

- a) **DOV/21/00500 – Variation of conditions 2 (approved plans) and 5 (windows) to allow for additional rooflights, replacement of 6no. stained glass windows to side elevation, internal layout alterations and re-positioning of a flue of planning permission DOV/20/00356 (application under Section 73)**

United Reform Church, The Street, Ash CT3 2EN

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Planning Permission be Granted

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS) Policies

CP1 & DM1

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the above Act requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

National Planning Policy Framework 2021 (NPPF)

Chapters 5, 12 and 15 (Paragraphs 202 and 203)

The Kent Design Guide (KDG)

National Design Guide 2019

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan is undergoing its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

DOV/19/00341 – Demolition of church hall, partial demolition of church building together with conversion of church to residential dwelling (C3 Use Class). Approved

DOV/20/00356 – Conversion of church building and church hall building to 2no. residential dwellings (C3 Use Class) subject to a number of conditions being imposed. Approved

Condition 2 of DOV/20/00356 requires the development to be carried out in accordance with the approved drawings.

Condition 5 of DOV/20/00356 states: “All existing stained glass windows in the former church building shall be permanently retained in that form and shall not be altered to provide clear glazing. Similarly, the upper parts of all windows to the former church hall annotated 1 on the approved plans, shall be permanently kept as blackout glass

sufficient to prevent intervisibility. Reason: In order to preserve the character of the buildings and to prevent any overlooking to adjoining residential properties.”

e) **Consultee and Third-Party Representations**

Ash Parish Council: strongly objects to this application (part retrospective) because there are material considerations of over-looking, loss of privacy, loss of amenity due to noise, and changes to a building of historical note that will have a detrimental impact on the heritage significance of the building that is in a Conservation Area.

Heritage Officer: No objections. The comments are set out in paragraphs 2.3-2.5.

Head of Museums and Tourism: No objections. The comments are set out in paragraph 2.6.

Public Representations: 8 objections to the proposal, summarised as follows:

- The proposed windows and loss of the stained glass windows would harm the historic character and appearance of the buildings,
- The proposed windows are different sizes, portrait and landscape orientation, not flush and not aligned with the windows below,
- The rooflights will lead to overlooking and loss of privacy, light and noise pollution,
- The proximity of the proposed flue would cause harm to living conditions,
- The proposed doors are out of keeping,
- There is a lack of clarity in the drawings,
- Some unauthorised works have already taken place.

f) 1. **The Site and the Proposal**

1.1 The application site is located within and forms part of the Ash - The Street Conservation Area. The area stretches across the road from No. 5 The Street towards the east, finishing on the eastern boundary of 128 The Street. The Conservation Area includes; the 5 linear development along The Street, 5no. properties on Chequer Lane including the Chequer Inn and a number of properties off Pudding lane. There are a number of listed buildings within the Conservation Area.

1.2 The application site is situated on the south side of The Street and is an irregular shaped area of land with two church buildings located at its southern end. The church was probably constructed from 1843 and the church hall can be dated to 1882 by the foundation stone situated on the façade. By reason of their age, design, appearance, architectural articulation, use of materials and historic association with the village, these buildings make a positive contribution to the character and appearance of the Conservation Area. As such, it is considered that these should be regarded as non-designated heritage assets within the Conservation Area.

1.3 Although set back behind the front building line of properties facing onto The Street, the buildings are visible from the site's access and other public vantage points on The Street and more openly visible from views from 'Shipyard', across an informal car parking area (outside the site). 'Shipyard' appears to be a private road that serves a few residential properties.

- 1.4 The application properties comprise the main Church building and the Church hall constructed roughly perpendicular to it. The Church building's front elevation faces toward The Street, with its western flank elevation facing the rear garden of No.45 The Street and its eastern flank elevation mostly facing toward the informal car parking area along 'Shipyards'. The Church hall has its rear elevation facing toward and visible from 'Shipyards', its southern elevation facing the informal parking area and its northern elevation mostly facing the rear of the properties 49-53 The Street.
- 1.5 Both buildings have windows and/or doors on each of its elevations. The western boundary enclosure of the site, adjoining the boundary with No.45, is a fence and is some 1.8m-2m high.
- 1.6 Works have commenced on converting the Church hall and additional openings have been created within it - some of which are in accordance with the extant planning permission and others without the benefit of planning permission – which are under consideration in the current application. The works do not appear to have taken place within the main church building.
- 1.7 In comparison with the approved works, the proposed works comprise:

Church Building

- The replacement of existing No.3 stained glass windows on the ground floor east facing elevation with clear glazed windows.
- The replacement of existing No.3 stained glass windows on the ground floor west facing elevation with clear glazed windows.

Church Hall Building

- Addition of 2 new rooflights and change in design of No.1 approved rooflight on north facing roof slope.
- Addition of 1 new rooflight and change in design of No.3 approved rooflights on the south facing roof slope.

2. **Main Issues**

2.1 The main issues are:

- Update from the Deferral by the Planning Committee in June 2021
- The principle of the development
- The impact upon the character and appearance of the Conservation Area
- The impact upon residential amenity
- The Planning Balance

Update from the Deferral by Planning Committee

- 2.2 At the June 2021 Planning Committee, the determination of this application was deferred pending advice on the loss of the 6 stained-glass windows from the Council's Heritage Officer (to include conferral with the Head of Museums and Tourism).

- 2.3 The Heritage Officer considers that the principal elevation (north) windows are decorative and are considered to be the most important windows on the building. Because that elevation is viewed from the public realm it has an impact on the character of the conservation area. The 6 windows to the side elevations, the subject of this application, are simple coloured glass windows in diamond panes. They are not obvious from public vantage points within the Conservation Area. One elevation may be visible from a private car park while the other may be visible from a private rear garden. On this basis it is considered there to be no harm to the character or appearance of the Conservation Area as a result of the proposed works.
- 2.4 Furthermore, in terms of the building as an undesignated heritage asset there may be a very minor harm, as a result of the works. However, this minor harm is considered to be negligible and there is clearly a significant public benefit to this building being reused. The number of windows proposed for alteration has been limited to 6; as noted above, the principal windows of interest are retained and there are other examples of the plain coloured glass windows which will remain in situ thus providing an example. However, in order to ensure that the same form (i.e. diamond panes, leaded lights) is introduced to the altered windows it is recommended a condition requiring details of the proposed glazing pattern to include materials to be submitted for approval.
- 2.5 In conclusion, there is no harm to the Conservation Area, and very minor/negligible harm to the undesignated Heritage Asset, but which could be mitigated with a condition.
- 2.6 The Head of Museums and Tourism states that the proposed scheme retains the interesting commemorative and decorative glazing of the building. The replacement of coloured glass with plain on the ground floor of the side elevations represents only minor harm to the significance of the building. The form of these windows should however be retained.

Principle of Development and Procedure

- 2.7 The application site falls within the village settlement of Ash. As such, under Policy DM1, the change of use of the buildings and changes to their external appearance are acceptable in principle, subject to design and other impacts being assessed.
- 2.8 One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition or conditions that can be varied. In this case, conditions 2 and 5 are sought to be varied. If permission is granted, this new permission will sit alongside the original permission, which will remain intact and unamended. This S73 application does not give an opportunity to refuse the first application – the decision on the S73 application is based upon the planning merits of the amendments sought.
- 2.9 In principle, the proposed development, and the submission of a S73 Application to achieve the variation to the approved works under the previous application, are acceptable.

Impact upon Character and Appearance

- 2.10 Of the two buildings, the Church building is the most important in terms of its design, appearance and architectural articulation, whereas the church hall does not provide the same degree of visual attraction.
- 2.11 The insertion of the approved rooflights into the roof of the church hall has been undertaken and these 'velux' rooflights that have been installed (slightly raised above the roof slope so that they are not set flush with the slope) detract from the simple 'lines', form and appearance of the roof. However, there was no planning condition imposed on the previous application that was approved, requiring the rooflights to be set flush with the plane of the roof.
- 2.12 The proposed changes to the north facing roof slope of the church hall building are not obvious from views from public vantage points and can only be glimpsed. The changes to the approved scheme on the north facing roof elevation involve: changing an existing 'portrait' rooflight to a smaller 'landscape' rooflight and slightly realigning its location so that it does not sit directly above the window on the ground floor; installing a new 'square' rooflight centrally located along the roof elevation, sitting slightly off-centre of the window below it and, finally; inserting a smaller square rooflight on the roof slope sitting slightly off centre from the window below it. The rooflights are dark grey and aluminium.
- 2.13 Although visible from residential properties, the changes are not prominent within the street scene. Their appearance and visual impact upon the prevailing character and appearance of the conservation area are therefore considered to be limited and immaterial.
- 2.14 The proposed changes to the south facing roof slope of the church hall building are visible from 'Shipyard' with views across the informal parking area. Three 'portrait' style rooflights were approved. Two small square rooflights are proposed to replace two of the portrait rooflights, and one small landscaped rooflight is proposed to replace the other 'portrait' rooflight. One additional square rooflight is proposed above the centrally located window in the building.
- 2.15 Due to the reduction in the proportions of the rooflights and their overall scale in relation to the existing roof, the proposed rooflights would not be excessive or so out of character that they would detract from the prevailing appearance of the roof. Whilst the rooflights have different designs and scales this does not necessarily render the proposal unacceptable. In this case, the prevailing public view of the building will be of the building as a whole; and in this context, the proposal is, overall, acceptable.
- 2.16 Under this application, if the 'as proposed' rooflights are required by planning condition to be set flush with the plane of the roof this would result in some rooflights being flush and others being proud of the roof slope. This combination would appear 'out of kilter' and more incongruous. To ensure some degree of visual synergy, it is not considered necessary to insist that the rooflights that are 'as proposed' (and already installed) should be taken out and reinstalled with a different rooflight so that they are flush with the roof plane.
- 2.17 With regard to the relocation of the flue – this would rise above the next bay along in the building to its already approved location. This is not considered to have a material visual impact upon the design of the building or the character and appearance of the conservation area.

- 2.18 With regard to the Church building – the proposal seeks to replace stained glass windows in 6 locations with clear glass windows. These windows are on the ground floor flank elevations of the Church building. The stained glass windows in the main front elevation of the building (ground and first floor) and in the upper floor projecting gabled ends in the flank elevations of the building are being retained.
- 2.19 The stained glass windows in the west facing elevation are not visible from the public highway and therefore do not materially affect the conservation area. There is a lean-to to be demolished in front of a stained glass window on the east facing elevation and two other stained glass windows in the east facing elevation that will be visible from Shipyard.
- 2.20 It is considered that the loss of the stained glass, would not affect the character and appearance of the conservation area, but it would have a minor harmful impact upon the non designated asset.

Impact upon Residential Amenity

- 2.21 Whilst overlooking and loss of privacy are matters that have been raised as a result of the public consultation of the application, these have also been raised previously. Whilst these impacts are being reconsidered, in the light of the changes proposed, the Council's previous decision to grant permission is material to the determination of the assessment on this issue.
- 2.22 The approved rooflights in the Church hall building serve a bedroom/bathroom (in the north facing roof slope) and the same bedroom and a further bedroom in the south facing roof slope. Under the current proposal, the proposed rooflights would serve a dressing room, a bedroom and a double height roof void. It is not considered that the change in the location of the rooflights would give rise to a material increase in overlooking and loss of privacy to those occupiers of properties in The Street.
- 2.23 The proposed relocation of the flue is on the roof slope furthest from the properties in The Street and therefore this is unlikely to give rise to any material impact upon the living conditions of their occupiers. Likewise, the proposed additional roof light in the south facing roof slope would serve a double height void – which would not materially increase overlooking towards those properties being served by 'Shipyard'.
- 2.24 With regard to installing clear glazing to replace the stained glass in the west facing elevation of the Church building, the windows look towards a 1.8m high timber fence and toward a rear garden area and not directly towards windows or the area immediately behind No.45 The Street. As such, the change in glazing is unlikely to give rise to overlooking and loss of privacy that would be unduly harmful to the living conditions of the occupiers of No.45 The Street.

Planning Balance

- 2.25 The lack of harm to the character and appearance of the conservation area and the minor harm to the non designated asset – the church buildings, that has been identified through the assessment of this application needs to be weighed against the public benefits arising from the proposal, including securing the building(s) optimum viable use (Paragraphs 200 and 202 of the NPPF).

- 2.26 The recent planning history of the site has established that residential use of the Church Building (through both recent applications) and residential use of the Church Hall building (through the most recent application) appears to be the best, or most optimum viable use of the building(s).
- 2.27 It is considered important that the residential conversion of the Church building originally retained the stained glass windows to serve a double height living area in the central section of the building. With the exception of two east facing rooflights in the roof slope, the living area would not be served by clear glazed windows. As such, they would not provide outlook for those residential occupiers standing or sitting in the living room area. It is considered that windows that serve habitable rooms should have a degree of outlook, light and ventilation. For such a conversion it should be important to achieve this. It is considered therefore that a degree of flexibility needs to be imposed on this proposal for the benefit of the future occupiers of this building.
- 2.28 The loss of the proposed 6 stained glass windows needs to be considered in the round, as the proposal retains 9 stained glass windows (including the most decorative) in the building, that are also located on more prominent and visually attractive elevations. As such, the historic significance of stained glass windows being located in the building would not be lost. The retained stained glass windows would continue to provide a public benefit and serve to provide a historic and visual reference for the building.
- 2.29 Finally, having identified a degree of harm from the rooflights in the Church hall building, which are not set flush with the plane of the roof, the applicant has agreed to a condition to be imposed on the current application, should permission be granted, to ensure that the 'as approved' 6 rooflights proposed on the Church building should be set flush with the plane of the roof. The previous application did not require this through the imposition of a planning condition. This means that the most important building of the pair would have more appropriately designed and installed roof lights.
- 2.30 In weighing the harm from the loss of the stained glass windows and replacement with clear glass windows and changes to the roof of the church hall building against the public benefits, it is considered that the public benefits of securing an optimum, residential use of the building (that provides a reasonable level of residential amenity for the occupiers), the retention of the remaining and more important stained glass in 9 other windows on more prominent parts of the building, and roof lights that would be installed flush with their roof planes on the building represent a level of public benefit significant enough to outweigh the minor harm

Conclusion

- 2.31 The buildings and their location within the conservation area have a degree of sensitivity attached to the outcome of this decision. The Council should ensure that the proposed application at least preserves the character and appearance of the conservation area, which it does. The minor harm to the buildings is outweighed by the benefits identified. Weighing the public benefits in the balance, it is considered that the proposal should be supported for the reasons set out.

g)

Recommendation

- I PERMISSION BE GRANTED with the imposition of the following conditions:

- i) The conditions on the existing planning permission should be reimposed or updated. Condition 5 should be updated and varied to omit reference to the six windows in this application.
 - ii) The development shall be carried out to the Approved Drawings.
 - iii) An additional condition should be imposed to ensure that the rooflights in the Church Building are set flush with the plane of the roof slope.
 - iv) The replacement panes shall match the existing form of the openings and the glazing patterns of the windows being removed.
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester