

FAO Case Officer
Planning
Objection re 2020/92284

The application:

The submitted application contains numerous errors each of which (whether by accident or design) understate the impact of this development on the site and the locality within which it sits.

Section 4: Description

The application designates the purpose of the building as an office/studio. The design & access statement specifically states the application is for an office (as a prerequisite of a potential buyer acquiring the property), bringing into question the purpose disclosed in the application. Clearly, it is entirely inappropriate for the location to be used to accommodate the operation of a business from the site. The extent of proposed glazing raises significant questions concerning use as a home office as it will be unsuited to screen work.

Section 5: Materials

The application claims the materials match those of the existing property. This is incorrect. The original building is constructed of coursed natural stone. The use of materials matching the original building was a condition of an approval under application 2019/92330. A variation of the condition remains open under 2020/91774. The original condition should not be varied, and the current application should be refused.

Claimed Existing Approval:

It should be noted that the applicant claims an existing approval, for the construction of a garage on the proposed site, gives strong reasons to approve this latest application. It should be noted that the approval, granted under 2017/92124, has now time expired without any related works being undertaken. As such, the current application must be considered in the context of an entirely new application.

Section 9: Public Visibly

This aspect is particularly important given the status of the area, the property's proximity to the listed Church and noted vista from Gill Birks. The application states the works will not be visible from Public Road, bridleway, footpath or public land. Clearly this is completely incorrect it is visible from numerous locations.

Design & Access Statement:

Section 1.2: This states the property is 2-storey. Whilst this statement is technically correct, the property was originally a 2-storey property before the current owners converted it into a 3-storey property despite a planning refusal.

Section 1.3: This states the land slopes away to the South (this should be to the North). This means the proposed siting for the 'office' would be prominent in the vista of the listed Church from Gill Birks & surrounding area.

Section 1.4: Overlooks stating that St Mary's is a listed building and that the proposed development falls within its' curtilage. Given the potential impact on a listed property it is essential this application is drawn to the attention of Heritage England.

Section 3: No mention is made in the D&AS that the application referred to has now time expired. There is also a passing reference to the 'complex planning history' associated with the site and seeks to draw a line under the past. However, it is impossible to disregard the history. Many of the aspects of the current property, used to support and justify the current application, make reference to 'existing structures' which have been constructed without planning permission and not removed despite enforcement action. As such, to accept the current application, by reference to unapproved construction, is inappropriate, would constitute unjust enrichment and would constitute rewarding non-compliance with regulation.

Section 4:

LP1: The physical features and dual nature of the application does not meet the requirements of sustainable development, so there is no presumption for approval.

LP3: The proposed development does not meet the requirements of LP3 as it is not well located and does not create a new home.

LP24: The proposed development does not meet the requirements of:

- form, scale, layout and/or details in all development respects,
- enhancing the character of the townscape, heritage assets and landscape.
- amenity for future and neighbouring occupiers. Specifically, the proposal requires significant changes in level with no indication on the impact of the existing or neighbouring properties regarding stability or drainage proposals.
- being in keeping with the existing buildings in terms of scale, materials and details not least because the building, to which it is being compared, is not approved.
- disabled people, older people and families with small children by the creation of accessible and inclusive places. Without question the plans include new outdoor steps. The extent of the problem cannot be determined by the drawings as there is no consistency between the plans on the number of steps or the height of finished landscaping

As explained above, the prior approval is irrelevant to the current application. As such, no presumption of approval can be drawn from the prior application.

LP35: Section 4.12

There can be no presumption regarding the current property forming part of the 'modern infill development'. Whilst the current building has been extensively extended this has been in contravention of a determined planning refusal. As such, any new extension should necessarily require planning to consider the appropriateness, or otherwise, of the cumulative changes undertaken when considering approval. As a result, the overall scale and impact considerations are significantly greater than the latest application in isolation.

To do anything less would be to condone the breaching of planning permission for personal gain – in this case the successful sale of a property where the owner is already benefitting from a lack of compliance enforcement despite objections.

As mentioned elsewhere, the application does not meet the objectives of the Conservation plan and as such is in breach of LP35.

LP57: Section 4.19

The argument put forward by the applicant to demonstrate compliance with LP57, inappropriately seeks to restrict the cumulative impact of proposed new development by relation to existing buildings which have never received planning approval.

Green Belt:

The entire site sits within the green belt. Any new construction affects the openness of the Green belt. The current application and the historic extensions erected without approval have an unquestionable impact on the openness of the green belt which is not justified in terms of benefit to the green belt environment within which it sits.

It should also be noted that the area to the north of the property, described elsewhere in the application as ‘a lawned area’, is a field within the green belt and as such does not form part of the garden curtilage of a domestic property. As an aside, this raises the question of approval for the stables built within land not in commercial agricultural use.

Access:

The current access to the entire site has been relocated from Wilshaw Rd on to Gill Birks. No notices seeking approval have been posted in connection with this change. The new access causes significant inconvenience due to the installation of electric gates which do not allow vehicles to pull off the carriageway to await the gates opening. Additionally, inadequate sightlines exist for exiting vehicles in respect of vehicles travelling along Gill Birks towards Wilshaw Rd.

Conservation Area:

This application is within an area designated as green belt within the Wilshaw Conservation Area. The purpose of the conservation designation is intended to preserve the character and appearance of the Victorian properties and specified, important historic features. One such feature is the listed St Mary’s Church and the views of this up Gill Birks. The application has a direct and adverse impact on this noted vista.

In conclusion, I strongly object to the proposed new development on the planning ground detailed above.