

© Crown copyright and database rights [2013]
Ordnance Survey [100018056]

Scale - 1:1250
Time of plot: 09:07
Date of plot: 29/03/2016



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2015/0997/FUL	ITEM 1	
Proposal:	Installation of 13 no. rooflights; 1 no. window to side elevation; external staircase and walkway to rear elevation; 1.9 metre high boundary wall and gates; enlargement of 2 no. window openings to create new windows; patio style access door and re-instatement of a chimney (part retrospective).		
Address:	14A Queen Street, Uppingham, Rutland, LE15 9QR		
Applicant:	Mr Giles	Parish	Uppingham
Agent:	Mr Tom Riozzi, The Martin Design Partnership	Ward	Uppingham
Reason for presenting to Committee:	Neighbour Objection		
Date of Committee:	12 April 2016		

EXECUTIVE SUMMARY

This application was deferred at the meeting of the Committee on 22nd December 2015 for reconsideration as a result of information provided in a deputation. The current (partly retrospective) application, including replacement upvc windows in different designs, is recommended for refusal because of the detrimental impact upon the character and appearance of Uppingham Conservation Area.

RECOMMENDATION

REFUSAL, for the following reasons:

1. Windows A, C and E through the use of UPVC rather than timber frames and through their forms and sizes are out of keeping with the character and appearance of this part of the Uppingham Conservation Area. As such, the works fail to preserve or enhance the character and appearance of the Area, contrary to policies CS19 and CS22 of the adopted Rutland Core Strategy (2011), and to policies SP15 and SP20 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014). These works are also contrary to heritage guidance contained in paragraphs 131 and 134 of the National Planning Policy Framework (2012) in that the harm, although less than substantial, would not be outweighed by any wider public benefits.
2. The proposed balcony, due to its size, location, and potential for use as an outdoor seating area, would result in an unacceptable level of overlooking and potential for noise nuisance to neighbouring dwellings, creating a detrimental impact upon the private residential amenity of their occupants. This would be contrary to policy CS19 of the adopted Rutland Core Strategy (2011), and to policy SP15 of the adopted Rutland Site Allocations and Policies Development Plan Document (2014).

Site & Surroundings

3. 14A Queen Street is a first and second floor flat accessed from a public car park behind Uppingham Library. The property is sited above a shop which fronts High Street East.
4. The building dates from the early 19th Century, is constructed of red brick, and situated within the Uppingham Conservation Area.
5. The immediate surrounding properties to the rear of the building are predominantly residential and include flats, dwelling houses and the library.

6. The rear elevation of the property incorporates two separate elements; a three storey gable at the east and a two storey area at the west, under a hipped roof. The main entrance is at first floor level on the gable end.

Proposal

7. The current application follows an earlier permission for the creation of 2 flats above the retail store with some fenestration changes and the conversion of an outbuilding to a dwellinghouse. However this 2010 approval was not implemented in accordance with the approved plans. As a result the alterations are not currently lawful. This application seeks in part to regularise these unauthorised works.
8. The application seeks permission retrospectively for 13 roof-lights, the installation of a window to the first floor east elevation and the installation of a 1.9 metre high wall and gates to enclose private amenity space.
9. Permission is also sought retrospectively for fenestration changes to the rear elevation which includes 2 window openings and a patio style door.
10. Following the 2010 permission a chimney was removed from the rear of the property. This application seeks to re-instate it.
11. In addition, an unauthorised 3.5 metre deep balcony at the first floor with an external staircase has been constructed to provide access into the property. This application now seeks to replace this with an external staircase leading to a 1.8 metre wide landing which would access a 1.5 metre wide balcony.
12. Appendix One contains the application plans.

Relevant Planning History

Application	Description	Decision
FUL/2010/0363	Conversion of a single residential unit into 2 No. flats above shop; change of use of outbuilding to dwellinghouse.	Approved 14/07/2010
2015/0414/FUL	Conversion of existing loft space into 1 bedroom, including raising the roof height, insertion of 2. No Dormers, removal of existing chimney and installation of additional flat roof.	Withdrawn 26/06/2015
2015/0725/FUL	Raise the existing roof height by 500mm and conversion of existing loft space into 1 bedroom including removal of existing chimney. Retrospective application to be included as part of this submission for 4 existing windows and first floor balcony.	Refused 05/10/2015

Planning Guidance and Policy

National Planning Policy Framework

Section 12 – Historic Environment

The Rutland Core Strategy (2011)

CS19 – Promoting good design

CS22 – The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and amenity

SP20 – The historic environment

Consultations

13. Uppingham Town Council

“The building has been converted into one dwelling. A number of changes have been made further to the application that was approved in 2010. This includes additional Velux windows, additional windows and the removal of a chimney on the rear elevation. Other internal alterations have been made to suit the new layout. Proposed that the retrospective applications be rejected and asked that Rutland County Council ensure the applicant complies with the original applications and that they should take the necessary steps to enforce this outcome.”

Neighbour Representations

14. 6 Queen Street

- Doors A and E and window B overlook private amenity areas
- Use of PVC double doors onto landing will allow use of landing space as extension to inside living space
- Out of character with local conservation area
- Flooding to Boots the Chemist as no provision made for drainage

15. Asbury Associates on behalf of 6 Queen Street – (8th and 11th September 2015)

- Unauthorised balcony/seating area to first floor
- Loss of privacy and unacceptable noise
- Balcony built into historic wall which is becoming cracked and distorted
- Private amenity area enclosed by a boundary wall which does not appear to have permission.
- Loss of chimney stack
- Loss of sash sliding window in place of patio doors
- Overlooking from retrospective window B

16. Boots the Chemist, 26 High Street East

- Existing balcony protrudes over A/C condenser units affecting air flow and inability to access to upgrade
- Drainpipes not connected causing excess water to track into rear stock room
- Other concerns relate to a previously withdrawn application – request a structural surveyor is instructed to review loadings due to increase in height of existing roof.

Planning Assessment

17. The main issues are

- Impact upon Uppingham Conservation Area
- Impact upon residential amenity

18. Due to the numerous alterations, these issues are assessed together for each of the specified alterations. The comments of neighbouring residents are duly noted and are also addressed within this.

19. With regard to the impact on the Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in exercising planning powers special attention should be paid to the desirability of preserving or enhancing the

character or appearance of a conservation area. This carries significant weight in considering planning applications.

20. In considering the impact on residential amenity, attention is given to Policies CS19 and SP15.

Roof Lights

21. The unauthorised roof lights were not part of the previous planning permission in 2010 but have been installed since then without planning permission. On their own, the 13 roof-lights would be acceptable. They cannot be seen from any public vantage point, are not detrimental to the character and appearance of Uppingham Conservation Area, and would not result in any additional unacceptable impact upon private residential amenity.
22. Three of the roof lights could create a perception of increased overlooking and potential additional loss of privacy for the occupants of the adjacent property (No 24 High Street East). However any potential additional overlooking would be from roof-lights P, Q and R which serve a bedroom where there is already an existing window. Although the roof lights are only 1.5 metres above floor level, any overlooking of the adjacent property would be not greater than that of the existing bedroom window. It should be noted that the bedroom window is as existing prior to the 2010 application.

Window to Utility Room

23. Window B was not part of the planning permission granted in 2010. It has been subsequently installed, in a upvc frame, at first floor level in the eastern side elevation of the property. This faces the rear elevation of neighbouring properties at a distance of ten metres. It is now being applied for retrospectively.
24. The window is of modest size (1metre x 0.5 metre), and serves a utility room not a habitable room. Therefore, any overlooking of the neighbouring properties on Queen Street would be minimal, despite it looking directly at several windows in those properties. On this basis, it would not cause an unacceptable level of harm to the occupants of neighbouring properties, in particular to 6, and 8 Queen Street.
25. The window is constructed of UPVC. It can only be obliquely seen from any public viewpoint within the conservation area. In conjunction with its small size it does not cause harm to the character or appearance of the conservation area.

Windows and patio style door

26. Window C is located at first floor level on the two storey (eastern) part of the rear elevation. The 2010 permission approved the replacement of an existing vertical emphasis timber window in this location with a timber window of appropriate (sliding sash) design. The existing plans submitted in 2010 indicate this window as a small modern casement with a top fanlight. The size of the opening was unchanged. However, the window opening has since been changed and a upvc window of a different horizontal emphasis design then installed. The replacement window has also lost the off centre position of the original. It is now being applied for retrospectively.
27. This window is prominent in the public view from the library car park. The changes to what was approved have been harmful to the appearance of the conservation area. The original opening needs to be reinstated to remove the harm that has been caused.
28. Window E is located on the second floor of the three storey rear gable. The existing elevation submitted as part of the 2010 application indicates that this window was of a modern design with a single fan light at the top, and constructed in timber. The approved

plans in 2010 replaced this with a timber window of more appropriate design. Since then an unauthorised full length window with a Juliet balcony has been installed which is not acceptable.

29. The current application seeks to replace this window and Juliet balcony with a sash window that is still larger than previously existed but smaller than what currently exists. This is welcomed, however upvc is still proposed, causing harm potentially to the character and appearance of the conservation area as there are no details of the design or how the window opens. This window is prominent in the public view from the library car park.
30. There would be no detrimental impact upon private residential amenity given there would be no direct overlooking of any neighbouring properties from this new window, but this does not overcome the above concerns.
31. With regard to the patio style doors (Window A) at first floor level on the rear elevation; these provide the primary entrance to the dwelling, via the external stairs and balcony. They are being applied for retrospectively albeit that the amended plans now propose that these are to have glazing bars added in an attempt to recreate a more traditional finish.
32. Evidence is now available to indicate that a traditional wooden sash window was removed and replaced with the current UPVC patio doors. This window is prominent in the public view from the library car park and the conservation area. The design indicated on the amended plans is more appropriate than the existing design, but the primary material is still UPVC which fails to preserve or enhance the character and appearance of the conservation area.
33. The 2010 application recognised the importance of the retention of the sash window and proposed the installation of a new timber door to the right of it in a new opening. The removal of additional material to create such a further opening here would result in a further detrimental impact and the original sash window is now lost. This is a far from ideal position caused by the applicant failing to comply with the approved plans. The applicant has accepted that the existing patio door will be removed. As the application stands the need to have special regard to the conservation area is not met. Your officers view is that if the patio doors were removed and replaced in well-designed painted timber and if the other door was not installed that the overall impact would be neutral and could be accepted. To be clear the patio door as it exists or with the applicant's proposed changes is not acceptable.
34. Windows C and E and the patio-style doors are unacceptable. The use of UPVC results in an unacceptable level of harm and fails to preserve and enhance the character and appearance of Uppingham Conservation Area.

Chimney

35. The previously approved 2010 application showed a chimney to the apex of the rear gable. This has since been removed. Chimneys are an important feature on historic buildings and are prevalent in this part of Uppingham Conservation Area. Therefore the reinstatement of this chimney stack would repair the harm that has been done to the character and appearance of the Conservation Area. If the application had been recommended for approval a condition could have been recommended to secure its reinstatement.

Access and Walkway

36. The property is currently accessed via an external staircase which leads to a 4.7 metre wide by a 3.5 metre deep balcony area. This balcony is currently unauthorised and an

application was not invited to regularise it, given its unacceptable impact upon the private residential amenity of the adjacent occupants.

37. The 2010 application approved an external staircase and a smaller walkway of 1 metre depth and not as wide.
38. A brick store is currently sited under the existing unauthorised balcony. The proposal seeks to retain this building at its current size. As such the balcony area could potentially be extended in the future to infill an area of exposed store-room roof. Railings are proposed to prevent the use of this area of roof but this would not overcome the potential future pressure to utilise this area.
39. Revised drawings have since been received in an attempt to reduce the size of the balcony. The proposal indicates an external staircase to access the property. This would lead to a landing area 1.8 metres deep before narrowing to a 1.5 metre walkway. This would still be larger than the walkway approved in 2010.
40. The proposed staircase and walkway would only be publicly visible from the adjacent car park. Therefore given the limited views of it from the conservation area, it would not be harmful to the character and appearance of Uppingham Conservation Area.
41. However, the revised smaller walkway could still give rise to potential overlooking of the private rear amenity areas of the neighbouring occupants, in particular 6 and 8 Queen Street. It would equally be large enough to accommodate the outdoor furniture associated with private residential amenity use leading to unacceptable levels of overlooking and noise at first floor level.
42. On this basis the proposed balcony would result in a detrimental impact upon the occupants of the neighbouring properties numbers 6 and 8 Queen Street.

Gates and Wall

43. The installation of the 1.9 metre high wall and pair of double gates seek to provide a physical boundary between the private amenity space of the application site and the public car park to the rear. The wall is constructed of a similar red brick to match the existing property. This contributes positively to the conservation area given the traditional brick and coping details. The timber gates, however, neither contribute nor detract leaving a neutral impact upon the Conservation Area.

Other Matters

44. Should members refuse planning permission, in accordance with the officer recommendation, various unauthorised works would still remain in situ on and around the building. Officers will discuss with the landowner the option of a further application being submitted for the elements that have not led towards the current recommendation for refusal, and revised proposals for those elements that are currently unacceptable. Officers will also consider a separate report recommending enforcement action against the unacceptable unauthorised works.
45. The submitted comments from Boots the Chemist are duly noted. However given that the comments relating to access of the air conditioning units and drainage facilities are not material planning considerations, they are not wholly relevant. The comments relating to a structural survey request, are relevant to the previously refused application 2015/0725/FUL.

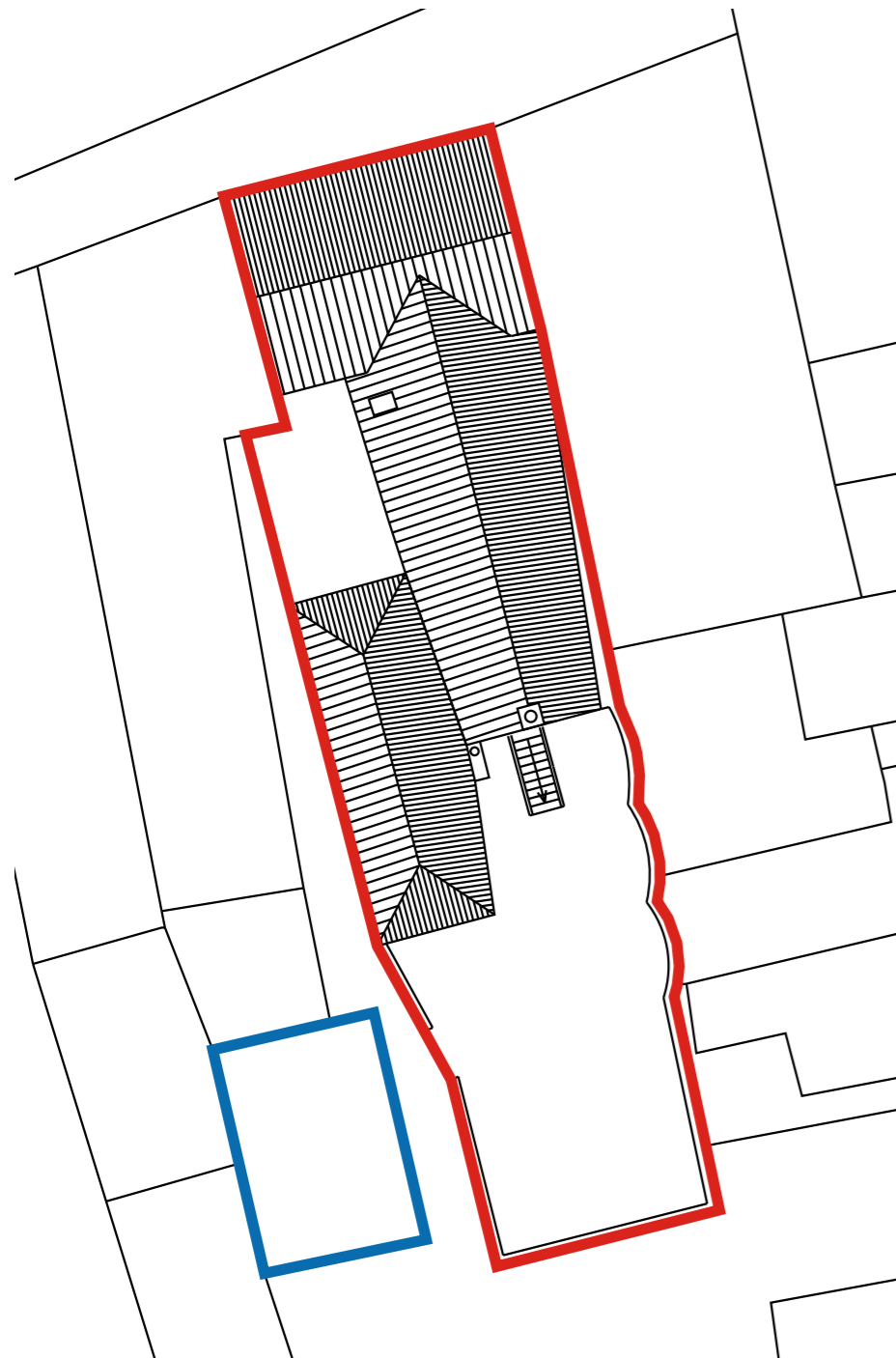
PLANNING APPROVAL - 14A QUEEN STREET, UPPINGHAM

Appendix 1

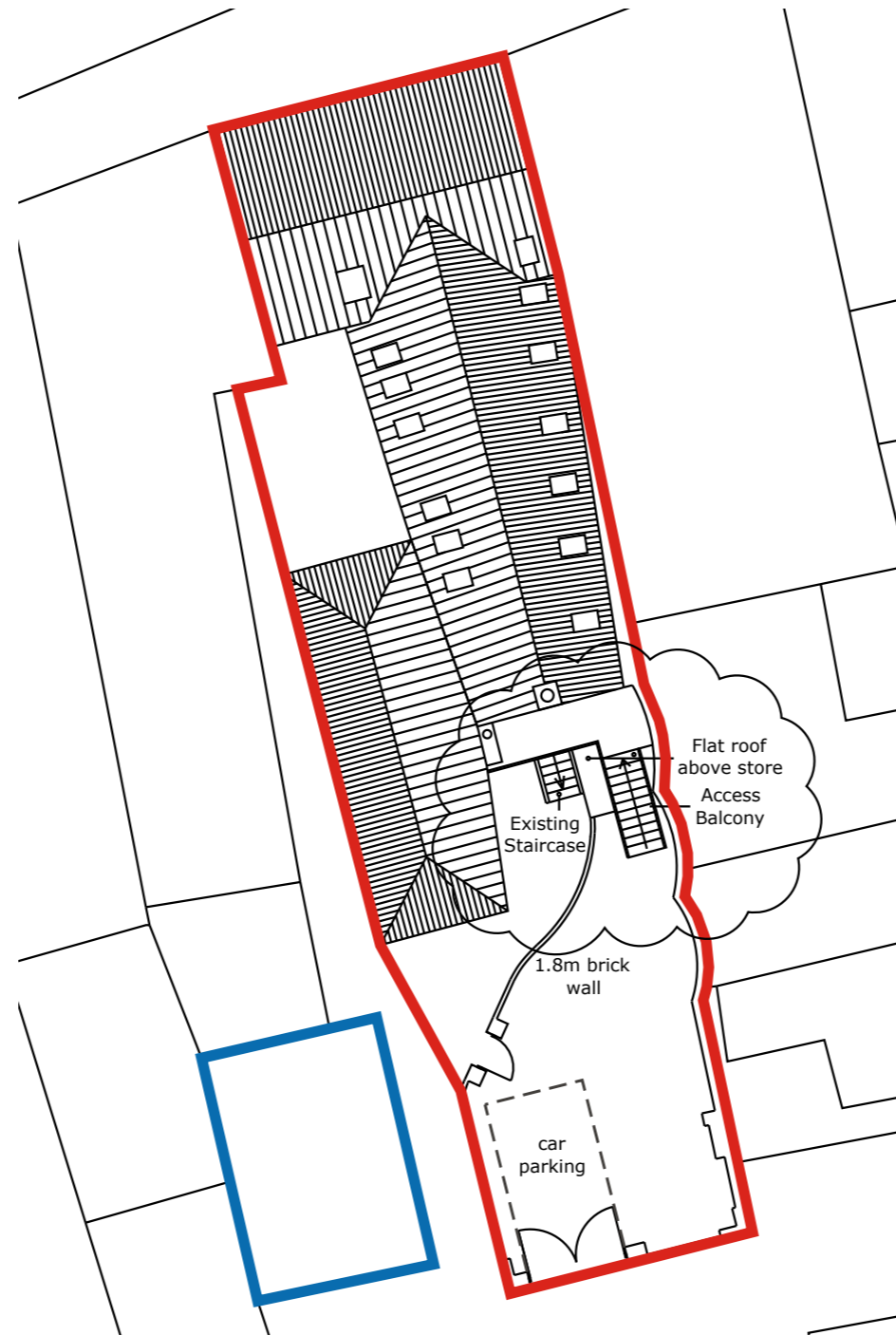
Site Boundary to 14a

Site Boundary to 14b

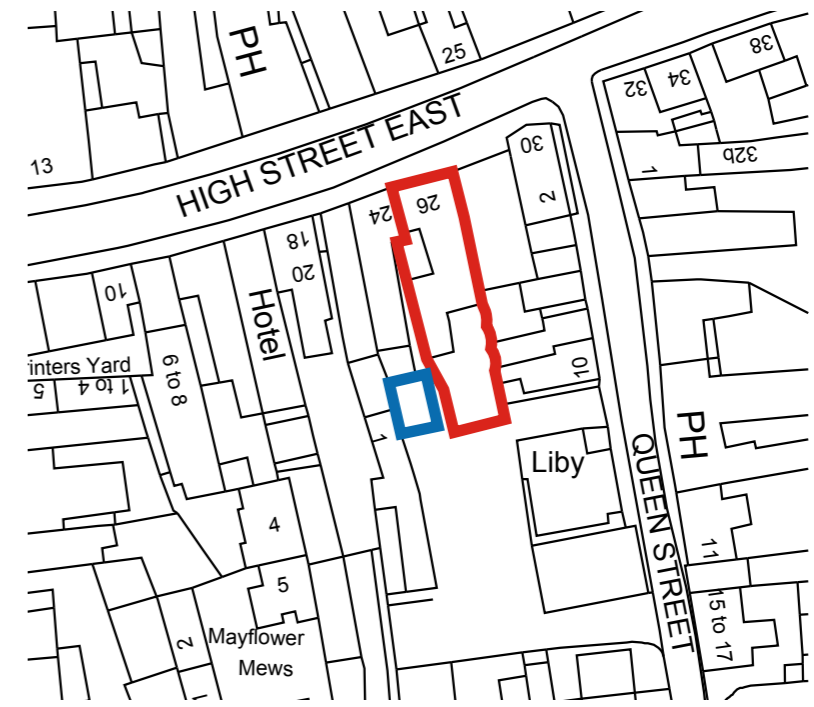
Revised Plan 16 March 2016
2015/0997/FUL



EXISTING SITE PLAN
1:200

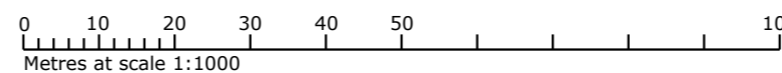
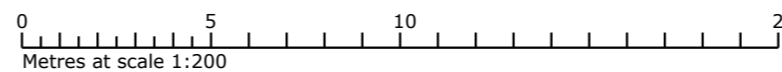


PROPOSED SITE PLAN
scale 1:200



SITE LOCATION PLAN
scale 1:1000

PLANNING APPROVAL - SITE PLANS



It is the responsibility of the client to advise of matters relating to land title, restrictive covenants, wayleaves or positions of public drains in relation to the site. Site boundaries are taken as visible fence lines unless advertised otherwise

Drawings may be scaled for planning purposes only.

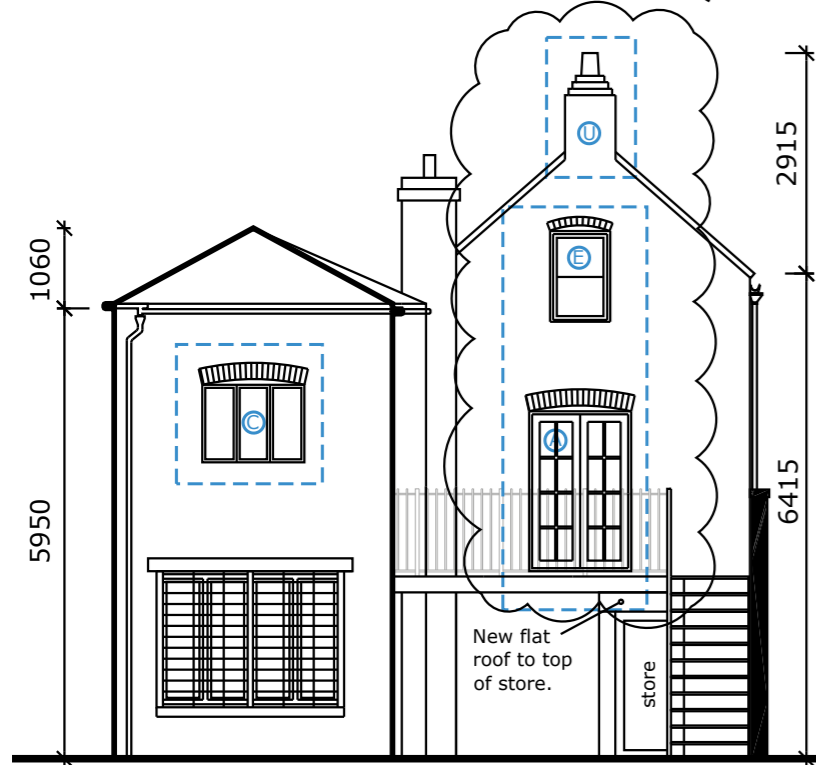
All existing and proposal drawings are based on measured surveys. Site drawings are based on Ordnance Survey plans. The Martin Design Partnership cannot guarantee the accuracy of drawings that have been imported from other agencies, eg Ordnance Survey.

C	Balcony shortened further to meeting	TR	16.03.16
B	Balcony amended to suit clients comments	TR	01.03.16
A	Chimney reinstated further to discussion with planning officer.	TR	25.11.15
Revision:	Amendment Description:	Initials:	Date:
 The Martin Design Partnership <small>ARCHITECTURAL DESIGN & CONSULTANCY PROJECT MANAGEMENT / LANDSCAPE ARCHITECTURE</small>			
Client Address: Clive Giles 14a Queen Street Uppingham LE15 9QR		Project Address: Same as Client Address	
Project No: 0689	Drawn By: SP		
Drawing No: P001	Revision: C		
Date: 27.10.15	Scale: 1:1000/200		
Drawing Title: SITE PLANS			
Issue Type: PLANNING	Checked By: SM		
<small>Registered Office: The Factory, 33a Central Avenue, Wigston, Leicestershire, LE18 2AB T: 0116 2812939 F: 0116 2887476 E: office@themdp.co.uk W: www.themdp.co.uk</small>			
<small>NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. ALL DISCREPANCIES WITH THE DETAILS TO BE REPORTED AND CLARIFIED PRIOR TO COMMENCING WORKS ON SITE. IF IN DOUBT - ASK. THIS DRAWING IS COPYRIGHT.</small>			

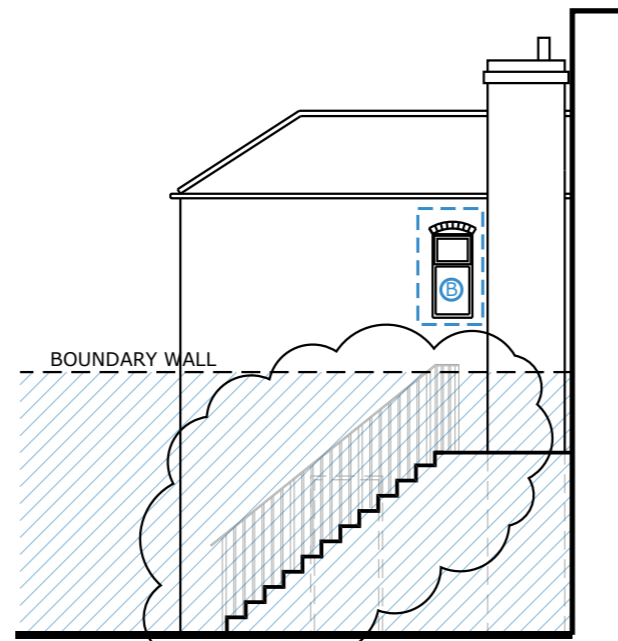
PLANNING APPROVAL - 14A QUEEN STREET, UPPINGHAM

Revised Plan 16 March 2016
2015/0997/FUL

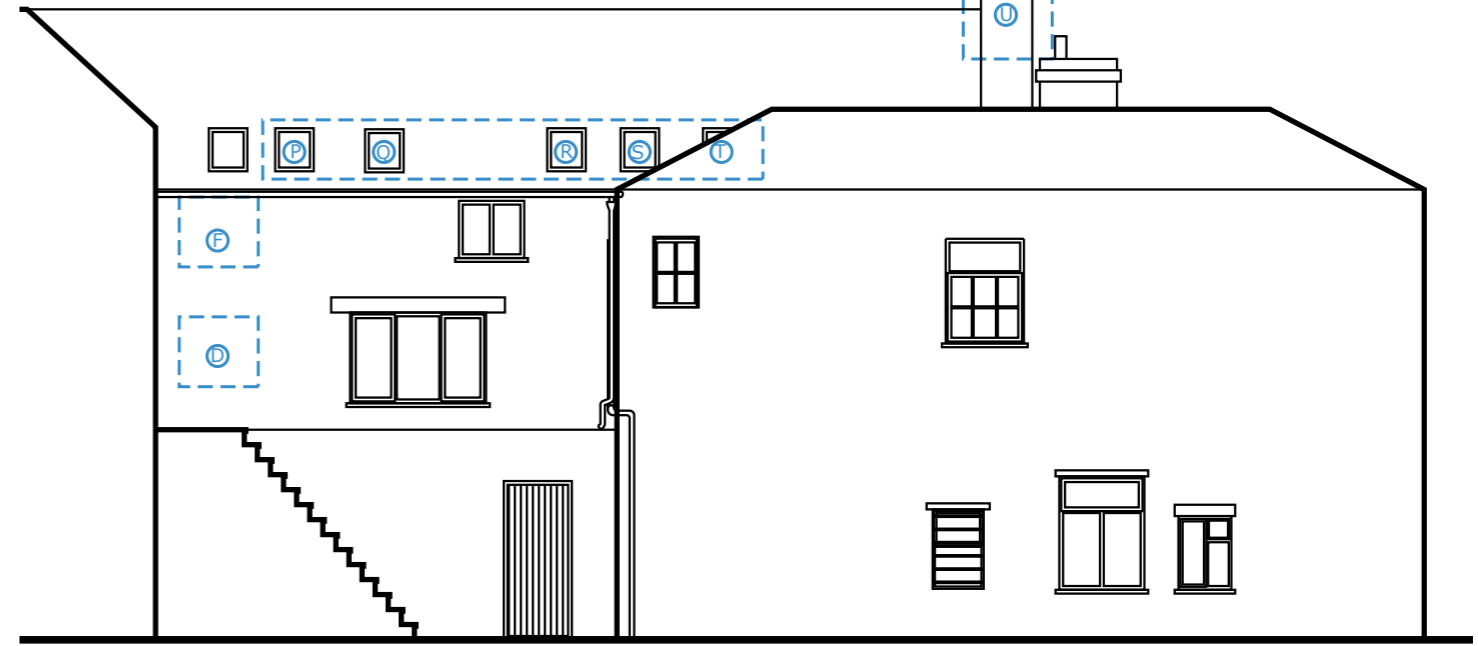
Appendix 1



PROPOSED REAR ELEVATION
scale 1:100



PROPOSED SIDE ELEVATION
scale 1:100



PROPOSED SIDE ELEVATION
scale 1:100



PROPOSED ELEVATION FROM LIBRARY - scale 1:100

RETROSPECTIVE ELEMENTS:

A - The design and fenestration of the existing door and window have been amended. Glazing bars have been added.
 B - A window has been added in the utility room.
 C - The design and fenestration of the existing window has been altered.
 D - The window as specified on the planning application REF:2010/0363 has not been installed.
 E - The design and fenestration of the existing window has been altered. The Juliette balcony has been removed and the cill height had been reduced to 900mm from first floor FFL. Sash window.
 F - The window as specified on the planning application REF:2010/0363 has not been installed.
 G to T - Velux windows installed further to planning application REF:2010/0363
 U - The chimney will be reinstated further to its removal in 2013.

C	Amendments made further to meeting.	TR	16.03.16
B	Windows and doors to the rear of the property to be timber double glazed units. Balcony amended.	TR	01.03.16
A	Chimney reinstated further to discussion with planning officer.	TR	25.11.15

Revision: Amendment Description: Initials: Date:

The Martin Design Partnership
ARCHITECTURAL DESIGN & CONSULTANCY PROJECT MANAGEMENT CONSULTING SERVICES

Client Address:
Clive Giles
14a Queen Street
Uppingham
LE15 9QR

Project Address:
Same as Client Address

Project No: 0689 **Drawn By:** SF
Drawing No: P004 **Revision:** C
Date: 27.10.15 **Scale:** 1:100

Drawing Title: PROPOSED ELEVATIONS
Issue Type: PLANNING **Checked By:** EM

Registered Office: The Factory, 33a Central Avenue, Wigston, Leicestershire, LE18 2AB
 T: 0116 2812939 F: 0116 2887476
 E: office@themdp.co.uk W: www.themdp.co.uk

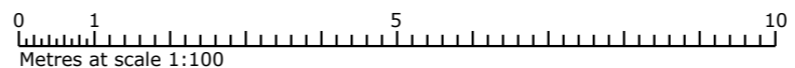
NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. ALL DISCREPANCIES WITH THE DETAILS TO BE REPORTED AND CLARIFIED PRIOR TO COMMENCING WORKS ON SITE. IF IN DOUBT - ASK. THIS DRAWING IS COPYRIGHT.

Existing plans and elevations have been drawn using historical information only.

It is the responsibility of the client to advise of matters relating to land title, restrictive covenants, wayleaves or positions of public drains in relation to the site. Site boundaries are taken as visible fence lines unless advertised otherwise

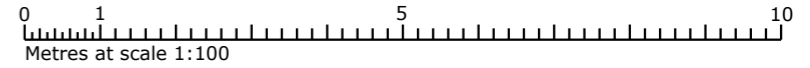
Drawings may be scaled for planning purposes only.

All existing and proposal drawings are based on measured surveys. Site drawings are based on Ordnance Survey plans. The Martin Design Partnership cannot guarantee the accuracy of drawings that have been imported from other agencies, eg Ordnance Survey.



PLANNING APPROVAL - PROPOSED ELEVATIONS

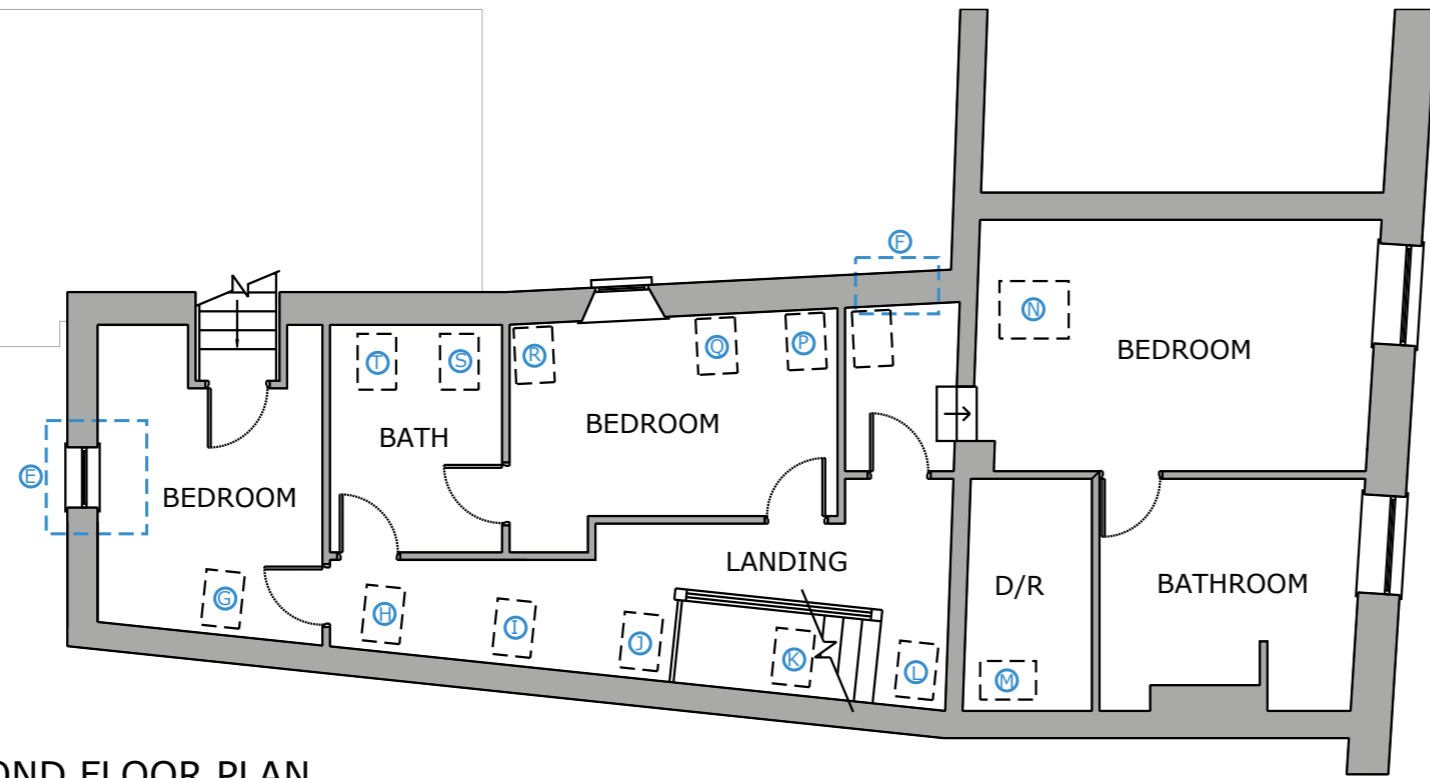
PLANNING APPROVAL - 14A QUEEN STREET, UPPINGHAM



Appendix 1

Revised 16 March 2016
2015/0997/FUL

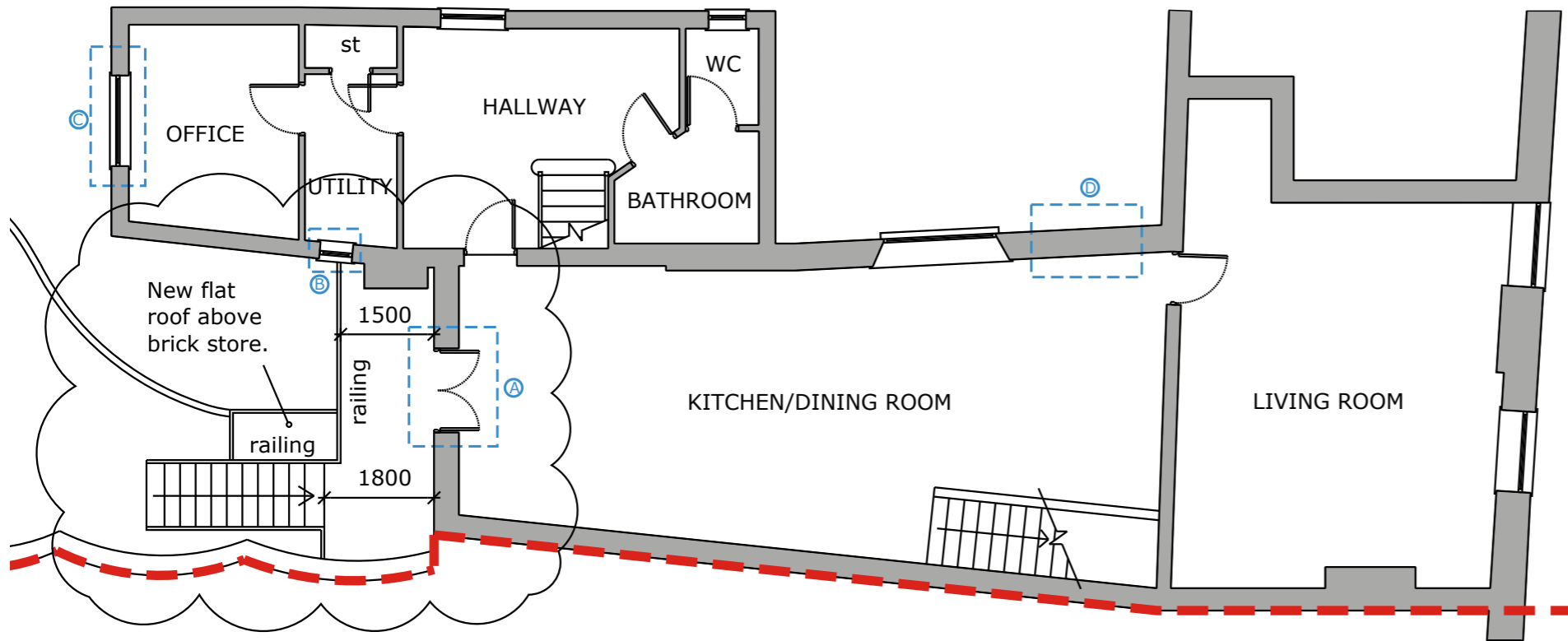
PLANNING APPROVAL - PROPOSED FLOOR PLANS



PROPOSED SECOND FLOOR PLAN
scale 1:100

RETROSPECTIVE ELEMENTS:

- A - The design and fenestration of the existing door and window have been amended. Glazing bars have been added.
- B - A window has been added in the utility room.
- C - The design and fenestration of the existing window has been altered.
- D - The window as specified on the planning application REF:2010/0363 has not been installed.
- E - The design and fenestration of the existing window has been altered. The Juliette balcony has been removed and the sill height had been reduced to 900mm from first floor FFL. Sash window.
- F - The window as specified on the planning application REF:2010/0363 has not been installed.
- G to T - Velux windows installed further to planning application REF:2010/0363
- U - The chimney will be reinstated further to its removal in 2013.



PROPOSED FIRST FLOOR PLAN
scale 1:100

Existing plans and elevations have been drawn using historical information only.

It is the responsibility of the client to advise of matters relating to land title, restrictive covenants, wayleaves or positions of public drains in relation to the site. Site boundaries are taken as visible fence lines unless advertised otherwise

Drawings may be scaled for planning purposes only.

All existing and proposal drawings are based on measured surveys. Site drawings are based on Ordnance Survey plans. The Martin Design Partnership cannot guarantee the accuracy of drawings that have been imported from other agencies, eg Ordnance Survey.

C	Balcony access made smaller.	TR	16.03.16
B	Windows and doors to the rear of the property to be timber double glazed units. Balcony amended.	TR	01.03.16
A	Chimney reinstated further to discussion with planning officer.	TR	25.11.15

Client Address: Clive Giles 14a Queen Street Uppingham LE15 9QR	Project Address: Same as Client Address
Project No: 0689	Drawn By: SF
Drawing No: P005	Revision: C
Date: 27.10.15	Scale: 1:100
Drawing Title: PROPOSED FLOOR PLANS	
Issue Type: PLANNING	Checked By: EM
Registered Office: The Factory, 33a Central Avenue, Wigston, Leicestershire. LE18 2AB T: 0116 2812939 F: 0116 2887476 E: office@themdp.co.uk W: www.themdp.co.uk	
NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. ALL DISCREPANCIES WITH THE DETAILS TO BE REPORTED AND CLARIFIED PRIOR TO COMMENCING WORKS ON SITE. IF IN DOUBT - ASK. THIS DRAWING IS COPYRIGHT.	