

SCHEDULE A: Applications with Recommendation

21/0121

Item No: 03

Date of Committee: 23/07/2021

Appn Ref No:
21/0121

Applicant:
Mr & Mrs S Carr-Baugh

Parish:
Westlinton

Agent:
PFK

Ward:
Longtown & the Border

Location: Firbank, Westlinton, Carlisle, CA6 6AQ

Proposal: Erection Of Single Storey Side Extension To Provide Garden Room; Glazed Lobby Link Through To Outbuilding; Conversion Of Outbuildings To Domestic Use: Alterations To Outbuilding 1 To Create Utility, Boot Room & Storage Room; Alterations To Outbuilding 2 To Create Kitchen, W.C., Lounge/Dining Room And Gym On Ground Floor With Function Room, Office and Shower/W.C. Above; Alterations To Outbuilding 3 To Create 2no. En-Suite Bedrooms, Boot Room, Consulting Room With Dispensary, Sauna/Shower Room and Gym; Erection Of Detached Garage; Erection Of New Gateway And Boundary Treatments; Creation Of New Access (LBC)

Date of Receipt:
01/03/2021

Statutory Expiry Date
28/04/2021

26 Week Determination
26/07/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that the application is approved with conditions.

2. Main Issues

- 2.1 Impact of the proposal on the character and setting of the Grade II Listed Building

3. Application Details

The Site

- 3.1 Firbank, is substantial late Georgian brick two storey former farm house, set

back from the C1016 county highway approximately 0.8 miles to the west of Westlinton. The dwelling is a Grade II Listed Building with its associated courtyard of single and two storey buildings curtilage listed. Immediately, to the north of the courtyard are a series of traditional and modern agricultural buildings which are under separate ownership.

- 3.2 The existing access to the property is via a shared driveway off the C1016 county highway which also serves the agricultural operation immediately to the north of Firbank.

The Proposal

- 3.3 The application seeks listed building consent for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of one neighbouring property and the posting of site and press notices. In response, three representations of objection has been received.
- 4.2 The representations identify the following issues:
1. questions adequacy of parking provision and access for emergency vehicles to serve development;
 2. questions procedure/publicity of 21/0121;
 3. questions ownership of outbuildings / land and ability to undertake proposals;
 4. proposals not in keeping with listed building;
 5. potential commercial use of function room, gym, dispensary and additional accommodation;
 6. position of CCTV cameras not illustrated on drawings;
 7. removal of trees and hedgerow to create driveway;
 8. impact on biodiversity;
 9. requests that should the applicant work for the council the transparency of the council is adhered to if the application goes to committee.

5. Summary of Consultation Responses

Westlinton Parish Council: - object to the application as it is considered that development is more of a commercial venture rather than a domestic extension. If that was so the applicants would have to have a change of use from domestic to business premises. A new access and the size of

development is not justified and there is very little actual detail.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030. Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA) which is also a material planning consideration.
- 6.3 The proposals raise the following planning issues:

1. Impact Of The Proposal On The Character And Setting of the Grade II Listed Building

- 6.4 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.5 Members, therefore, must give considerable importance and weight to the desirability of preserving the listed building and its settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.6 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 184 highlights that: "heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. 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".

- 6.7 Paragraph 190 of the NPPF requires local planning authorities to 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. Local planning authorities 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.
- 6.8 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing that: "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 ...".
- 6.9 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm.
- 6.10 In light of the foregoing it is considered that Members need to have cognizance of: a) the significance of the listed building and the contribution made to that significance by its setting; and then assess b) the effect of the proposal on the listed building and its setting (inclusive of their significance and on the appreciation of that significance).
- a) the significance of the listed building and the contribution made by its setting
- 6.11 Firbank is a Grade II listed building. By way of background, there are around 400,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.
- 6.12 Firbank was listed by Historic England as a Grade II Listed Building in 1984. The listing details are as follows:
- "Farmhouse. Early C19. Flemish bond brickwork with cream headers, graduated slate roofs, gutter modillions, brick chimney stacks. 2 storeys, 3 bays, and flanking single storey wings with hipped roofs. C20 6-panel door and glazed fanlight, has pilaster strip surround and moulded cornice. Sash windows with glazing bars have flat brick arches and stone sills".*
- 6.13 Firbank, is a substantial two storey former farm house, set back from the county highway. Located to the rear of the property is a range of single and

two storey outbuildings arranged around a courtyard. The character and setting of the property has evolved over the years through the subdivision of the dwelling from the farm and the erection of modern agricultural buildings within the adjacent farm yard.

b) the effect of the proposed development on the heritage asset and its setting

- 6.14 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjacent listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.15 When considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets 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 (paragraph 193 of NPPF). As highlighted earlier in the report, paragraph 194 of the NPPF outlining that "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 ...". Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).
- 6.16 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.17 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: "the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral". The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
- 6.18 As outlined earlier in the report, Firbank is a substantial two storey former farm house which is set back from the county highway. The proposal seeks listed building consent for the erection of a single storey extension and glazed

link, conversion of outbuildings to form ancillary domestic accommodation, erection of triple garage together with creation of new vehicular access and boundary treatments. The proposals also include the installation of CCTV cameras; however, for security reasons these drawings have not been published. The proposals would sympathetically utilise existing outbuildings with minimum alterations to the fabric of the buildings or their appearance. The proposed single storey extension, glazed link and garage would be finished in materials sympathetic to the listed building and its setting. The new vehicular access track would provide afford an opportunity to improve the entrance to the dwelling. The Council's Conservation Officer raises no objections to the conversion of the outbuildings as the proposal would sustain their maintenance and future survival. In respect of the new build elements, access and boundary treatments he again raises no objections and considers the glazed link to retain a degree of visual separation from the outbuildings.

- 6.19 In the context of the foregoing, the proposals would result in a less than substantial impact on the listed building and its setting and would secure the outbuildings optimum viable use. Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.

2. Other Matters

- 6.20 Third parties have questioned the ownership of outbuildings and the ability to undertake the proposals together with potential trespass of visitors to Firbank. These issues are not material planning considerations, therefore, are not relevant in the determination of this application.
- 6.21 Another issue centred on publicity of the application and questions why two applications have been received which appear identical with the exception of one minor adjustment to the description. Firbank is a listed building, therefore, an application for planning permission is also required. Both applications have been correctly publicised by the posting of site and press notices.
- 6.22 Access for emergency vehicles to serve the dwelling was raised by third parties as the courtyard would be enclosed by the single storey extension and glazed link. This issue is not relevant in the determination of this listed building application as Members can only consider the impact of the proposals on the listed building.
- 6.23 One of the applicants is employed on a contractual basis by the City Council; however, they have not be involved in the determination of the application other than in their role as applicant.

Conclusion

- 6.24 The application seeks listed building consent for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground

floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatment; creation of new access.

- 6.25 The proposals would result in a less than substantial impact on the listed building and its setting and would secure the outbuildings optimum viable use. Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed buildings and their settings.
- 6.26 In overall terms, the proposals accords with the objectives of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 2000, listed building consent was granted for internal alterations to reposition existing internal door and create a wet room in lieu of existing bathroom; installation of stair lift and modification of first floor bathroom (application reference 00/0804).
- 7.2 In 2004, full planning permission and listed building consent was granted for erection of partition wall, creation of archway opening through existing outbuildings and landscaping of farmyard (application references 04/0860 and 04/0859 respectively).
- 7.3 In 2018, full planning permission and listed building consent was granted for alterations to existing boundary walls and gates together with blocking up of openings within outbuilding (application reference 18/0257 and 18/0258 respectively).
- 7.4 In 2019, an application to discharge of condition 3 (construction details) of previously approved permission 18/0258 was approved (application reference 19/0314).
- 7.5 There is currently an application for planning permission pending a decision for the erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use: alterations to outbuilding 1 to create utility, boot room and storage room; alterations to outbuilding 2 to create kitchen, w.c., lounge/dining room and gym on ground floor with function room, office and shower/w.c. above; alterations to outbuilding 3 to create 2no. en-suite bedrooms, boot room, consulting room with dispensary, sauna/shower room; erection of detached garage; erection of new gateway and fencing; creation of new access (application reference 21/0120).

8. Recommendation: Grant Permission

1. The works identified within the approved application shall be commenced within 3 years of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:

1. the submitted listed building consent application form received 10th February 2021;
2. the Heritage Statement received 17th May 2021;
3. the Supporting Information received 17th May 2021;
4. the Window Details received 25th June 2021;
5. the Window Schedule received 1st July 2021;
6. the location plan received 10th February 2021 (Drawing No. 01 Revision 0);
7. the block plan as proposed received 10th February 2021 (Drawing No. 03 Revision 0);
8. the part ground floor plan as proposed received 10th February 2021 (Drawing No. 07 Revision 0);
9. the part first floor plan as proposed received 10th February 2021 (Drawing No. 08 Revision 0);
10. the elevations of dwelling and outbuilding 1 as proposed received 10th February 2021 (Drawing No. 09 Revision 0);
11. the proposed detached triple garage received 6th July 2021 (Drawing No. 010 Revision B);
12. the part elevations of dwelling and outbuilding 1 as proposed received 10th February 2021 (Drawing No. 11 Revision 0);
13. the new entrance drive received 10th February 2021 (Drawing No. 12 Revision 0);
14. the outbuilding 2 as proposed received 10th February 2021 (Drawing No. 14 Revision 0);
15. the outbuilding 3 as proposed received 10th February 2021 (Drawing No. 16 Revision 0);
16. the outbuilding 1 as proposed received 10th February 2021 (Drawing No. 018 Revision 0);
17. the Notice of Decision;
18. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. All new windows and doors to be installed in the development hereby approved shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

Reason: To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. All new brickwork to be used in the development hereby approved shall closely match the appearance, texture, and size of the main building and to be bedded and pointed in a cement-free lime mortar to match that on page 18 of Historic England's "*Guidance on the Repointing of Brick and Stone Walls*". A sample area of the stonework for the proposed development, including proposed mortar and pointing detail, shall be prepared and approved in writing by the local planning authority in advance of commencement of development. The development shall then be constructed in strict accordance with the approved sample area.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Following substantial completion of the works and prior to occupancy of the altered areas, a photographic record showing all external elevations and internal areas shall be submitted to the planning authority for the completeness of their records of the building.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to its occupation and to accord with the objectives of Policy HE3 of the Carlisle District Local Plan 2015-2030.
