

2022/0636 (Planning)
2022/0632 (Listed Building Consent)

Chris Carr

Demolition of walling and roof, erection of rear two storey extension, installation of velux roof windows, erection of garage block, erection of stone boundary walls, amendment to vehicular access and installation of gates (part retrospective)

Bank House Farm, High Street, Silkstone, Barnsley, S75 4FZ

Relevant Planning History

2021/1127 (Planning), 2021/1361 (Listed Building Consent) - Demolition of walling, erection of rear two storey extension, installation of velux roof windows, erection of garage block, erection of stone boundary walls, amendment to vehicular access and installation of gates - Approved with conditions



Site Description

Bank House Farm is a prominent Grade II Listed Bank House Farmhouse. To the rear of the Farmhouse are two barns which have been converted into residential dwellings. Bank House comprises a former estate building and later farmhouse built in the early 19th Century and associated with prominent landowners John Smyth and Robert Coldwell Clarke. The building retained its original form and many of its external architectural details. The house is of national significance on account of its architectural and historical interest owing to its age, quality of design, and association with historic figures. This is reflected in its status as a Grade II Listed Building.

The site is prominent from the A628, with the two storey Grade II Listed Farmhouse being situated at the front of the site with the barns being situated behind at a higher level. The Farm has an access and separate parking area for the farmhouse which is an unmade track that joins onto the A628. A Public Right of Way runs along the northern boundary of the site.

The garage has been constructed and the applicant has now demolished three out of four elevations and removed the roof.



Bank House Farm prior to demolition





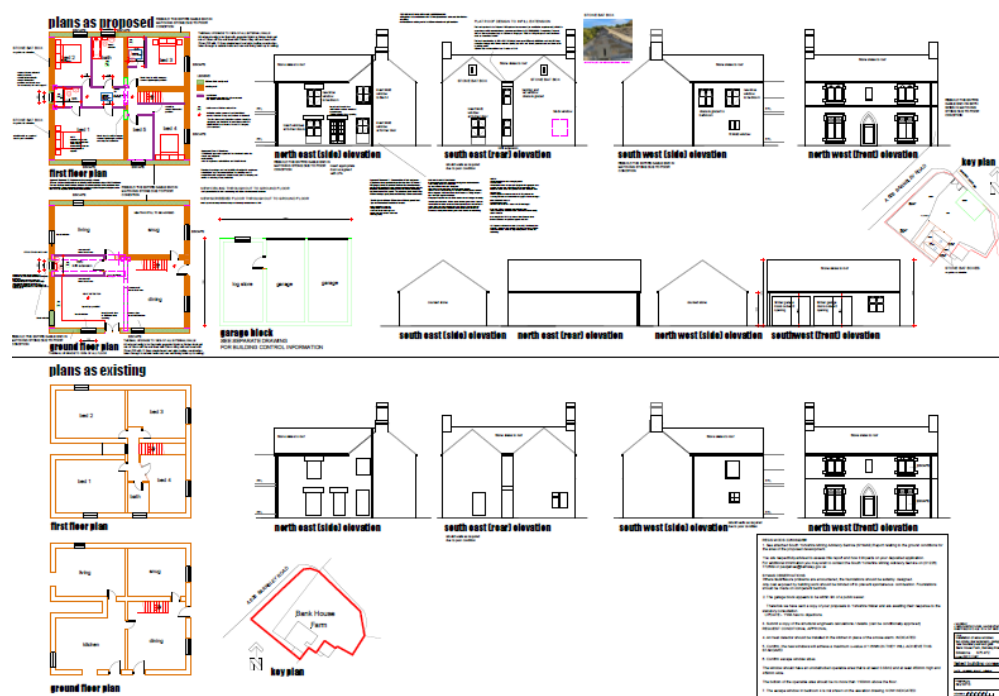
Photos September 2022





Proposed Development

The applicant is seeking Planning and Listed Building Consent approval for the demolition of walling and roof, erection of rear two storey extension, installation of velux roof windows, erection of garage block, erection of stone boundary walls, amendment to vehicular access and installation of gates (part retrospective) at Bank House Farm, Silkstone.



A Heritage Statement, Structural Report and Bat Report have been submitted in support of the application.

The proposal has been amended from the previously approved applications 2021/1127 (Planning), 2021/1361 (Listed Building Consent) and include the following:-

- Internal alterations to include an additional 5th bedroom
- Alteration to WC at ground floor
- Blocking up of window to kitchen and removal of proposed additional window to rear elevation
- Garage height increased from 5m to 5.2m (approx.), eaves height increased from 2.5m to 2.6m and door height increased from 2.3m to 2.4m (retrospective)
- Two bat boxes to the rear elevation

The proposal also includes the demolition and rebuilding of walls and roof, with the exception of the front wall, which is retrospective. The applications approved under 2021/1127, 2021/1361, and discharge of conditions 2022/0315 covered the rear unbonded elevation of Bank House Farm only. These applications included both a structural report and detailed heritage impact assessment by TJC which justified the works to the rear elevation. The heritage statement clearly justified only the rear elevation demolition and rebuild. However, the applicant has now demolished three out of four elevations in order to rebuild them, prior to securing consent. The structural report and the heritage impact assessment submitted in support of these retrospective applications has now been updated to cover the additional works.

The supporting amended structural report states that: *'The rear extensions of the property are in poor overall structural condition showing a number of salient defects, deterioration and distortions. These features, when combined, are a risk to future long term structural integrity as the property ages. In this instance we are of the opinion that rebuilding works, utilising the existing materials, would be more favourable to repair and strengthening works. This is particularly relevant as the overall integrity of the external masonry has been affected by extensive weathering and age deterioration.'*

Since our initial inspection the gable walls to the main property were taken down and rebuilt. We gave comment relating to this under separate cover as a letter report dated 27 July 2022 and referenced NE5559.

Structural Surveys completed a specific defect structural inspection at the property on 20 July 2022. The specific instruction for this was stability and integrity of the two rear gabled extensions only. However, whilst on site we did note that the masonry of the right-hand chimney stack was severely distorted, weathered and with areas of loose material. As a result, and as a matter of a 'duty of care' we included a recommendation within our report to take down the stack and rebuild as part of the refurbishment works. This was item A within our recommendations as follows: A. Due to extensive weathering, loose masonry, and distortions to the brickwork chimneystack of the main building, we would recommend that future refurbishment of the property allows for taking down and rebuilding the stack. Our report then went on to recommend that the gabled projections, which were the subject of the specific defect inspection report, were taken down and rebuilt, reclaiming masonry units where possible. This was given as recommendation B within the report as follows. It is recommended

that the extensions are carefully taken down and the materials recovered, sorted, and stockpiled for reuse. Rebuild the extensions on new suitable foundations. Allow for importing any additional local materials to replace the highly weathered masonry units / defective materials.

From our discussion we understand that during the refurbishment works it was discovered that the integrity of the two side gable walls was poor. You explained that it was intended to remove and replace the highly weathered stone units within these elevations on an individual basis. However, as these were being removed it was discovered that the mortar had generally reverted to its natural state and had lost all strength and bonding characteristics. As units were being removed, we also believe that other units were collapsing, and that the rubble fill was settling. You informed us that a representative of the Local Authority, Building Control Department attended site and confirmed that the walls were at risk of instability and as a result were taken down and rebuilt. It should be noted that our original specific defect structural inspection report on the building did not include the gable walls. It is also noted that we were not party to the above works relating to the assessment and subsequent rebuilding of the gable walls. Notwithstanding the above, given the condition of the gabled extensions, which were commended were taken down and rebuilt, and the condition of the right-hand stack, we are not totally surprised that there was excessive deterioration of the mortar which could result in a risk of instability within these gable elevations. This would also typically be exacerbated during disturbances caused by the refurbishment process. It should be noted that the gable walls will also have incorporated the chimney flues. As a result, exhaust gasses within the flues typically causes accelerated deterioration of the mortar due to aggressive chemical attack and heat damage etc. With refurbishment of a building of this age, it is often found that the refurbishment phase uncovers areas of excessive deterioration and more extensive works than were originally expected, often leading to rebuilding works, as undertaken in this instance.'

Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

In reference to this application, the following Local Plan policies are relevant:

GD1: General development – Proposals for general development will be approved providing there is no significant adverse effect on residential amenity, highway safety, the current or future use of nearby land and it upholds good quality design in accordance with local plan policy D1.

D1: High quality design and place making – This policy sets the overarching design principles for the borough. Development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of the local area.

GB2 – Replacement, extension and alteration of existing buildings within the Green Belt – Provided that the development will not have a harmful impact on the appearance or character and will preserve the openness of the Green Belt, we will allow extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.

HE1: Historic Environment - We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.

HE3: Developments Affecting Historic Buildings – Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building.

T4: New development and highway improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Poll1: Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

BIO1: Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

SPDs:

House Extensions and Other Domestic Alterations

NPPF:

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Sections of the NPPF of relevance to this application would be:

Section 13 – Protecting Green Belt Land

Section 16 – Conserving and enhancing the historic environment

Consultations

Silkstone PC – No comments received

Highways DC – No objections subject to condition

Conservation Officer – Concerns raised with regard to the unauthorised demolition, no other resolution to the harm other than rebuilding the walls therefore robust conditions required

Historic England - Historic England has no objection to the application on heritage grounds, but would advise a need for the Council to use conditions, or the provision of further information, to ensure that the rebuilt gables match as closely as possible the style and aesthetics of the original ones.

Ecology Officer – No objection subject to bat mitigation measures which should include 2 bat boxes and a swift brick

Representations

Neighbour notification letters were sent to surrounding residents and a site notice placed nearby. 2 objections have been received which state:-

- The proposed alterations will set a precedence for other Graded Buildings in the area and concerns regarding other proposals for LBC in other areas of the borough having been refused
- The works to be carried out it would not only take away the individuality of the house but also would make a mockery of the Listed Building act.
- As this is a grade II listed building it should be sympathetically restored not rebuilt to the desires of the owner. When purchasing a grade II listed building this should have been made clear from the start. And a rebuild should be exactly as the original. By allowing a total re change of the exterior the building will lose its original features.
- I note the comments of the planning application that the back of the building is not visible from the road. However, the road was opened in 1979 and therefore should not be taken into consideration as it has a speed limit of 50 with no stopping. Because of the landform and the 'public right of way', the back of the two buildings at the rear have historically been clearly visible to the general public from the day they were built around 1806 to the present day (216 years). There is also addition of two windows in the gap which historically were not there on the original buildings and one looking over my land.
- The building is 'one of a kind' and by changing the property, you take away its individuality that the 'listed building' act represents.
- The government planning policies for England are clearly set out in the National Planning Policy Framework (NPPF,2019). In relation to designated heritage assets (such as listed building etc.) NPPF recommends great weight is to be given to their conservation (para. 194), that proposals causing substantial harm should be refused consent unless the harm can be adequately justified (para. 195) Making extra room from additional facilities is not adequately justified.

- The proposal for Bank House Farm will eliminate its original feature. Having looked at the lay out of the property on the heritage statement, all the rooms were accessible on the ground floor and the first floor. The only difference to the owner will be less build cost and extra internal wall instead of two outer walls, and this, to quote the NPPF, will be 'causing substantial harm' to the historical building to save money and gain additional space.
- The lay out of the interior can still be rearranged to turn this 4-bedroom house in to a five-bedroom house without the loss of the historic gap in the two buildings.
- Concerns regarding proposed gravel drive
- Concerns regarding accuracy of the plans

Assessment

Principle of development

As the building is set within the Green Belt, the replacement, extension and alteration of existing buildings within the Green Belt are acceptable in principle provided that the development will not have a harmful impact on appearance or character and will preserve the openness of the Green Belt in accordance with policy GB2 of the Local Plan.

GB2 states that we will allow extension or alterations of a building where the total size of the proposed and previous extensions does not exceed the size of the original building. The floor spaces have been calculated and the proposed extensions do not exceed the size of the original dwelling. There are no records of the dwelling having been extended previously and the proposed extension and garage do not exceed the floor limit of the original dwelling and are therefore acceptable in terms of policy GB2. Given the amount of work that has taken place it may be argued that the proposal is more akin to a replacement dwelling but given that it is not considered there would be any greater impact on openness of the green belt it would still comply with policy

The dwelling is a Listed Building therefore policies HE1 and HE3 are also of relevance. These aspects are discussed below within the visual amenity section of this report.

Visual Amenity/Impact on Historic Environment

The Conservation Officer was consulted on the previous applications at the site and had no objection to the alterations, the proposed garage and wall.

The plans have now been amended and areas of unauthorised demolition have taken place, such as the demolition of walls and the roof. In terms of the alteration to the internal layout and the small changes with regard to blocking up a window to the rear elevation and the slight increase to the height of the garage, there are no objections as the changes are minimal.

In terms of the demolition and rebuild works required, the applicant has submitted a structural survey and a heritage statement in support of the application. Given the dwelling is Grade II Listed, Historic England have been consulted. With regard to the proposal and the unauthorised demolition works, Historic England have provided the following comments:-

'It clearly is disappointing that this application is retrospective in nature. Whilst we understand that there were structural issues here, and an understandable desire to address them from the owners, the wholesale rebuilding of the two main gables of this property is manifestly a very serious intervention, of the type that generally would only be undertaken where other less damaging options have been exhausted.

This issue is exacerbated by the supporting information provided - whilst the structural engineering report may be correct about the perilous nature of the walls and the lack of other reasonable options, the engineers have clearly been hampered by not being able to inspect the walls before works took place, and the Council is clearly unable to examine this judgement before coming to a decision on the application.

However, we are also mindful that a good proportion of the significance of the gables of this listed structure comes from their visual value within the structure as a whole. On balance, we would not object to this application, but it remains absolutely crucial that the rebuilt elements of the structure should adhere as closely as possible to the original gables, if the heritage value of this listed building is to be protected.

The reconstruction works already undertaken do not seem to be illustrated in the supporting information, but it would seem reasonable for the Council, drawing on your own specialist conservation advice, to look very closely at the rebuilt gables, with the aim being to ensure that these are a very close match to the originals with regards to:

- The reuse of original material
- Any replacement material should be the same as the original in terms of geology, shape and size
- The reconstruction needs to be done matching the coursing and bedding of the original. Pointing should be done in an appropriate lime mortar to match the original intent (narrow joints, with recessed pointing) rather than that used on the later phases of repair of the originals

Historic England has no objection to the application on heritage grounds, but would advise a need for the Council to use conditions, or the provision of further information, to ensure that the rebuilt gables match as closely as possible the style and aesthetics of the original ones.'

In response to the above, the Conservation Officer has been consulted and provided the following comments:-

'It is disappointing as I am concerned over the possible precedent this may create. To be clear we might have enforced the unapproved listed building works further, especially given the initial position of the applicant that they already had consent for these works (which they did not have). However, I have discussed this with Mr Carr and underlined the seriousness of the situation. He now realises he did not have a full consent for the works, and they are definitely not covered by 2021/1361 and the discharge of conditions approved under 2022/0315. As such, without a robust objection from Historic England allied to the fact the applicant now admits the error, I see no other resolution to the harm other than rebuilding the walls. Attempting to take this further with enforcement action is now not expedient in my view and would likely serve only to drag the process out with little prospect of a resolution other than the rebuilding requested under 2022/0632 and 2022/0636. Ultimately, in terms of the building, once the harm was done there was only ever one solution and that was to rectify the works. Unfortunately, we do not have the original walls to refer to in terms of coursing detailing, bed depths, face dressing (wherever it survived) the exact stone type and pointing detail. However, we do have photos and I think we should condition the approval as tightly as we can as per the advice from Historic England along the following lines to ensure what gets re-built is as close to the original as possible.'

It is regrettable that significant demotion has taken place, however given the above advice from Historic England and the Council's Conservation Officer, it is felt that the application should be approved subject to the detailed conditions outlined within the Conservation Officer's response. The re-building of the dwelling would re-instate this Grade II Listed Building

and secure its future, therefore on balance the proposal and amendments are recommended for approval in accordance with the NPPF and the Local Plan heritage policies.

Residential Amenity

The building is detached, and the rear extension and garage block is set approx. 18m from the dwelling to the rear. The proposal would not cause any significant overshadowing or overbearing impact to the adjacent dwellings. The proposal includes the reduction in the number of windows to the rear elevation which would reduce any potential overlooking impacts. There are no objections in terms of residential amenity and the proposal is in accordance with policy GB2 and the SPD House Extensions.

Highway Safety

In comparison to the scheme approved under App. No. 2021/1127, from a highways point of view these revised proposals only differ by way of minor amendments to the garage arrangements. The proposed garages are of sufficient size and the minor alteration to the garage block does not adversely affect the parking and turning facilities.

The dwelling is served from a shared access and turning and sufficient vehicular parking is available within the curtilage of the dwelling. In terms of the access the proposed boundary walls and the installation of gates the proposals are considered acceptable and adequate visibility is maintained. The Highways Officer considers that there are no adverse impact upon the highway and has no objection to the proposal, subject to the parking area being surfaced in a hard surface in order to prevent the tracking of stone chippings onto the highway. The applicant has previously agreed to this and a condition which requires the access to be hard surfaced should be applied.

The proposals are therefore considered to have minimal highway implications. The proposal is considered to be in compliance with policy T4 of the Local Plan.

Impact on PROW

A Public Right of Way (PROW) runs along the access to Bank House and the converted barns to the rear. Concerns have been previously raised that fencing has been erected to fence off the public right of way and that the surfacing is poor. The applicants do not have control over the whole length of the access and the proposed wall and gates do not impact the PROW. At the time of the site visit PROW was accessible from Barnsley Road.



Ecology

A Preliminary Roost Assessment (PRA) report had been submitted in support of the application and identifies that the building has potential to support roosting bats, but due to

works already having been carried out, bats are unlikely to be roosting due to disturbance and potential roosting features now being exposed.

The Council's Ecologist has been consulted and is satisfied with the recommendation that integral bat roosting features are incorporated within the building as part of the proposed renovation works. Ideally, a bat assessment would have been undertaken prior to any works being undertaken in order that proportionate mitigation could have been adopted on site, if a bat roost had been identified. Unfortunately as this is not the case, the level of mitigation provided should be based upon the building supporting a bat roost of high conservation importance and provision should be made for bat species which could have utilised the building as a roost. The Ecology Officer has recommended that two bat boxes are installed within the building and a swift brick is included. The Conservation Officer has no objections to the proposed bat boxes on the rear elevation, however, concerns have been raised with regard to the requested swift brick as it would not be in keeping with the listed building. A balance must be made between protecting the character of the Listed Building and providing suitable mitigations measures, therefore the two bat boxes proposed would provide sufficient mitigation. The proposal is therefore considered to be acceptable in accordance with policy BIO1 of the Local Plan.

Other matters

Concerns have been raised with regard to the boundaries of the site. The applicant has stated the following in response 'The image on plan 3 is the deed of the plot with the pink lines which is correct the others are incorrect and plotted around the neighbour house that was built in the wrong place hence none of the boundary's line up.' The applicant has also signed certificate A. Issues in terms of boundary disputes are not material planning matters and are private legal matters which would be separate to any planning permission.

Recommendation

Approve with conditions