

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 20 July 2022

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H16-0498-22

Application Number: H16-0498-22

Date Received: 12 May 2022

Application Type: LISTED BUILDING

Description: Demolition of C20 greenhouse, erection of timber fencing, erection of timber pergola & replacement door to gardeners store building - retrospective

Location: Ayscoughfee Hall Museum & Gardens Church Gate Spalding

Applicant: South Holland District Council **Agent:** Oglesby and Limb Ltd

Ward: Spalding St Marys **Ward Councillors:** Lord Porter
Cllr H T Drury

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0498-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The Applicant is South Holland District Council.

2.0 PROPOSAL

2.1 This Listed Building Consent application is for the retrospective demolition of a C20th greenhouse and the erection of a pergola in its place. The proposal also includes the erection of a timber panel fence and the replacement of the door to the gardeners store building.

2.2 The C20th Greenhouse, situated within the Ayscoughfee Hall Gardener's yard, was a steel framed structure and was in a visually poor condition and appeared to be drastically dilapidated. It has now been replaced with a small timber-frame slate-roof pergola. The new pergola is of rectangular orientation, being 4.78m wide and 2.92m deep. The height at eaves of the new pergola is 2.185m.

2.3 This work is situated behind a fence which has now been erected. The fence is a fairly standard closed panel timber unit and runs a rough 'L' shape, now representing the southern and eastern boundaries of the gardeners yard.

2.4 Lastly, it is proposed that the timber panel doors to the gardener's store building in the South Western corner of the yard will be replaced by a metal roller shutter.

3.0 SITE DESCRIPTION

3.1 Ayscoughfee Hall is a Grade I listed Manor House, originally built by Sir Richard Aldwyn dating

back to the 1450s (according to dendrochronological survey of the roof timbers). The building has historically been remodelled on several occasions throughout its history, most recently in 1845, by architect William Todd, who was also responsible for the design of Gamlyn's Almshouses (to the north of Ayscoughfee, along Church Street). The Property sits on roughly 5.5 acres of protected park and garden, which is itself listed to a grade II level, and contains the also-separately-listed Lutyens War Memorial.

- 3.2 Ayscoughfee Hall was upgraded from Grade II* level of listing to Grade I (most important) in 2012, and has been in the ownership of the Local Government since 1902, when it was donated to the people of Spalding by the Bonner family as a celebration of the coronation of George VI, since operating as a school, and a museum. The site was most recently refurbished 2003-2006.
- 3.3 The area in focus of this application is the gardener's yard to the Northern end of the Ayscoughfee curtilage. The yard is pressed up against the northern boundary and situated on the northern side of the footpath, between the bowling green and the Northern boundary wall.
- 3.4 We can tell from historic mapping that the now-demolished greenhouse appeared to have been interwar in nature, being steel framed. It was in a particularly poor state of repair, being quite visually dilapidated and unstable. Whilst it is true that it was potentially close to 100 year old, it was not a structure which was of any really architectural or historic merit of its own and was fundamentally a highly utilitarian structure which offered nothing of particular value to the wider site. This was added to by the fact that the Gardener's yard in which it was situated was shielded from public view by planting (now replaced by the new fence) and not open to the public.
- 3.5 The pagoda which is now situated on this site is a fairly standard oak-frame, slate roof timber pagoda, very similar in design to that which was erected in front of the cafe under H16-0058-20.
- 3.6 As part of these works, some thick planting was removed to make way for the new fence. Also featured within the gardener's yard are 3 mid-c20th brick outbuildings, the largest of which, situated in the South West corner of the yard is the Gardener's shed for which it is proposed to replace the timber panel shed doors. None of these structures are of any consequence to the character of the site and are purely utilitarian in appearance. Once again, these structures are mostly not visible from public views.
- 3.7 The Historic England listing description describes the external elements of Ayscoughfee like so:
- 3.8 *"the entrance front (west elevation) has a five-bay, two-storey central range with advanced gables to the north and south cross-wings. Linking the cross-wings at the front of the central range is a five-bay loggia with pointed arch-headed openings and arcade piers with shallow stepped buttresses. These extend upwards through a shallow ashlar parapet pierced by quatrefoils to form low domed pinnacles. Behind the loggia are tall pointed arched windows which flank a centrally-placed doorway with slender attached columns to its surround and two-panelled double doors beneath an arched head. Above are five, two-light Y-traceried windows with cusped heads to the lights, set below a corbelled string course. Above this is a low crenellated parapet with a wide shallow broken pediment to its centre which supports a coat of arms surmounted by a stone eagle. The crenellated parapet is returned along the inner side walls of the advanced cross-wings which have elaborate Dutch gables. These have full-height canted bays incorporating mullioned windows with ogee-headed lights and shallow crenellated parapets. To the north of the north cross-wing is a substantial C15 tower which is square in plan and of three storeys, with a much taller stair turret at its south-west corner. The turret, extended in the C19, has a crenellated parapet set above machicolations. The tower's west elevation has a tall transomed C19 two-light window to each of the upper floors below a deep parapet. Its north wall has a wide projecting chimney breast supported by stone corbels. The rear (south) elevation is more representative of the building's many phases of development. The steeply-pitched gables of the cross-wings are plainly detailed, that to the north end now partially hidden behind mid-C19 extensions to the east of the cross-wing and to the tower further to the north. The gable has a first-floor three-light mullioned window set beneath a hood mould. To the left is a section of the rear wall of the former open hall and a much-restored medieval canted oriel window which originally lit the upper 'high' end of the open hall. The surrounding medieval brickwork here rises from a shallow and now much-decayed stone plinth and C19 crenellations have been added to the wall head and to the oriel. Further to the left is an advanced C19 extension to the hall with an ashlar turret to the right-hand corner, a ground floor doorway and*

an upper floor two-light mullioned window. To the left of this is a wide Tudor-arch-headed doorway with a three-pane rectangular over-light. The east gable of the south cross-wing has a ground floor Venetian window with narrow side lights and intersecting glazing bars to the central section and an enlarged and altered window opening at first-floor level which retains elements of the surrounds to two earlier openings, including a hood mould. The south elevation to the seven-bay two-storied section of the south cross-wing rises from a much earlier low stone plinth. It has late-C19 two-pane sash windows to the five western ground-floor bays and C19 two-light mullion and transom windows with hood moulds to the upper floor, all beneath a crenellated parapet. The remaining two-bay section has no visible openings, a single-storey garden room having been built against the east end of the cross-wing in the late C19."

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:

- 01- Spatial Strategy
- 02 - Development Management
- 03 - Design of Development
- 29 - The Historic Environment

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0624-22

Repair and redecoration of the gates to the north of Ayscoughfee Hall at the east end of The Chestnut Avenue. Undecided.

5.2 H16-0495-22

Emergency repair works to the boundary wall between Ayscoughfee Hall Museum & Gardens and 12 Church Gate including reducing the height of the wall locally - retrospective. Undecided.

5.3 H16-0496-22

Emergency repair works to the boundary wall between Ayscoughfee Hall Museum & Gardens and 12 Church Gate including reducing the height of the wall locally - retrospective. Undecided.

5.4 H16-0493-22

Repair works to shelter and demolition of dwarf walls adjacent to former paddling pool - retrospective. Undecided.

5.5 H16-0494-22

Repair works to shelter and demolition of dwarf walls adjacent to former paddling pool - retrospective. Undecided.

- 5.6 H16-0497-22
Demolition of C20 greenhouse, erection of timber fencing, erection of timber pergola & replacement door to gardeners store building - retrospective. Undecided.
- 5.7 H16-0084-22
Removal of sliding timber gate, 20th Century timber door & panelling, repairs to brickwork & installation of new gates to boundary wall on east side of site. Approved on 10-03-22
- 5.8 H16-0085-22
Removal of sliding timber gate, 20th Century timber door & panelling, repairs to brickwork & installation of new gates to boundary wall on east side of site. Approved on 10-03-22
- 5.9 H16-0058-20
Gazebo style seating area for cafe. Approved on 30-11-20
- 5.10 H16-1202-18
Internal and external works to Ayscoughfee Hall. Approved on 15-02-19
- 5.11 H16-0540-13
Removal of existing storage, panel and tube heaters and installation of new energy efficient electric oil filled radiators in their place. Approved on 06-01-14
- 5.12 H16-0199-09
Details of new stonework, use of hand tools, replacement bricks, details of mortar, bonding, mortar colour and pointing style and photographic record of gate pier before dismantling (Conditions 2,3,4,5,6 and 7 of H16/0471/08). Approved on 16-04-09
- 5.13 H16-0471-08
Dismantle and rebuild of gate pillar at Ayscoughfee Hall. Approved on 04-07-08
- 5.14 H16-0280-04
Details for supporting vaulted undercroft below room F13 (Condition 2 of H16/1034/02). Approved on 10-03-04.
- 5.15 H16-1034-02
Demolition of 2 single storey additions, internal alterations, new lead roofs and new doors to garden room. Approved on 20-12-02.
- 5.16 H16-0771-01
Reinstatement of passage link between garden Education Room & Main Hall (south wing). Approved on 21-11-01

6.0 REPRESENTATIONS

- 6.1 Lincolnshire County Council Historic Environment Officer
No Comment
- 6.2 Historic England

No Comment

6.3 Lincolnshire Gardens Trust

No Comment

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Heritage Impact

- 7.3 The greenhouse, by virtue of having been on-site in 1947 and at the time of listing of Ayscoughfee Hall, is considered to be curtilage listed by association to the main house. Policy 29 of the South East Lincolnshire Local Plan states that demolition of listed buildings shall only be permissible where an exceptional case can be presented in line with guidance set out under the National Planning Policy Framework (2021).
- 7.4 Because this asset was not listed in its own right, it must be considered as an integral part of the setting of the Main Listed property. Seeing as the greenhouse was not original to the property and of very little or no architectural or historic merit, it can be said that the greenhouse was of very little consequence to the actual character of the listed site, especially as it was shielded from public views in a private area.
- 7.5 Paragraph 201 of the National Planning Policy Framework (2021) states that an exceptional case can be made for the removal or harm of a heritage asset if "...the harm or loss is outweighed by the benefit of bringing the site back into use..." As it is the case that the site of the greenhouse was unusable due to the condition of the asset, it must be said that due to the fact that the asset itself was of no character or historic value, its loss is outweighed by the facilitation of another use of the land. For this reason, an exceptional case is considered to have been made and therefore, the loss of the asset is considered acceptable. Moreover, whilst it represents no judgement either in favour or against, neither Historic England nor the Lincolnshire Gardens Trust determined that it was necessary to issue objections.
- 7.6 The proposed new pergola, whilst of a fairly non-descript design is considered to be appropriate to the setting. Making use of traditional materials and matching the design of the similar unit already featured within the gardens, and being hidden mostly from public view, it is considered that this proposal presents no harm to the character of the wider site and therefore should be considered to be acceptable.
- 7.7 The proposed and installed new fencing is of a fairly standard close panel design. Whilst the fencing is not of a particularly decorative nature, it does match long-standing close panel fencing used further to the west of the gardener's yard and does not draw from the wider character of the setting, offering an effective and necessary barrier between the public gardens and the working gardener's yard. Because of its minimal impact upon the character of the site, this proposal is deemed to be acceptable.
- 7.8 Finally, the proposal to replace the timber panel door of the gardener's shed with a metal roller shutter is considered to have no impact upon the wider character of the site. Whilst a timber door would normally be considered far more appropriate for a heritage setting, the structure to which this proposal relates is a mid-late C20th utilitarian structure of absolutely no consequence to the value of the setting. Furthermore, the elevation of the building which this proposal relates to cannot be seen from public realm views, being secluded within the private yard. Moreover, it must be considered that this structure is a working site, consisting of storage for sensitive equipment. A metal roller shutter is substantially more secure than the aged timber door which is currently extant.
- 7.9 For the reasons outlined above, the removal and replacement of the dilapidated greenhouse and addition of new fencing is considered to have a neutral impact upon the character of the setting. Because of the lack of a negative impact, this application can be said to help to

conserve the historic environment and therefore, these proposals should be considered to be acceptable under the considerations of Policy 29 of the South East Lincolnshire Local Plan (2019) as well as Section 16 of the National Planning Policy Framework (2021).

7.10 Planning Balance

7.11 The Local Planning Authority finds no negative factors against which to balance this proposal.

7.12 Conclusion

7.13 Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2,3 and 29 of the South East Lincolnshire Local Plan, 2019, plus advice within the National Planning Policy Framework, 2021.

7.14 **Additional Considerations**

7.15 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.16 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 **RECOMMENDATIONS**

8.1 **Grant listed building consent subject to those conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form
A1572-40 Rev P1
A1572GA-01 Rev P1
A1572GA-HIA rev P1

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

