

Application Number	18/00758/AS
Location	Culvers, Ball Lane, Kennington, Ashford
Grid Reference	02478 45312
Parish Council	Kennington
Ward	Kennington (Ashford)
Application Description	Removal of chimney breast between kitchen and breakfast room, including removal of modern chimney stack and internal chimney breast at first floor level
Applicant	Dr Robin Wolfe-Murray, Culvers, Ball Lane, Kennington TN25 4EB
Agent	Mr Tim Wolfe-Murray, Clague, 62 Burgate Canterbury CT1 2BH
Site Area	0.0869 hectares

Introduction

1. This application is reported to the Planning Committee because the applicant is related to a member of staff.

Site and Surroundings

2. The property is a Grade II Listed dwelling and is within Kennington and Ball Lane Conservation Area. The house is early C19 in date, with a typical square plan form and hipped roof. It has a modern rear extension.
3. The site location plan is shown in **figure 1** below.

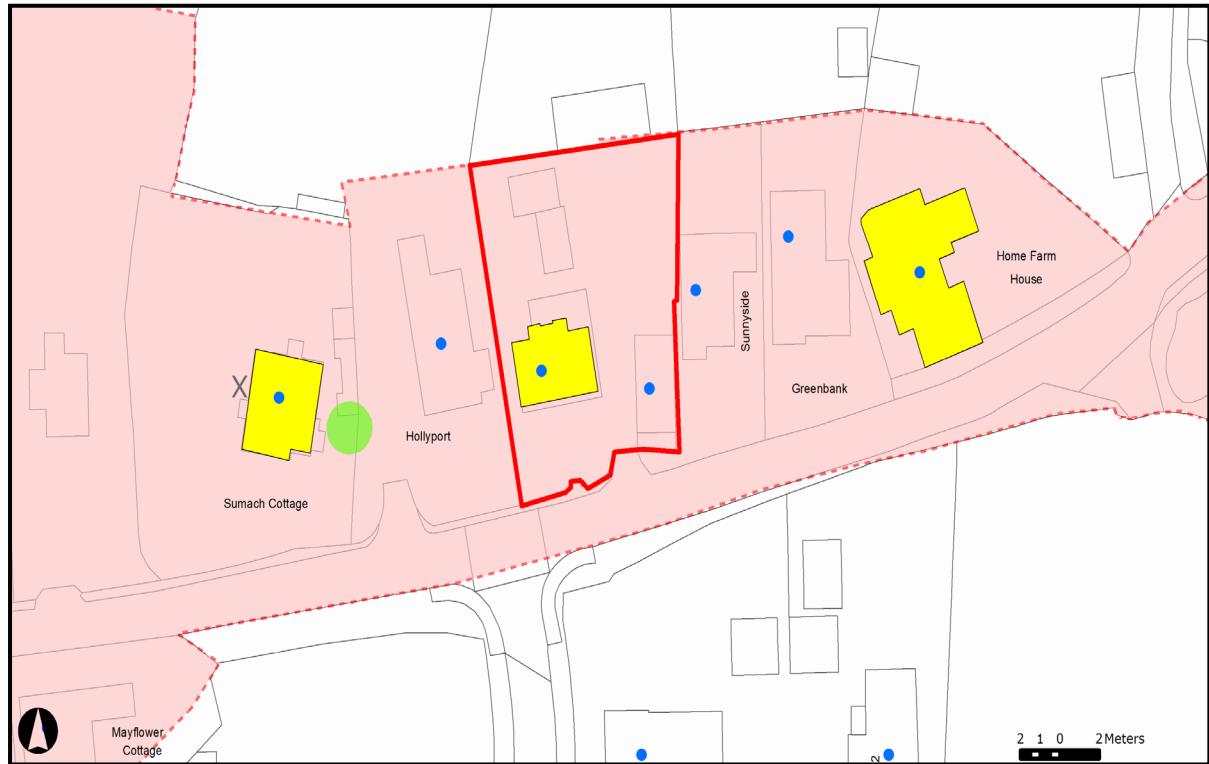


Figure 1 Site Location Plan

Proposal

4. This Listed Building Consent application is for the removal of the chimney breast between the kitchen and breakfast room, including the removal of the modern chimney stack and the internal chimney breast at first floor level.
5. The proposed floor plan is shown in **figure 2** below

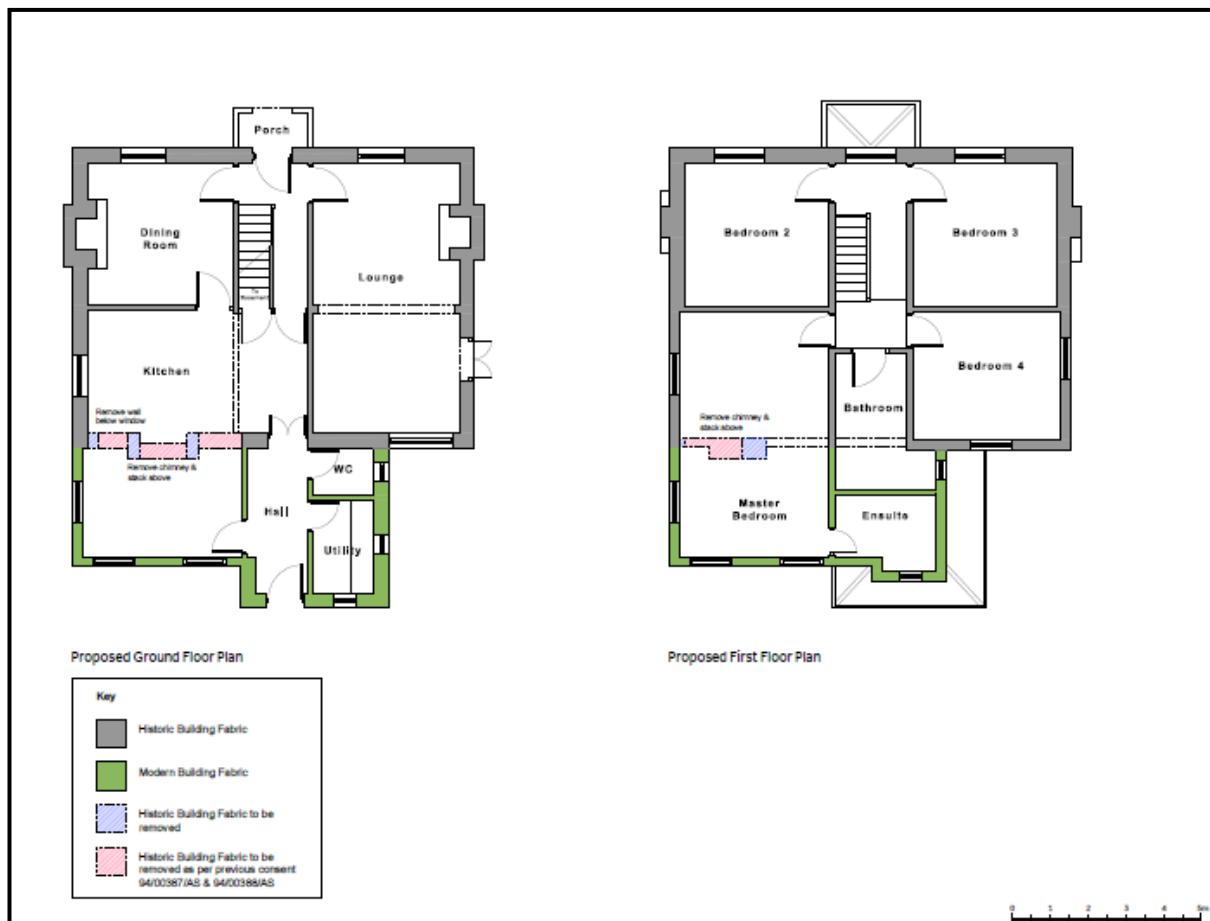


Figure 2 Proposed Floor Plans

Planning History

90/00453/AS - Planning permission refused for proposed part conversion and alterations.

90/01173/AS - Planning permission approved for part conversion of existing cottage to provide annexe ancillary to Culvers.

94/00387/AS and 94/00388/AS - Planning permission and Listed Building Consent granted to demolish existing rear extension and erect two storey extension.

95/01495/AS - Listed Building Consent granted to demolish and rebuild existing leaning chimney stack to match other stack on the property.

96/00712/AS - Listed Building Consent granted to replace four front windows with four identical windows containing sealed units

97/00904/AS and 97/00905/AS - Planning permission and Listed Building Consent granted for a two storey rear extension.

97/00903/AS - Planning permission approved for change of use of barn (annexe) from residential to self-catering holiday let.

03/00850/AS – Planning permission approved for erection of a two bay garage with internal log store and workshop (including change of use of small area of paddock to residential land)

15/00956/AS - Planning permission approved for erection of a garden shed (retrospective).

15/01147/AS - Planning permission approved for change of use from ancillary outbuilding to holiday let (retrospective).

Consultations

Ward Members: No comments have been received. The ward member Cllr Sims is not a member of the planning committee.

Kennington Parish Council: No comments received.

Neighbours: A total of 5 neighbours were notified and no letters of representation have been received.

Planning Policy

1. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
2. The new Ashford Local Plan to 2030 was submitted for examination in December 2017 and has been found sound by the Local Plan Inspectors in their report (January 2019) subject to a series of modifications. Consequently, in the context of paragraph 48 of the NPPF, prior to its adoption by the Council, the Plan's policies (as recommended to be modified by the Inspectors) should be given very significant weight in decision-making.

3. The Plan is due to be adopted in February 2019.
4. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS9 - Design Quality

5. The following are also material considerations to the determination of this application.

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

ENV13 – Conservation and enhancement of heritage assets

Government Advice

National Planning Policy Framework (NPFF) 2018

6. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
7. The general approach to considering Listed Building Consent applications is set out in paras.193 and 194 of the NPPF, and states:
8. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
10. a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
11. b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
12. The NPPF is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.
13. Paragraph 17 of the Planning Practice Guide states that "Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
14. While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

Assessment

6. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have special regard to the desirability of preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
7. Policy CS1 of the Core Strategy sets out the Council's key planning objectives which include the conservation and enhancement of the historic environment. Policies CS1 and CS9 of the Core Strategy also require good design.

8. Amongst other things, emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
9. Planning and Listed Building Consent were approved in 1994 (references 94/00387/AS and 94/00388/AS) to demolish a rear extension and for the erection of a two storey rear extension. This work included the partial demolition of the chimney breast. Whilst the approved extension was implemented, only part of the approved internal demolition was completed.
10. The proposed scheme essentially seeks to fully implement the uncompleted parts of the 1994 consent, together with some additional internal demolition:
 - To remove the non-historic flue which was added as part of the 1994 consent.
 - To remove the separating chimney breast and associated walls at ground floor level, creating an enlarged kitchen.
 - To remove the separating chimney breast between the master bedroom and its dressing room to provide an enlarged master bedroom.
11. The submitted floor plan illustrates the areas of historic fabric, the areas shown to be removed under the 1994 consent and the extent of the current proposal. This is shown in **figure 2** above.
12. For the sake of completeness, the 1994 approved elevations showing the approved rear extension are shown in **figure 3** below.



Figure 3 Elevations

13. As the approved 1994 extension was implemented, the 1994 consent is considered as having commenced and consequently, the incomplete internal demolition works can still be lawfully implemented as per the approved scheme.
14. The current proposal seeks to both demolish the areas already approved (but not yet implemented) under the 1994 consent, and some further demolition to additional areas of the rear walls at ground and first floor level. The combination of these will effectively remove what is left of the walls, between the rooms at ground and first floor level and the extension. Whilst the proposed demolition works are relatively substantial, it is important to bear in mind that only the *additional* areas of demolition can be considered as part of this application, as the principle of opening up and the loss of some

substantial areas of wall and chimney breast have already been established under the 1994 consent that has been lawfully implemented.

15. The removal of this *additional* fabric would involve the loss of some further historic fabric and some modern fabric (the replacement flue). It would also have an impact on the historic layout of the building in terms of the loss of the room division. The surviving historic fabric and the layout have already been "compromised" to some extent by the previous consent. These surviving sections of wall are rather disjointed and do not hold a great deal of significance in terms of either the historic layout or historic fabric. Therefore, whilst the removal of this additional fabric could be considered as resulting in some harm to the special character of the Listed building, when applying the relevant tests set out at paragraph 196 of the NPPF this harm can be considered as less than substantial. Where a development proposal will lead to less than substantial harm the NPPF states this harm should be weighed against the public benefits of the proposal. This is consistent with emerging policy ENV13 of the Local Plan 2030. Whilst there are no public benefits associated with the additional demolition works, given the extent of the demolition works that can be lawfully undertaken in accordance with the 1994 consent, on balance, the additional areas of fabric to be removed are not considered to result in a level of harm that would justify refusing Listed Building Consent. As such, on balance, the proposals are considered to be acceptable.
16. The removal of the remaining sections of wall and chimney breast will require some additional structural supports being inserted. The details of this structural support can be dealt with under a suitable condition.

Human Rights Issues

15. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

16. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

17. As set out above, policy CS1 of the Core Strategy requires the conservation and enhancement of the historic environment. The proposals would be contrary to this policy, and the development plan as a consequence.
18. The proposals would result in some harm to the special character of the Listed Building. When assessed against the tests set out in the NPPF this harm would be less than substantial. Whilst there are no public benefits associated with the removal of additional historic fabric, in the context of the works that can already be lawfully implemented in accordance with consent granted in 1994, on balance, the proposed demolition/alterations are considered to be acceptable in Listed buildings terms and it is therefore recommended that Listed Building Consent is granted.

Recommendation

Grant Listed Building Consent

Subject to the following Conditions and Notes:

(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. Prior to commencement of the works/development hereby approved, detailed drawings and a specification for the structural supports to be added to the floors shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The agent responded to a query about potential structural issues following the removal of the remaining areas of the wall. He also confirmed that a suitable condition would be welcomed.

Background Papers

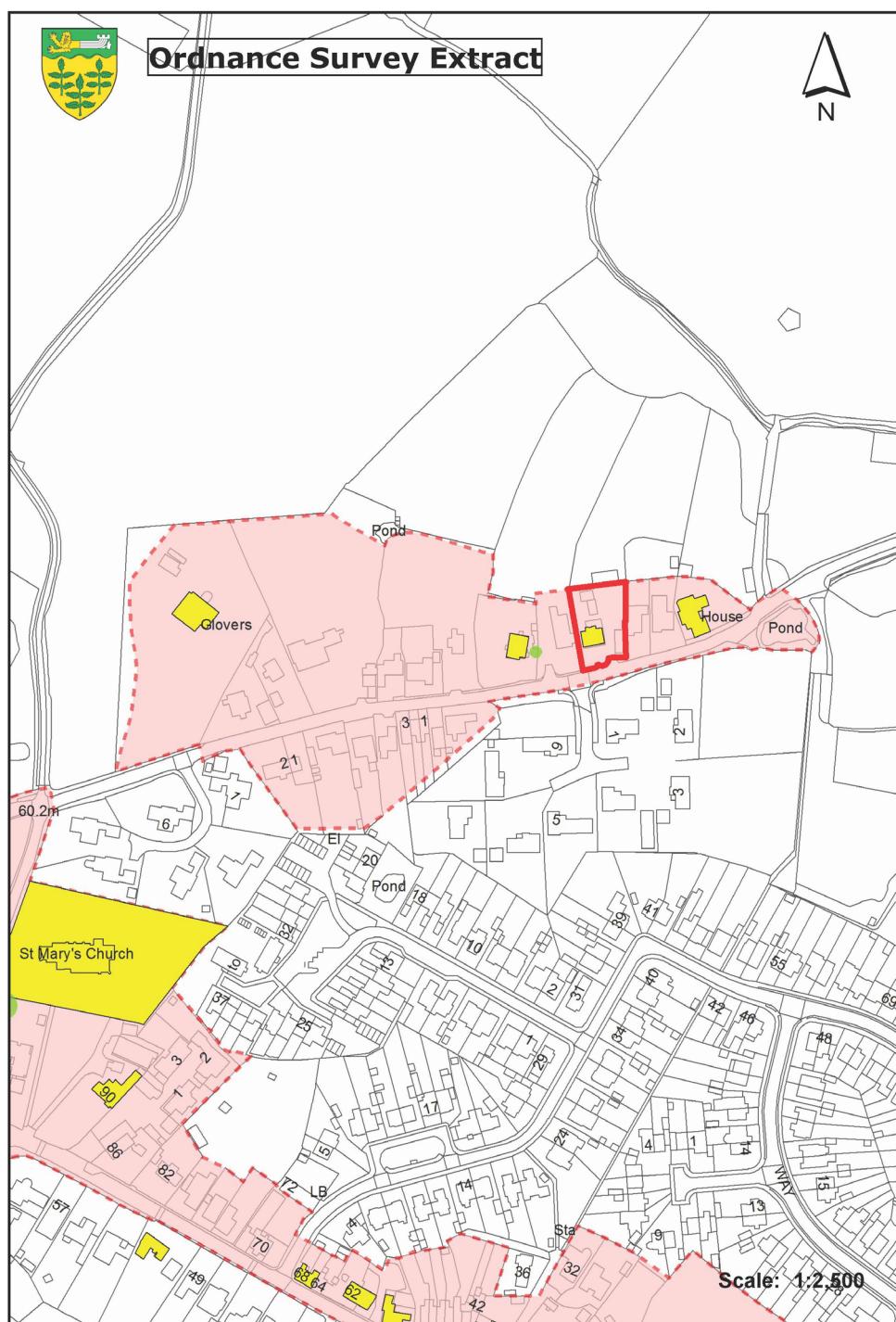
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00758/AS)

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Annex 1



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