

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

RESPONSE TO DEVELOPMENT CONTROL CONSULTATION

CONSERVATION AREA REGISTERED HISTORIC PARK AND GARDEN

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| Application Ref: 2018/0148 149 | Reason: Howard Park CA, Howard Park Registered Park and Garden |
| Site: 4 Oak Lodge, Dinting Road, Glossop | |
| Proposal: First floor extension | |
| Application's Supporting Information. Is any adverse impact on a Listed Building/Setting raised? | |

Comments:

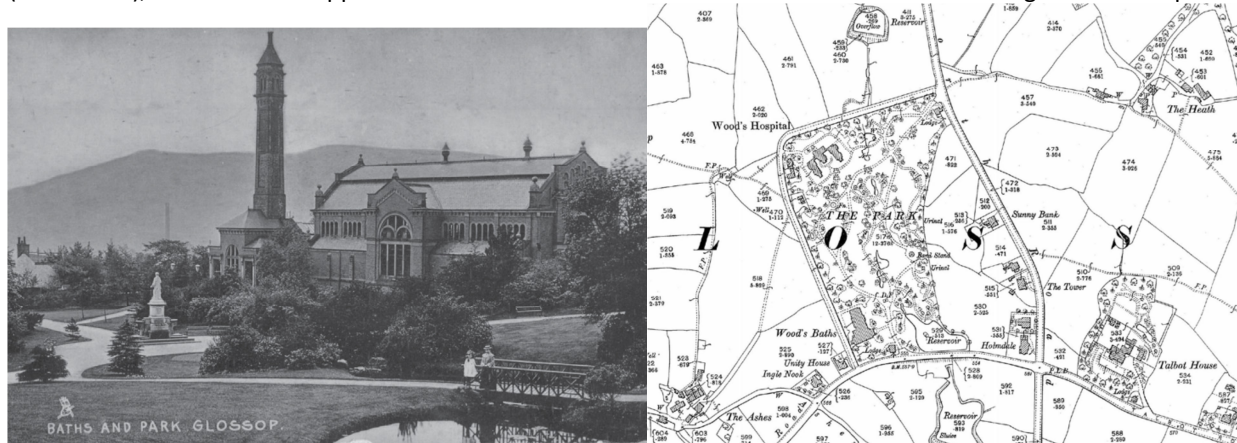
The development requires planning permission only. No further application is required to take account of the fact that the building is within a Registered Park and Garden.

Summary of Special Interest of Howard Park

The distinctive, key characteristics of Howard Park can be summarised as follows:

- A well maintained public park, a source of great civic pride when first developed
- The Park was intended to serve the dual purpose of public amenity and convalescent ground, a greenfield site, initially detached from the rest of the town to provide an atmosphere of quiet contemplation and peacefulness
- an ornamented parkland landscape with mature and lush vegetation and structural planting, dominated by trees and water, with framed views, a winding network of serpentine paths and pockets of open space separated by undulating mounds and interspersed with focal points
- public buildings arranged around the edge to provide counterpoint and drama to the views, dominated by the great Baths chimney in the style of a campanile
- high status architect-designed villas dating from the 1860s to the 1890s, often quirky with unusual focal points, generously spaced
- open and inviting relationship with the adjoining streets and frontages to Park Crescent

The landscape designer was H.E. Milner, the son of Edward Milner (1819-1884), who had been apprenticed to the Duke of Devonshire's Chatsworth estate head gardener Joseph Paxton.



The image above shows one of the key historic views within the park demonstrating the designed landscape and relationship of buildings within that space. The OS map shows the 1898 map of the park. Both images show Park Lodge (now called Oak Lodge).

Lodges

A key element of the designed parkland is the lodges. The main entrance is from Dinting Road with the lodge (Oak Lodge) and Baths to the south-west and the lake to the east of the principal path. A secondary entrance, also with an identical lodge, lies at the north-east corner of the Park at the junction of North Road and Park Crescent. Both entrances have simple ironwork gates and fluted cylindrical gateposts.

Oak Lodge is a one-and-a-half storey lodge of thinly-bedded gritstone incorporating a ridge stack and steep, concrete tiled roofs, with moulded bargeboards and a decorative half-timbered overhanging gable to the park entrance. There are decorative features such as the half-timbered gable to the road elevation, and an overhanging open porch with open half-truss and stained glass and leaded-light windows. The original leaded-light windows have been removed from the front bay window and the oriel window to the road elevation and replaced with plain glazing. Park Lodge to North Road is built from identical construction details to Oak Lodge. Both Lodges were designed to be viewed from all directions and Oak Lodge in particular is viewed in conjunction with key vistas within the park, such as the view above taking in the baths, serpentine paths and monument.

Currently the hedges and shrubs around Oak Lodge are so overgrown that the lodge cannot be clearly seen to its full extent. The constriction of views within the park due to the growth of trees and shrubs is an challenge for the wider management of the area and it is recognised views are critical to maintain the original design intent.

Assessment

Oak Lodge of simple form, identical in form to its twin up the road. The form and size of the building is a key characteristic. Any proposal to add a two-storey addition to such a prominent building (and one of a pair) will be problematic.

The building currently has a discrete single-storey, flat-roofed extension providing a kitchen and shower room with terrace above. Planting around the perimeter largely disguises its presence. The application proposes to add an additional storey over the terrace to introduce a further south-facing gable but also extending the first floor out a further 1.7m over the ground floor to create an open-sided balcony. The extension will incorporate a large studio light above the balcony, a gabled dormer at the junction between the two main gables (with dummy roof) and two rooflights to the north elevation in the new linking roof.

The proposal fails to preserve the historic character and form of the lodge. It is a prominent building at the main entrance to the park and forms part of key views within the area, including joint views with the baths, lake and monument. The roadside (south) elevation is prominent and the proposal to add a further gable of very different style and materials to the existing building is harmful and has no design precedent. In order to accommodate the additional gable the roof of the north and west elevations require complex adaptation to accommodate the extension which will detract from its simple form and character. All elevations will be prominent.

The open terrace framed by the timber structure is a contrast to the solid Victorian picturesque style of the existing building. Whilst the building is currently shrouded in mature vegetation this is not a permanent situation and pruning or loss of a tree could make the building much more prominent.

The proposal is harmful to the character and appearance of the Conservation Area. The Registered Historic Park and Garden is a material consideration in the planning process and the Council must consider the impact of the development on the landscape's special character. The impact of the development on the special character of the Registered Park and Garden is also considered to be harmful.

Relevant Act, Legislation, Policies & Guidance

Any decisions relating to Conservation Areas and their settings must address the statutory considerations of the 1990 Act (esp. Section 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.**

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, 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 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 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 (Barmwell 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)
- Historic Landscape Characterisation – SCC (SMDC)
- Historic Environment Assessment (HEA) – 11 project areas based around the 3 towns (Cheadle, Leek & Alton) and 12 historic villages). Aims to establish potential of historic environment to absorb new development. Each project area has been divided into HECZs Historic Environment Character Zones. Followed Conservation Principles. (SMDC)
- Staffordshire Farmsteads Character Statement (and assessment framework) HE & SCC & Farmsteads in Staffordshire Moorlands HE & SCC
- Landscape and Settlement Character Assessment of the Moorlands: Wardell Armstrong for SMDC (SMDC)

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.

Recommendation:

Conditions:

Signed:

Mrs G. Bayliss

Senior Conservation Officer

Date: