SCHEDULE A
Complex Planning Applications

SCHEDULE No: 6
SL/2012/0550

KIRKBY LONSDALE:
THE OLD VEGETABLE
GARDEN, ABBOTS
BROW, LA6 2FT

PROPOSAL:
ERECTION OF A TWO
STOREY DWELLING
WITH NEW VEHICULAR
AND PEDESTRIAN
ACCESS

MR DAVID PELTER

E361171 N478807 30/08/2012

SUMMARY:
An uncompromising modern building that incorporates both traditional and contemporary
materials in an innovative way. It will have a minimum impact on the setting of the
neighbouring listed building and, through a well-articulated design, will contribute
positively to local character and distinctiveness.

KIRKBY LONSDALE TOWN COUNCIL:
Refusal recommended. The Council believes this proposed modern development is
wholly inappropriate for the location within the heart of Kirkby Lonsdale, that views
expressed by neighbours in support of the application, or rumoured to be in support
or not specifically against it, are their views. The town councillors have to consider
and express a wider view. What will the effect of this building be on the town, the
Conservation Area and people’s perceptions of Kirkby Lonsdale?

SLDC CONSERVATION OFFICER:
It is important to ensure that any potentially adverse impacts on the setting of the
adjacent grade II listed Old Manor House are kept to a minimum through the careful
siting of the proposed building towards the north west corner of the site and by
ensuring that its height, scale and massing does not compete with or overwhelm the
significance of the heritage asset.

The application proposes a dwelling whose design has successfully achieved such
outcomes through the use of a purposely contemporary response to an elevated but
essentially level site that is tightly constrained by adjacent buildings and mature
trees. The positioning of a relatively low, L-shaped building form around the north
and west edges of the site would have the twin benefits of enclosing the private
garden space and, in doing so, resisting most inward views into the site and towards
the new building from neighbouring properties and from the public space of Mill Brow; while ensuring that a largely deferential relationship is formed with the neighbouring listed building.

In terms of the special interest of the Conservation Area it is accepted that the form and some of the material detailing of the building would not be consistent with the largely vernacular and traditional character of nearby buildings on Mill Brow. However, closer analysis of these buildings reveals that variety and contrast, in form and in scale, are a notable feature of the streetscape here and the proposed building would represent a 21st century continuation of that tradition.

It is recognised that the design proposed is uncompromising in its choice of form and architectural language, although the use of local and cast stone to the podium-like ground floor elevations, and to the longer west wing, would help to give the building a more contextual resonance. It is likely that the low height and form of the west wing, with its flat, grass covered roof, would help to mitigate the impact of this part of the building in views from the Old Tannery building to the west by allowing it to meld with the verdant character of the garden.

It is also acknowledged that there is a significantly higher use of glass in the building than normal in the Conservation Area and that the use of a dark coloured, matt finish, rolled seam zinc cover to the mono-pitched roofs of the twin upper floor pavilion forms is also a non-contextual device. However, these elements combine with the positive elements identified above to work well together to create a pleasingly articulated house of modest scale and volume that sits comfortably in this setting.

In order to ensure that the roof sits comfortably in its surroundings, it is suggested that the applicant consider using a pre-patinated zinc, so that the finished roof has an appropriately matt and weathered appearance.

Conclusion

The proposal will create a contextual modern building that incorporates both local and contemporary materials in an innovative way. It satisfactorily minimises its physical impact on the setting of the nearby listed building, while, through a dexterous and innovative design, introduces to the Kirkby Lonsdale Conservation Area a building that is in harmony with its surroundings.

The proposal thus satisfies Design Policy 58 of the National Planning Policy Framework (NPPF) which identifies sustainable development as that which is visually attractive and which responds to local character and history, reflects the identity of local surroundings and materials, while displaying appropriate innovation. The proposal is also compatible with NPPF Policy 63, which states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

In terms of its impact on the historic environment the proposal respects the setting of the neighbouring listed building and makes a positive contribution to local character and distinctiveness; and is thus in compliance with NPPF policies 126, 131 and 137.

**CUMBRIA COUNTY COUNCIL’S HISTORIC ENVIRONMENT OFFICER:**

The site lies in an area of high archaeological potential within the centre of Kirkby Lonsdale. It is located close to the 12th century church and the medieval market place. The adjacent Old Manor House dates from the 17th century and, during the
The post-medieval period, Mill Brow was occupied by a variety of industries. It is likely, therefore, that archaeological remains relating to the development of the village survive on the site and that these will be disturbed by construction works. Consequently, the site should be subject to a programme of archaeological investigation and a condition to this effect should be attached to the planning permission.

**SLDC ABORICULTURALIST:**

Of the five trees to be removed, three would need to be felled because of their poor condition, regardless of whether development is to take place. Of the remainder, one has been approved for removal in connection with the previous scheme and the other is surrounded by yew trees, thus reducing the visual impact of its removal. The proposed development will not have a significant effect on the retained trees.

**CUMBRIA HIGHWAYS:**

To be reported.

**CIVIC SOCIETY:**

To be reported.

**OTHER:**

One objection has been received in which it is stated that this modern development is wholly unsuitable for this prime location within the heart of Kirkby Lonsdale.

One e-mail supporting the proposal together with a letter signed by eight neighbouring residents have been received. The main grounds of support can be summarised as follows:

- The development is entirely appropriate for the site.
- Although there is little vernacular about it, the modern design is imaginative and will sit discreetly in the plot when seen from Mill Brow.
- It will sit well in the plot and will not detract from neighbouring properties.

**HISTORICAL CONTEXT:**

Planning permission for three detached houses on this site was granted on appeal in February 2008. The permission was renewed in February 2011.

**DESCRIPTION AND PROPOSAL:**

The application site, which is within the Conservation Area and is currently used as garden ground, fronts onto Mill Brow on the northern edge of Kirkby Lonsdale. It is a level site elevated above the public highway. The site is bounded to the west by The Old Tannery, a development comprising ten apartments; to the east by The Old Manor House, a listed building; and to the north by the wooded grounds of Abbot's Brow.
The proposed four-bedroom dwelling follows an uncompromisingly contemporary design. It is L-shaped in plan and is to be sited towards the western and northern boundaries of the site. The western portion, adjacent to The Old Tannery, is single-storey and is to be covered with a green roof in the form of a planted terrace. The northern portion of the building is two storeys in height and will extend east-west across the site. These living spaces are divided into two mono-pitched pavilion forms connected by a glazed link. The pavilions are to be roofed with dark coloured pre-patinated zinc sheeting. Overall, the building features a significant amount of glazing. Local and cast stone is to be used to face the ground floor elevations and the west wing. Vehicular access into the double garage beneath the planted roof is direct from Mill Brow.

**POLICY ISSUES:**

*National Planning Policy Framework*

In the context of design, Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 63 recommends that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Advice on conserving and enhancing the historic environment is contained in Section 12 of the NPPF. Paragraphs 126 and 131 draw attention to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 137 urges local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

*South Lakeland Core Strategy*

Policy CS8.6 of the adopted Core Strategy supports safeguarding and, where possible, enhancing historic environment assets, including their characteristic settings and any attributes that contribute to a sense of local distinctiveness. Policy CS8.10 states that the siting, design, scale and materials of all development should be of a character which maintains the quality of the townscape and, where appropriate, should be in keeping with local vernacular tradition.

Policy CS6.6 states that the Council will seek to make efficient and effective use of land and buildings by meeting the target of an average density of at least 30 dwellings per hectare for all housing developments. In some circumstances a lower density will be supported where there is a proven need or environmental constraints mean that it is not suitable for high density development.

*South Lakeland Local Plan*

Under saved Policy C16 of the Local Plan, priority is given in Conservation Areas to the preservation and enhancement of the character and appearance of the special architectural and historic interest of the Area. Saved Policy C15 protects the setting of listed buildings.
HUMAN RIGHTS ACT:
This application has been determined to accord with the rights and limitations of the Act in relation to Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

ASSESSMENT:
The main issues raised by this proposal are:

1. the effect of the development on the Conservation Area;
2. the effect of the development on the setting of the Old Manor House;
3. the effect on the amenity of nearby dwellings; and
4. whether the development represents an appropriate and efficient use of the site.

1. Effect on the Conservation Area

It is acknowledged that the form and some of the materials of construction are not consistent with the largely vernacular and traditional character of nearby buildings on Mill Brow. Closer analysis of these buildings reveals that variety and contrast, in form and scale, are a notable feature of the streetscape here and the proposed building would represent a 21st century continuation of that tradition. The design is uncompromising and features a significantly higher extent of glazing than is normally encountered in the Kirkby Lonsdale Conservation Area. The use of zinc sheeting to cover the mono-pitch roofs is also unusual in the context of the Conservation Area as is the roof configuration itself. Nevertheless, the various elements combine well to create a pleasingly articulated house of an appropriate scale and volume that sits comfortably in its setting and introduces to the Conservation Area a building that is in harmony with its surroundings. As such, the proposal is compatible with the objectives of national and development plan policies.

2. Effect on the Listed Building

The Old Manor House is a unique building which is an important part of the local heritage. It is a Grade II listed building dating from the 17th century that stands to the east of the application site and at a significantly lower level. It is essential that new development should not damage its setting.

The positioning of a relatively low, L-shaped building form adjacent to the north and west boundaries of the site ensures that a largely deferential relationship is formed with the Old Manor House. The form of the development proposed keeps the physical impact to a minimum and the setting of the adjacent listed building is safeguarded in accordance with the policies of the development plan and the NPPF.

3. Effect on amenity

There are a number of window openings in the east elevation of The Old Tannery, a modern development, which overlook the application site. Although there is no public interest in protecting the privately enjoyed views of occupiers towards or across the
application site, it is necessary to consider the effect on light and to avoid an overbearing impact on outlook. A reduction in the density of the development from three dwellings to one will inevitably reduce the potential impact on the apartments that overlook the application site. In addition, the relatively low height of the west wing with its flat, grass-covered roof will ensure that the development will not exert an overbearing or overshadowing influence on The Old Tannery and nor will it affect the properties on the opposite side of Mill Brow.

4. Appropriate and efficient use of land

It could be argued that the development permitted on appeal and comprising three houses represents a more efficient use of the site than the current proposal to build just one dwelling. On the other hand, the development now being proposed will have less of an impact on the setting of the adjacent listed building and on the amenity of The Old Tannery apartments that overlook the site. The environmental constraints of the site justify the one dwelling now being proposed and, for this reason, the development will not conflict with the underlying objective of Policy CS6.6. It is a modern building that exhibits an innovative design which sits comfortably in its setting and which will contribute positively to local character and distinctiveness. On balance, the development represents an appropriate form of development for this particular site.

RECOMMENDATION:

GRANT subject to conditions relating to the following:

(1) Standard time limit.
(2) Approved drawings.
(3) Details of facing materials.
(4) Details of roofing materials.
(5) Details of window frames, door frames and balconies.
(6) Removal of permitted development rights relating to extensions, alterations, walls and fences.
(7) Archaeological investigation.
(8) Tree protection.
(9) Parking provision and retention.