

Location: **45 West Street
Lilley
Luton
Hertfordshire
LU2 8LN**

Applicant: **Mrs Emma Talbot**

Proposal: **Two storey side extension and single storey rear extension and internal alterations. Repair of external brickwork.**

Ref. No: 23/01750/LBC

Officer: **Ben Glover**

Date of expiry of statutory period: 26/09/2024

Extension of statutory period: 31/01/2024

Reason for Delay: Application awaiting a date for committee.

Reason for Referral to Committee: Application called in by Cllr Barnard if minded to refuse for the following reason:

Email Call-in dated 16/08/23:

"With regard to the above application, I can confirm that I have visited the application site, and viewed the plans as submitted.

I am in favour of granting this as submitted.

It is situated in the centre of the village, albeit "side on" to the little lane off the through road.

There is a very positive planning gain to be made, by removing the ghastly pre-cast, elderly concrete garage, and re-siting a new timber garage set back further into the plot.

The ridge heights are complimentary, materials used to match existing, and similar fenestration.

The original height accommodates a one and half ridge, whereas the proposed ridge, similar, will allow for a first floor bedroom, necessary to house the current family.

I hope that the application can be approved. It "ticks the boxes" in this special location.

In the event that there is likely to be a recommendation for refusal, I would like this to be “called in” for debate and decision by the Planning Committee, and I will register to speak in its favour, as a Councillor Advocate.”

Email Call-in dated 09/11/23:

“Ive read Mark Simmons' report and recommendations on the above application. i cannot agree with some of his points, such as the impact on the conservation area, in view of the fact that the proposed extension will not be visible from the street. His comments on materials change addressed as a condition.

Marks comments around the number of 2 bedroomed houses in N. Herts. Is not relevant, especially when this application is to provide for a particular family need.

I am aware that you have previously visited the location, and that you wasn't opposed to the principle.

No local opposition is recorded.

If you are minded to refuse, I would like this to be determined at committee. I will represent as a Councillor Advocate.”

1.0 **Site History**

1.1 Concurrent Householder Planning Application – 23/01749/FPH.

1.2 20/01260/LBC - Erection of two storey side extension – Refused on 02/12/2020.

Refused for the following reason:

“The proposed development, by reason of its design and lack of convincing justification would result in harm to the special character of the Grade II Listed Building and appearance of the Lilley Conservation Area. The proposal would therefore fail to comply with Sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the National Planning Policy Framework and Policy HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 incorporating the main modification (Nov 2018).”

1.3 20/01259/FPH - Erection of two storey side extension and detached single garage following demolition of existing garage. Alteration to existing outbuilding – Refused on 02/12/2020.

Refused for the following reason:

“The proposed development, by reason of its design and lack of convincing justification would result in harm to the special character of the Grade II Listed Building and appearance of the Lilley Conservation Area. The proposal would therefore fail to comply with Sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the National Planning Policy Framework and Policy HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 incorporating the main modification (Nov 2018).”

1.4 15/00361/1LB - External alterations to include remodelling rear dormer, inserting 1no rear roof light and replace doors on side elevation together with re-roofing and internal alterations (as amended by drawing no.1421.01 Rev A received on 14/04/2015) – Granted Conditional Consent on 16/04/2015.

2.0 **Policies**

2.1 National Planning Policy Framework (2021)

Section 16 – Conserving and enhancing the historic environment

2.2 North Hertfordshire Local Plan (2011-2031)

SP1 Historic Environment
HE1 Designated Heritage Assets

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 09/08/2023

Expiry Date: 01/09/2023

3.2 **Press Notice:**

Start Date: 10/08/2023

Expiry Date: 02/09/2023

3.3 **Neighbour Notifications:**

Four representations have been received all in support of the application. The neighbouring representations are summarised below and can be viewed in full on the NHC website:

- Support planning application.
- House is not suitable for a growing family and house prices in Lilley are rising.
- The extension will contribute to making Lilley more family-friendly and attractive to young families.
- Extension is sympathetic and discreet minimizing visibility from the road.
- Removal of the old and dilapidated garage which is an eyesore which will improve neighbourhood.
- The applicants are active members of the community sitting on the parish council and helping at events.
- The development will not change the look of the village.

3.4 **Parish Council / Statutory Consultees:**

Lilley Parish Council – Support the application.

NHC Conservation Officer – Objection. See appendices.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 45 West Lane is a 1 ½ storey end terraced dwelling situated on the west side of West Lane, Lilley. The property is a Grade II Listed Building situated within the Lilley Conservation Area and Green Belt. The list entry for the application site reads as follows:

“4 houses in one block. C17 and early C18 with later changes. No. 45 timber framed brick cased, the rest red brick, with steep old red tile roofs. An L-shaped 1 1/2-storeys block facing S and E with 5 and 4 gabled dormer windows at the eaves and flush casement windows. On a prominent corner site. No. 45 at W end of S range has a 2-cells, lobby entry, internal chimney plan and axial floor beams to inserted floor. Included for group value.”

- 4.1.2 The property benefits from a large garden to the side and rear of the dwelling and an existing single storey detached garage and single storey outbuilding.

4.2. **Proposal**

- 4.2.1. Listed building consent is sought for the erection of a two-storey side extension and single storey rear extension. Internal alterations are also proposed. Repairs are also proposed to existing brickwork.

4.3. **Key Issues**

- 4.3.1 The key issues for consideration includes the impact the proposed development would have on the special character, setting, and significance of the Listed Building.

- 4.3.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In considering whether to grant listed building consent for any works the local planning authority or 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.”*

- 4.3.3 Paragraph 203 of the NPPF states that when *“determining applications, local planning authorities should take account of... the desirability of new development making positive contribution to character and distinctiveness”*.

- 4.3.4 Paragraph 205 of the NPPF sets out 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.

- 4.3.5 Paragraph 206 of the NPPF sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification.

- 4.3.6 Paragraph 208 of the NPPF states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

- 4.3.7 Policy HE1 of the North Herts Local Plan states:

“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a) *Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*

- b) *Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and*
- c) *Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use."*

4.3.8 It should be noted that the previous application (20/01260/LBC) for a two-storey side and single storey rear extension was refused for the reason set out in paragraph 2.2 of this report.

4.3.9 The current proposed scheme is similar to that of the previously refused scheme although the side extension has been slightly reduced to be set back from the front elevation of the host property. It is also noted that the previously proposed front dormer has been omitted and changes have been made to the fenestration proposed.

4.3.10 It is considered that the now proposed scheme has not overcome the original reason for refusal.

4.3.11 The Senior Conservation Officer has concluded the following:

"Nos. 41, 42, 44 and 45 form a predominantly brick-faced, elongated-plan built form sitting perpendicular to the road with gabled, through-eaves, dormer windows, on a prominent corner site. The building's significance is attributed to its date of construction and the fact that it is 'timber framed brick cased' with a '2-cells, lobby entry, internal chimney plan and axial floor beams to inserted floor'. The significance of this terrace also lies in the fact that it sits alongside no.48 (Church Cottage) which is also grade II listed and broadly similar. Both buildings are in the Lilley Conservation Area and the south (front) elevation to no.45 is well-balanced with an off-centre doorway and central ridge stack with a ground floor 3-light window and first floor double-casement through-eaves dormer either side of these. By reason of the extension's height and rendered finish together with the catslide arrangement at the rear wrapping around the original gable end of the terraced cottage, it would have both a contrasting and non-subservient impact upon the host building, detracting from the terrace's existing elongated brick-faced appearance and would unbalance the appearance of no.45 occasioning harm thereto. The degree of harm is considered to be less than substantial. The building already has an optimum viable use, and the proposal would not deliver any public benefits. Furthermore, there is no convincing justification put forward in support of this proposal. The development would fail to satisfy the provisions of Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031."

4.3.12 In consideration of the Senior Conservation Officers comments, the proposed development would fail to remain sympathetic to the host building and would unbalance the appearance of the property within this terraced group, the proposed development would result in less than substantial harm to the designated heritage asset. The proposed development would not deliver any public benefits and no convincing justification for the development has been put forward. The proposed development would fail to satisfy the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework (2023).

4.4. **Conclusion**

- 4.4.1 It is considered that the proposal would occasion less than substantial harm to the listed building's special character. Therefore, the proposal would fail to satisfy the provisions of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

5.0 **Alternative Options**

- 5.1 None applicable

6.0 **Pre-Commencement Conditions**

- 6.1 N/A

7.0 **Legal Implications**

- 7.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

8.0 **Recommendation**

- 8.1 That Listed Building Consent be **REFUSED** for the following reason:

The proposed development, by reason of the extension's height and rendered finish together with the catslide arrangement at the rear wrapping around the original gable end of the terraced cottage, it would have both a contrasting and non-subservient impact upon the host building, detracting from the terrace's existing elongated brick-faced appearance and would unbalance the appearance of no.45 occasioning harm thereto. The degree of harm is less than substantial. The building already has an optimum viable use, and the proposal would not deliver any public benefits. Furthermore, there is no convincing justification put forward in support of this proposal. The development would fail to satisfy the provisions of Sections 16(2) and & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

7.0 **Appendices**

- 7.1 Senior Conservation Officer Comments:

North Hertfordshire District Council

Building Conservation comments

File Ref: 23/01749/FPH & 23/01750/LBC

Date: 06/11/2023

Planning Officer: BG

Address: 45 West Street, Lilley, Luton, Hertfordshire LU2 8LN

Subject: See below

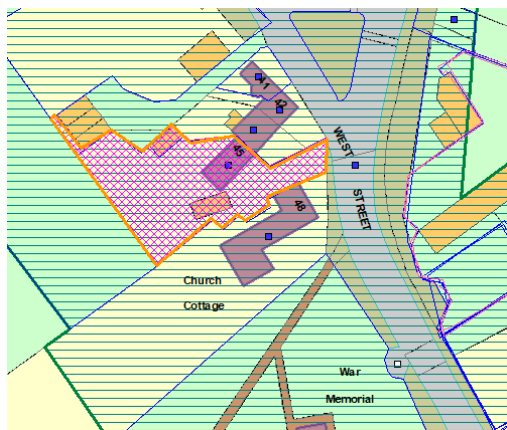
- **23/01749/FPH** - Two storey side extension and single storey rear extension. Insertion of rooflights to existing outbuilding and erection of detached single garage following demolition of existing garage.
- **23/01750/LBC** - Two storey side extension and single storey rear extension and internal alterations. Repair of external brickwork.

Introduction

Nos.41, 42, 44 and 45 West Street are situated within the Lilley Conservation Area. Contrary to the submitted Heritage Statement stating that this terraced block is grade II* listed, the properties are grade II listed and the list entry for these properties reads as follows:

4 houses in one block. C17 and early C18 with later changes. No. 45 timber framed brick cased, the rest red brick, with steep old red tile roofs. An L-shaped 1 1/2-storeys block facing S and E with 5 and 4 gabled dormer windows at the eaves and flush casement windows. On a prominent corner site. No. 45 at W end of S range has a 2-cells, lobby entry, internal chimney plan and axial floor beams to inserted floor. Included for group value.

The property benefits from a large garden to the side and rear of the dwelling and an existing single-storey, detached garage and single-storey outbuilding.



Nos.41, 42, 44 and 45 are also read alongside no.48 (Church Cottage) which is separately listed and is also a predominantly brick-faced, elongated L-shape built form with gabled, through-eaves, dormer windows sitting perpendicular to the road (see image above right taken from the cover of the submitted Heritage Statement). Although Church Cottage was later extended to the rear, this monochrome image illustrates the relationship between both 'linear' 'L-plan' listed buildings. The Google Maps images below shows the current appearance of these buildings.



Reproduced from 'Google Maps'

Image capture Mar 2021

The Local Plan and NPPF

Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 is relevant as are the following paragraphs of the NPPF:

- *194 (local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting)*
- *197 c) (desirability of new development making a positive contribution to local character and distinctiveness),*
- *199 (great weight should be given to the asset's conservation),*
- *200 (clear and convincing justification), and*
- *202 (harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use).*

The Proposal

In late 2019, application ref:19/02834/PREH was submitted for 'Erection of two storey side extension and garage following demolition of existing garage and alteration to existing outbuilding' and on the 13 February 2020 a formal officer response was issued. The scheme under consideration was as follows:

Current exterior scaled drawing of the house:



Proposed exterior scaled drawings of the house:



The list entry provides an initial assessment of what is considered significant to this 4-house block. The description is short and provides limited commentary of the block's interior but is not exhaustive. In my opinion it is the block's date of construction (C17 and early C18 with later changes) and the fact that there are two specific references no.45 which are significant i.e. 'timber framed brick cased' and 'W end of S range has a 2-cells, lobby entry, internal chimney plan and axial floor beams to inserted floor'.

Although the terrace is not symmetrical, the south (front) elevation to no.45 is well-balanced with an off-centre doorway and central ridge stack with a ground floor 3-light window and first floor double-casement through-eaves dormer either side of these. The front appearance of this dwelling makes a positive contribution to the appearance of the conservation area. The flat roof garage, on the other hand, significantly detracts from the front setting to this listed building. Furthermore, apart from the overly large rear gable dormer, the two other sides of this listed building also contribute positively to the building's appearance. The north-east end of this block terminates with a gable cross-wing, this should not be regarded as establishing a precedent for extending the opposite end of the block. In 2019 I stated that extending no.45 would not only elongate the terrace but would also imbalance the appearance of no.45.

Under appn ref: 20/01260/LBC, the previously proposed two-storey cross-wing at the south-west end of the listed block was changed to a two-storey addition with a flush roof plane and flush front elevation. I noted that the addition would still, however, result in a relatively large increase in floorspace and volume above that of the original dwelling.



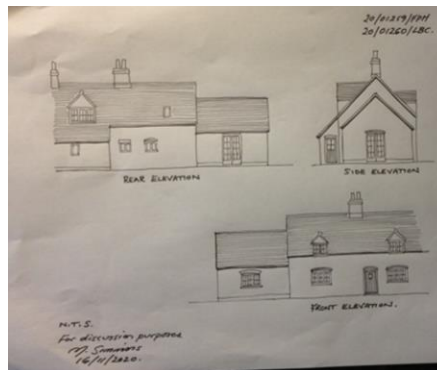
I stated that by extending flush with the roof plane and flush with the front elevation together with the catslide arrangement at the rear wrapping around the original end of the terraced cottage, means that the host building's form would be less well defined. At the pre-app

stage, I raised an in-principle objection to an extension at first floor and I maintained that view in 2020. I also said that there is no convincing justification for the loss of fabric at first floor resulting from the formation of a new opening off the landing.

I also previously raised the following concerns:

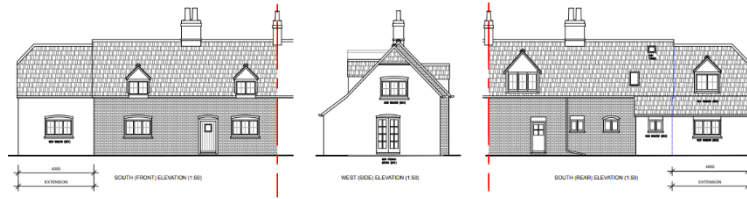
- What would be 4no. sets of double-casement windows to the proposed bedroom 2. In addition, the following matters are of concern;
- The size and position of the large glazed ground floor opening in the west (side) elevation straddling the junction between gable and catslide;
- Straight (presumably soldier course lintels);
- The relatively tight position of the 2no. double casements relative to the gable verge on the west elevation.

At the time, I produced a sketch of what I considered to be an acceptable way forward and this would have provided some additional accommodation at ground floor only and would be similar to the form of outbuildings previously removed.



With respect to the current proposal, I note that:

- The extension is set in from the front elevation and set down from the ridge, however, its height together with the 'wrap around' effect of the lean-to means that it is not sufficiently subservient to the host building to be considered acceptable.
- The previously proposed 4no. sets of double-casement windows to the proposed bedroom 2 have been reduced to a double-casement rear dormer and a three-light end window (the later also sits better in the half-hipped end when compared with the 2no. double casements previously sought).
- The previously proposed large, glazed, ground floor opening in the west (side) elevation straddling the junction between gable and catslide has been replaced by a more centralised pair of glazed doors.
- The straight (presumably soldier course) lintels are replaced with cambered heads.



In my opinion, a future proposal for a front dormer would be more problematic to resist if the principle of a first floor is conceded and the scheme would potentially reach a similar point as that of the 2020 scheme. I also said previously that a lean-to below the existing rear dormer would allow sufficient space to place the WC here instead of within the extension. This would negate the impact of the wrap-around. Furthermore, the smooth-rendered finish to the extension would significantly cover over the existing facing brickwork transforming the building's appearance when viewed from the rear or end on to the extent that it would no longer read as a two-cell, brick-faced C17 and early C18 listed building. Even though I am objecting to the principle of additional accommodation at first floor, the fact that the previous scheme was facing brick meant that that proposal is considered arguably more in keeping than the current scheme.

I am not aware of any study having been undertaken regarding grade II listed 2-bedroom dwellinghouses in North Herts that are capable of being extended due to site size/configuration or have already been extended. My feeling is that there may be a relatively small number that remain 2-bed and the question is, where is the line drawn with respect to developing these smaller properties? Is it appropriate to simply allow extensions because there is space to do so or due to a family's circumstances as is the case here or should, as I suggest is the case, each proposal is considered on its own merits. There will be occasions such as this site, where retaining the character of the cottage is a key consideration.



Recommendation

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 (para 193, NPPF). It is considered that the proposal will harm the special character of the listed building and the appearance of the Lilley Conservation Area. I, therefore, raise an **OBJECTION**. I suggest the following reasons for refusal:

23/01749/FPH

Nos. 41, 42, 44 and 45 form a predominantly brick-faced, elongated L-plan built form sitting perpendicular to the road with gabled, through-eaves, dormer windows, on a prominent corner site. The building's significance is attributed to its date of construction and the fact that it is 'timber framed brick cased' with a '2-cells, lobby entry, internal chimney plan and axial floor beams to inserted floor'. The significance of this terrace also lies in the fact that it sits alongside no.48 (Church Cottage) which is also grade II listed and broadly similar. Both buildings are in the Lilley Conservation Area and the south (front) elevation to no.45 is well-balanced with an off-centre doorway and central ridge stack with a ground floor 3-light window and first floor double-casement through-eaves dormer either side of these. By reason of the extension's height and rendered finish together with the catslide arrangement at the rear wrapping around the original gable end of the terraced cottage, it would have both a contrasting and non-subservient impact upon the host building, detracting from the terrace's existing elongated brick-faced appearance and would unbalance the appearance of no.45 occasioning harm thereto. The degree of harm is considered to be less than substantial. The building already has an optimum viable use, and the proposal would not deliver any public benefits. Furthermore, there is no convincing justification put forward in support of this proposal. The development would fail to satisfy the provisions of Sections 66(1) and & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

23/01750/LBC

Nos. 41, 42, 44 and 45 form a predominantly brick-faced, elongated-plan built form sitting perpendicular to the road with gabled, through-eaves, dormer windows, on a prominent corner site. The building's significance is attributed to its date of construction and the fact that it is 'timber framed brick cased' with a '2-cells, lobby entry, internal chimney plan and axial floor beams to inserted floor'. The significance of this terrace also lies in the fact that it sits alongside no.48 (Church Cottage) which is also grade II listed and broadly similar. Both buildings are in the Lilley Conservation Area and the south (front) elevation to no.45 is well-balanced with an off-centre doorway and central ridge stack with a ground floor 3-light window and first floor double-casement through-eaves dormer either side of these. By reason of the extension's height and rendered finish together with the catslide arrangement at the rear wrapping around the original gable end of the terraced cottage, it would have both a contrasting and non-subservient impact upon the host building, detracting from the terrace's existing elongated brick-faced appearance and would unbalance the appearance of no.45 occasioning harm thereto. The degree of harm is considered to be less than substantial. The building already has an optimum viable use, and the proposal would not deliver any public benefits. Furthermore, there is no convincing justification put forward in support of this proposal. The development would fail to satisfy the provisions of Sections 16(2) and & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031.

Mark Simmons

Senior Conservation Officer