

Application Number:	2019/0958/HOU
Site Address:	7 James Street, Lincoln, Lincolnshire
Target Date:	25th January 2020
Agent Name:	Ryland Design Services Ltd
Applicant Name:	Mr & Mrs Mark Jackson
Proposal:	Erection of a single storey garden room.

Background - Site Location and Description

Application is planning permission for the erection of a garden room/ studio outbuilding within the garden of 7 James Street.

7 James Street is grade II listed and is located within the Cathedral and City Centre Conservation Area No.1.

A former stables, the Coach House was converted to a residential dwelling in 1991.

Planning Permission and Listed Building Consent were approved November 2018 for the erection of a single storey extension to the Coach House to provide an en suite bedroom to the ground floor (2018/1177/HOU and 2018/1178/LBC). This extension has now been constructed on site.

A separate application for Listed Building Consent is not required for this freestanding outbuilding within the curtilage. The effect of the proposed structure on the setting of 7 James Street a grade II listed building, is considered under this application

The site is also a Scheduled Ancient Monument being part of the Lincoln Roman Colonia (Lindum). Schedule Monument Consent for the proposed works has been approved by the Secretary of State on 7th April 2020.

The proposal was subject to some pre application discussion, with the proposal revised to a smaller outbuilding and the omission of the originally proposed external decked area.

Site History

Reference:	Description	Status	Decision Date:
2018/1177/HOU	Erection of a single storey front and side extension.	Granted Conditionally	4th January 2019
2018/1178/LBC	Single storey ground floor extension and replacement of internal staircase (Listed Building Consent).	Granted Conditionally	4th January 2019

Case Officer Site Visit

Site Visit Note

A site visit was undertaken at the pre application stage. No site visit has been undertaken further to the submission of the planning application in person due to the restrictions in place as a result of the Covid 19 pandemic. The proposals have instead been assessed

using various online tools together with photographs taken by the applicant or their agent. I am satisfied that there is sufficient information consequently available to assess any potential impact and to make a robust decision on the proposals

Policies Referred to

- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- Local and National Planning Policy
- The setting of the listed building
- The effect on residential amenity
- The effect on visual amenity and the character and appearance of the conservation area
- Archaeology and the SAM
- Highways
- Proposed use of the outbuilding.

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Mr Tim Allen	10 Holliday Street Birmingham B1 1TF
Mrs Susan and Mr Nick Bunker	Deloraine Court 4 James Street Lincoln LN2 1QE
Mr Anthony Blinkhorn	5 James Street Lincoln Lincolnshire LN2 1QE
Mrs Margaret Carr	10 James Street Lincoln Lincolnshire LN2 1QE
Roger And Sarah Bayes	Deloraine Court 6 James Street Lincoln Lincolnshire LN2 1QE

Consideration

Policy

The proposal should be considered with regard to policies contained within the CLLP. Policies LP25 and LP26 are relevant.

LP25 states that planning permission will only be granted for development affecting designated heritage assets "where the impact of the proposal does not harm the significance of the asset and or its setting".

Permission to extend a listed building will be granted where "the proposal is in the interest of the buildings preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the listed building or its setting."

LP25 also states that development proposals will be supported where they: "Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset; ".

Development proposals that affect the setting of a listed building will also be supported where they preserve or better reveal the significance of the listed building.

LP25 states development affecting conservation areas should "preserve features that

contribute positively to the areas character, appearance and setting".

LP26 of the CLLP requires development proposals to be assessed against relevant design and amenity criteria. The amenities of occupants of neighbouring land and buildings may reasonable expect to enjoy must not be unduly harmed by or as a result of development.

Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that general duty in relation to conservation areas, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In order to address these requirements, the agent has provided both a Design and Access Statement and Heritage Impact Assessment, including outlining the proposed archaeological works during the course of the application.

The Site and Coach House

An 18th century former stables to Deloraine Court, the Grade II listed Coach House was converted from garaging to a residential dwelling in 1991. The property provides residential accommodation across two floors, with rooms within the converted roof space. The property is predominately red brick under a clay plain tiled roof. A feature of the building is the retained timber doors and series of arched openings housing windows and doors.

The dwelling is predominately hidden from public view by an existing large stone wall, vegetation and solid timber gates to James Street. The new garden room outbuilding will be erected close to, but not seen over the existing walling and boundary hedging. The application does not include proposals to change or alter the existing boundary wall.

There are a number of other designated heritage assets adjacent to the site, which are all of high significance. These comprise the Grade II listed Burghersh Chantry House at 17 James Street to the immediate east, the Grade II listed Cathedral School Boarding House, No. 18 James Street, the Grade II listed County Assembly Rooms to the west and the Grade II* listed Deloraine Court East and Deloraine Court West, Nos. 4-6 James Street to the south-west. The settings of these various designated heritage assets are all material considerations in respect of the proposed outbuilding within the curtilage of 7 James Street, along with the host property the former Grade II listed stables itself.

Planning permission and Listed Building Consent were approved November 2018 for the erection of a single storey extension to the Coach House to provide an en-suite bedroom to the ground floor (2018/1177/HOU and 2018/1178/LBC). This extension has now been constructed on site.

The proposed development will comprise the erection of a new single storey detached garden room outbuilding on garden land to the south of the Grade II listed host dwelling. The single storey proposed outbuilding measures 6.2m x 4.2m. The garden room is to be a flat roofed building with a covering of rolled lead, with the remainder of the building composed of oak cladding with vertical timber posting and wooden doors and windows.

The building will be constructed on a concrete slab/raft foundation, which will require a maximum excavation depth of 0.15m below ground levels. There will be in addition new service trenching required, which will connect to existing services to the north and within the listed building curtilage. The service trenching will be excavated to maximum depths of 0.30m below ground levels.

Consultation Responses

An objection has been received from the Civic Trust, concerned that the proposed design, flat roof and colour scheme are not sympathetic to the built environment of the area. The Trust also raises concern regarding the proposed use of the outbuilding and the potential for it to be used as additional living quarters, which it feels would be an overdevelopment of the property.

4 objections have been received from neighbours within the vicinity of the site. Concerns raised include development within the Scheduled Ancient Monument and the effect the proposal would have on archaeological remains through the foundations and new drainage. Lack of information within the Design and Access Statement regarding the effect on the SAM.

The effect of the proposal on the setting of the adjacent listed buildings and the wider buildings which comprise Delorlane Court and the Cathedral and City Centre Conservation Area. The proposed design and in particular the flat roof is not in keeping with the historic urban grain and plot layout of James Street and the surrounding areas contrary to local planning policy. Whilst the proposal would add a modern structure into an otherwise historic area.

Lack of information regarding the proposed materials. Accoya posts and oak cladding is not in keeping with the brick and stone vernacular of the former stable block at the site.

Concerns regarding the proposed use of the new outbuilding and that it has the potential to be used for other uses than the 'garden room' stated on the plans and that this has the potential to be used as a self-contained dwelling. Problems associated with increased density of housing within the area, increase in traffic, and set a precedent for other 'outbuildings' within the area. Increased access problems for adjacent neighbours. Concern that a new 'Norman' arch is to be created out of character with the host property.

The existing hedge at the site can be removed at any time and would therefore reveal the new structure outside the site.

Effect on the Setting of the Listed Buildings and the wider Conservation Area.

In line with guidance contained within the NPPF, the submitted Design and Access Statement indicates that "the scheme has been designed following a survey and analysis of the site and its constraints, opportunities and surroundings to produce a design appropriate to this location and surrounding development area of similar scale".

As stated in the HIA, it is considered that the proposed outbuilding has been designed to be clearly subordinate to the host dwelling. The garden room outbuilding appears very much as an ancillary structure and is modest in scale.

Whilst objections have been raised to the proposed materials, the palette of materials

reflects that of the recently approved and constructed extension to the host property. The structure will be constructed with Oak posts (painted Ivory Cream), untreated Oak cladding, ivory timber windows and doors, cast iron down pipes and a revision of code 5 lead flashing to the flat roof.

The palette of materials is considered appropriate to the context, selected for a simple and modern architectural approach, which also indicates an appropriate hierarchy of elements on site.

The single storey height of the building will be such that the roof levels will be below that of the existing high stone boundary wall to the east and the high mature conifer hedge the south and west. The proposed outbuilding will therefore be effectively screened off from outside the application site. Whilst the retention of the hedge long term cannot be ensured, the plan does show that at present the proposed structure is lower than both the hedge and the adjacent boundary wall with James Street.

It is considered that the outbuilding is a modest, small scale, ancillary structure of a simple design and materials and not therefore be harmful to the setting of the host property or the listed properties adjacent to the application site. The proposal is therefore considered to be in accordance with policy LP25 of the CLLP, where "the impact of the proposal does not harm the significance of the asset and or its setting".

Similarly the effect on the character and appearance of the conservation area is minimal given that views of the outbuilding from outside the site are limited. The proposal is therefore considered to be in line with LP25 of the CLLP and the duty contained within section 72 of the Act where, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

With regard to objections concerning the creation of a new Norman Arch and doorway, it appears as though this is attributed to misinterpretation of the proposed plans when viewing the proposed West elevation. There is an existing archway and gate within the boundary wall to James Street (as shown on the site photographs) and therefore a new opening is not being created. The only doorway into the new outbuilding will be to the north elevation and is a simple modern design of timber construction.

Effect on Residential Amenity

The outbuilding is to be used as a 'studio/ garden room'. The plans indicate that a bathroom (toilet and shower) will be fitted within the outbuilding. The proposal could therefore be capable of providing residential accommodation, potentially separate from the host dwelling.

The agent and applicant have responded and confirmed that the proposed use is as a garden room for a number of uses ancillary to the general enjoyment of the main dwelling house, including housing gym equipment, exercise, and painting etc. The shower and toilet facilities are also to be used in association with the proposed hot tub which the occupiers of 7 James Street are intending to install adjacent to the garden room.

Whilst no objections are raised by the LPA to the use of the outbuilding as an ancillary use to the main dwellinghouse, an independent residential unit would raise concerns regarding the over intensification of the use of the site and the potential resulting increased noise and disturbance generated. Any additional separate residential unit at this location may

therefore be detrimental to the residential amenities of the occupants of adjacent dwellings, through the creation of a residential unit in a location where you would not reasonably expect one to be.

Should planning permission therefore be approved, a condition should be included which restricts the use of the outbuilding for purposes ancillary to the enjoyment of the dwellinghouse only, and shall not be sold or let as a separate entity, including a holiday let.

The effect of the proposed garden room outbuilding on the residential amenities of the occupiers of adjacent properties should be considered. I do not consider that given the size and location of the proposed outbuilding and the location of windows within the structure, that the amenities of adjacent properties will be detrimentally affected through either overlooking or loss of outlook or light or creation of an overbearing structure. The outbuilding is located well within the site and windows face back toward the host property with the expectation of one window within the west facing side elevation which serves the shower room and can therefore be conditioned obscure glazed.

Archaeology

During the course of this planning application, Scheduled Monument Consent for the proposed works has been approved by Historic England on behalf of the Secretary of State.

Further to the approval of SMC, the two agreed trial test pits were undertaken on 18th April. The subsequent report required by a condition of the SMC approval has been sent to both HE and the LPA. The report concludes that it "is considered that the required depths of 0.15m and of 0.35m respectively below ground levels to facilitate the construction of the proposed new concrete raft/slab foundation and of the required new service trench, would not impact upon any significant archaeological remains. At these limited depths, these excavations would also certainly not be deep enough to have any impact on any earlier archaeological remains such as those of the Roman Colonia or of the medieval settlement, despite the high archaeological potential from these periods to be encountered on this site, that were identified by the prior heritage impact assessment."

Lincolnshire County Council as both the Highway Authority and Lead Local Flood Authority has no objections to the proposal.

Application Negotiated either at Pre-Application or During Process of Application

Yes.

Financial Implications

None.

Legal Implications

None

Equality Implications

None.

Conclusion

Given the proposed design, scale and materials of the outbuilding, and that views from outside the site are very limited, it is considered that the proposed outbuilding will not be detrimental to the setting of the grade II host property or the other listed buildings within the vicinity of the application site. Similarly, the proposal is considered to preserve the character and appearance of the Conservation Area.

The garden room and its proposed use is not considered to be detrimental to the residential amenities of the occupants of adjacent properties and therefore the proposal is considered to be in accordance with policies contained within the CLLP and also the NPPF.

Application Determined within Target Date

No (extension of time agreed).

Recommendation

That the application is Granted Conditionally.

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be discharged before commencement of works

- 03) No development shall take place within the application site until the applicant/developer has secured the implementation of an appropriate programme of archaeological work undertaken by a competent person/organisation, in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved by the City of Lincoln Council as Local Planning Authority.

This scheme must provide:

1. Evidence that a contract has been entered into with an Archaeological Contractor to undertake all stages of work;
2. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);

3. A methodology and timetable of site investigation and recording;
4. Provision for site analysis;
5. Provision for publication and dissemination of analysis and records; and
6. Provision for archive deposition.

The development shall be undertaken only in full accordance with the approved WSI. No variation shall take place without the prior written consent of the Local Planning Authority. The applicant/developer shall notify the Local Planning Authority of the intention to commence all works at least 7 days before commencement.

Reason: In order to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and then to ensure satisfactory arrangements are made for the recording of possible archaeological remains. This condition is imposed in accordance with the requirements of Section 12 of the National Planning Policy Framework.

- 04) The programme of archaeological work shall be completed in accordance with the approved Written Scheme of Investigation (WSI), including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report shall be prepared and deposited with the City Council's Heritage Team within the LPA and the Lincolnshire Historic Environment Record, within six months of completion of the archaeological works. The archive shall be deposited with The Collection (Lincolnshire Museums) within twelve months of the completion of site works. No variation shall take place without prior written consent of the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This condition is imposed in accordance with the requirements of Section 12 of the National Planning Policy Framework.

Conditions to be discharged before use is implemented

Conditions to be adhered to at all times

- 05) The bathroom window hereby approved in the west facing side elevation of the proposed outbuilding shall be fitted with obscure glazing before the outbuilding is first brought into use and the obscure glazing shall thereafter be retained at all times.

Reason: To protect the privacy and residential amenities of the adjacent property.

- 06) The development hereby approved shall be used for purposes ancillary to the residential use of 7 James Street only and shall not be used as independent residential accommodation, sub-let (including holiday lets) or sold as a separate entity.

Reason. In the interests of the amenities of adjacent residential properties