4 – Conservation and Historic Environment Folder - Jan 2006