

HIGH PEAK BOROUGH COUNCIL

RESPONSE TO DEVELOPMENT CONTROL CONSULTATION

CONSERVATION AREAS, SETTING LISTED BUILDING

Application Ref: 2018/0048	
Site: 2 Chapel Brow, Charlesworth	
Proposal: Erection Dwelling	
Reason for Consultation: Charlesworth Conservation Area, Setting Grade II LB	
Application's Supporting Information. Is any adverse impact on a Listed Building or Conservation Area/Setting raised? No	
<p>Comments:</p> <p>The Pre-app response highlighted the fact that the site lies partly within the Charlesworth Conservation Area and may affect the setting of No.44-48 Town Lane (Grade II Listed). No heritage statement has been submitted with this application to evaluate the historic character of the area and the impact that the proposed development will have on it, together with any mitigation (in accordance with the requirements of the NPPF). Now that a hedge and trees have been removed from the roadside I would argue that the application site has a much closer visual relationship with the Listed Building than previously. Based on the information that I have at present it would appear that the dry-stone boundary wall lies within the historic curtilage and demolition of a section would therefore require Listed Building Consent (curtilage tests would need to be applied to confirm this).</p> <p>Character of the Conservation Area and its Setting (Repeat of pre-app advice given by Joanne Brooks in 2015)</p> <p>The Council has an adopted Character Appraisal for the Charlesworth Conservation Area. This document contains a number of significant factors that contribute towards the character and setting of the conservation area. These are as follows:</p> <p>Summary of the character 3.1</p> <ul style="list-style-type: none"> • A mixture of an enclosed character in the centre of the village and a more open character in the outer parts of the designated area; • Panoramic views from the upper parts of the Conservation Area and significant views out to the south, west and north; • Green open space provided by the ecclesiastical burial grounds, planted private gardens and public areas within the village and by open fields within the Conservation Area and around it. <p>One of the key characteristics of the landscape setting of Charlesworth isopen fields enclosed by dry stone walls, some containing mature trees of native species surrounding the area para 4.10.</p> <p>There is a strong enclosed feel to Town Lane and surrounding the proposed development site and this is noted in the character appraisal.....The centre of the village and much of Town Lane has an enclosed character due to the more dense nature of the buildings and the high stone walls either side of Town Lane (para 4.56). The stone boundary walls are a key characteristic of the conservation area which is noted in para 4.84 of the character appraisalBoundaries tend to be marked out by low stone walls, some of which are coursed with moulded coping stones along Glossop Road and Marple Road and dry stone walls along Town Lane and along the lanes in the upper part of the Conservation Area.</p> <p>With particular reference to the development site the character appraisal notes that ...Higher Charlesworth, on the eastern side, is the older part of the settlement consisting of stone-built farmhouses, three-storey handloom weavers' cottages and the Independent Chapel with some of the surviving buildings dating from the mid 17th century. This group is set within fields enclosed by dry stone walls. The setting of this group is much enhanced by the surrounding fields and open views (para 4.93).</p> <p>In my view I would summarise (in part) the character of the conservation area and this particular area as consisting of a strong enclosed feel, use of stone as boundary walls, open fields containing mature trees and open views from the south across the conservation area.</p> <p>The proposed development would necessitate the removal and alteration of a large section of the stone boundary wall to the site. It would also require the clearing of a number of trees located adjacent to the boundary wall. The</p>	

removal of both these features and the creation of the required hard standing, parking and garaging would have a detrimental effect on the character of the conservation area for the reasons listed below:

1. Loss of enclosed feel
2. Loss of stone boundary wall
3. Loss of significant tree cover
4. Loss of rural feel to the setting of the conservation area by proposed development and resultant domestic footprint and hard standing. This is compounded by the detached garage.
5. Impact on views from the south and the rural setting of the conservation area and potential impact on the setting of listed buildings along Town Lane.

The earlier advice to the Pre-App in 2015 is still relevant and it appears that despite this advice the scheme has remained essentially the same. I note, however, that the hedge and trees have been removed, partly as a result of the condition of the boundary wall. The effect of removing the vegetation has created a greater visual connection between buildings on Chapel Brow and the intervening field reinforces the rural character of the settlement. The open fields also contribute greatly to the historic, rural setting of No.44-48 Town Lane both in terms of the field running right up to the lane and the open character of the land at the rear which is on significantly raised ground.

Proposed Scheme

The proposal would result in the removal of a substantial length of the dry stone wall and the excavation of a large area of the land behind in order to create a plot suitable for development. The building would be set into the bankside so that it appeared two-storey facing the road and looking down towards Town Lane, and single storey facing up the hill and to the rear (but with a first floor terrace overlooking the fields). The key public views would be from Chapel Brow and Town Lane although other views would be from Charlesworth Congregational Churchyard and the footpath below. The excavated area would also accommodate a two-car garage set into the bankside to the south-east and a front yard and vehicle pull-in.

This is a substantial two-storey dwelling the design of which has little relationship to the surrounding local vernacular. The front projecting gable supported with piers, the window proportions and the dominant, shallow-pitched garage are particularly discordant. The height of the building is also a concern, especially when viewed from the lane and from below. It will be a very dominant and of complex form and will not assimilate with the surrounding settlement.

The development will represent a substantial change to the character of the area. The feeling of enclosure along the lane would be severely disrupted with the removal of a large section of wall and excavation behind, and the loss of the open field would harm the rural character of this settlement.

Harmful to the character and appearance of the Conservation Area and its setting, and to the setting of the 44-48 Town Lane. I would draw your attention to the policy guidance below, especially Footnote 9 of Para.14 of the NPPF.

Recommendation: Refuse

Conditions:

Signed:

Mrs G. Bayliss

Senior Conservation Officer

Date: 26/03/2018

Relevant Act, Legislation, Policies & Guidance

Any decisions relating to Conservation Areas/Listed Buildings and their settings must address the statutory considerations of the 1990 Act (esp. Section 66 & 72) as well as satisfying relevant policies in the NPPF and the Local Plan.

Planning (Listed Buildings and Conservation Areas Act) 1990:

- Section 72: In assessing planning applications in respect to any land or buildings in a Conservation Area the **LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.**
- Section 66: In assessing planning applications the **LPA has a duty to have special regard to the desirability of preserving the Listed Building or its setting** or any features of special architectural or historic interest which it possesses.

NPPF (2012)

Sustainable Development

Protecting and enhancing the historic environment is one of the 3 dimensions of achieving sustainable development. These dimensions are mutually dependent. There is an overriding presumption in favour of achieving sustainable development. Failure

to conserve the historic environment is therefore a failure to achieve a sustainable development.

Footnote 9 of Para.14: Policies related to designated heritage assets – harm to Listed Buildings/Conservation Areas, or their setting triggers the statutory presumption in favour of sustainable development.

Section 12: Conserving and Enhancing the Historic Environment

Outlines the planning policy context for assessing proposals that affect Conservation Areas/ Listed Buildings and other heritage assets.

- Para. 126: LPAs are required to develop a positive strategy for conservation of the historic environment that includes taking account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation. **Heritage assets should be conserved in a manner appropriate to their significance.**
- Para.128: In determining applications LPAs 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 asset's significance.**
- Para.129: LPAs should use the assessment to consider the impact of a proposal and seek to minimise conflict. Case law has confirmed that **where there is an impact this must be assessed and given appropriate weight.** The Council has to demonstrate that the Section 66 Duty has been applied and discharged. **Section 66(1) and Footnote 9 of para.14, creates a strong presumption in favour of the preservation of Listed Buildings and their setting and requires that considerable weight be given to the desirability of preservation** (Barnwell Manor Wind Energy Ltd v East Northants DC (2014)).
- The Council has to demonstrate that the Section 72 Duty has been applied and discharged. **Section 72 (and Footnote 9 of para.14) creates a strong presumption in favour of the preservation of Conservation Areas and their setting and requires that considerable weight be given to the desirability of preservation.**

Furthermore:

- The strong presumption must be applied where there would be any harm, not just substantial harm (Barnwell Manor) and this also applies in cases where the harm is slight (Ecotricity Ltd v DCLG). See also Forge Fields Society/Sevenoaks DC. Penshurst in Kent. An Authority can only properly strike the right balance between harm to a heritage asset and planning benefits if it is conscious of the statutory presumption in favour of preservation, and if it demonstrably applies that presumption to the proposal it is considering (Penshurst case).
- A LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting (surroundings in which a heritage asset is experienced).
- Para.130: Evidence of deliberate neglect or damage should not be taken into account.
- Para.131: Sets out factors to be taken into account by an LPA in determining an application. These reflect the considerations outlined in paragraph 126 and underline the positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality.
- Para.132: In considering the impact of proposed development on the significance of a heritage asset **great weight should be given to its conservation** with a greater weight being placed where the asset has greater importance. Significance can be harmed by alteration, destruction or development within its setting. **Harm requires clear and convincing justification.** Substantial harm to or total loss of significance to a designated heritage asset of the highest significance should be wholly exceptional.
- Para.133 & 134: Relate to assessing harm to an asset's significance and set out the circumstances in which harm, substantial or less than substantial, could be considered acceptable. These include situations where public benefits outweigh such harm.
- Para 133: Substantial harm - LPAs should refuse Consent unless public benefits outweigh the harm (or all of the following apply – it has no reasonable use, no viable use will enable its conservation, grant aid not available, harm is outweighed by bringing site back into use).
- Para 134: Less than substantial harm - The harm should be weighed against the public benefits of the proposal.
- Para.136: LPAs should not permit the loss of the whole or part of a heritage asset without steps to ensure that development will proceed after the loss has occurred.
- Para.137: LPAs should look for opportunities for new development in Conservation Areas and within the setting of heritage assets to enhance and better reveal their significance.
- Para 138: Loss of a building which makes a positive contribution to the significance of a Conservation Area should be treated as substantial/less than substantial harm taking account of relative significance of the element affected and contribution to significance of the Conservation Area as a whole.

Other Guidance

- Planning Practice Guidance: Conserving and Enhancing the Historic Environment (DCLG)

Key Historic England Guidance

- Conservation Principles: policies and guidance (2008) – Framework for understanding and assessing significance of

heritage assets

- Historic England Good Practice Advice in Planning No.2: Managing significance in decision taking in the historic environment (assessing significance, HERs, recording, neglect and unauthorised works, marketing, design and distinctiveness) (2015)
- Historic England Good Practice Advice in Planning No.3: Setting of Heritage Assets (2015)
- Enabling Development and the Conservation of Significant Places (2001)
- Traditional Windows (2015)
- Farmstead Assessment Framework – Informing sustainable development and conservation of traditional farmsteads (2015)

Adopted High Peak Local Plan

SO2: To maintain, enhance and conserve the areas distinct landscape characteristics, biodiversity, and cultural and historic environment

SO3: To ensure that design is well designed, promotes local distinctiveness and integrates effectively with its setting

SO4: To protect and enhance the character, appearance and setting of the towns and villages

Policy EQ 6

Design and Place Making

All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

Policy EQ 7

Built and Historic Environment

The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7.

NOTE: The above references to The Act, policies and guidance are a summary and do not attempt to be a comprehensive assessment.