

**Planning Committee 21 September 2021  
Report of the Planning Manager**

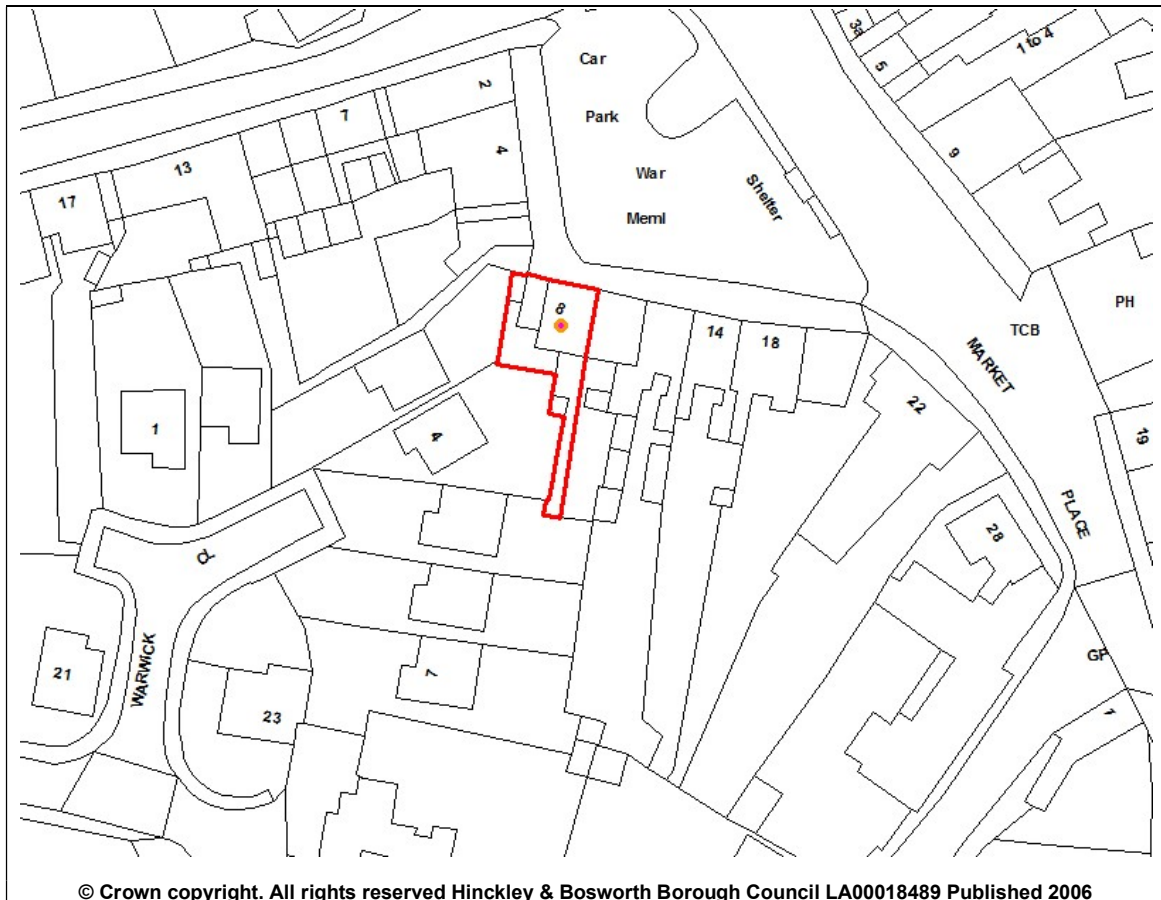
**Planning Ref: 20/01378/LBC  
Applicant: Mr Simon Lambeth  
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth  
Borough Council**

**Site: Thistle Cottage 8 Market Place Market Bosworth**

**Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window, and chimney alteration, and internal alterations (retrospective)**



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**1. Recommendations**

**1.1. Grant Listed Building Consent subject to:**

- Planning conditions outlined at the end of this report

**2. Planning application description**

- 2.1.** Retrospective Listed Building Consent is sought for various minor works to no.8 Market Place in Market Bosworth, known as Thistle Cottage.
- 2.2.** The works include replacement velux and dormer windows on the main roof, replacing the chimney. As well as alterations to the rear extension which includes adding a Velux window. Internal alterations to the rear extension of the building have also been carried out.

- 2.3. The materials used include matching heritage style brickwork, matching windows, and fibre glass for the roof.
- 2.4. It should be noted that the HBBC Conservation Officer has been involved with this project in terms of providing advice to the owner of 8 Market Place before and during the course of the works. The first visit to the site was on 28<sup>th</sup> July 2020, and a second visit on 15<sup>th</sup> September 2020.

2.5. This application should be read in conjunction with application 20/01357/FUL.

### **3. Description of the site and surrounding area**

- 3.1. This proposal is located at 8 Market Place, Market Bosworth. It is a grade II listed building sited within a cluster of other historic properties within the core of the village which is also designated as a Conservation Area. It is one of a pair of cottages, being attached to no.10 Market Place, and is currently in use as a café. The listed building entry identifies the building as "Pair of cottages. C19 Cottage Orné style. Brick with plain tiled roof. Two storeyed, symmetrically arranged, each house comprising a single gable with doorway to left and casement window with heavy latticed panes and drop ended hoodmoulds beyond on each floor. Additional bay to right with wide garage doors to ground floor and a gabled dormer above. Overhanging eaves with ornate barge boards carved into painted roses trefoils etc. Gable end stacks."
- 3.2. Despite the dating provided in the listed building entry the pair of buildings have remnants of an earlier, likely 16<sup>th</sup> to 17<sup>th</sup> century core, with some internal timber members of a Cruck frame construction still present. The building was essentially 're-fronted' and the roof raised in the 19<sup>th</sup> century which provides the main range of the original building with its current appearance. Further development and alterations have also taken place during and since this period. In the 19<sup>th</sup> century a single storey mono-pitched roof extension was constructed off the rear of the original main building.
- 3.3. By the early-20<sup>th</sup> century the original main building had been extended to the side with a two storey projection in the same Cottage Orné style with matching materials and a dormer window to the front elevation. This extension continues along the same building line with the main range and has a perpendicular two storey wing extending to the rear. The rear projection is a red brick and clay tile roof construction with a chimney stack present likely dating from this period of construction.
- 3.4. During the 1970s a very shallow mono-pitched roof extension for a kitchen was added to the 19<sup>th</sup> century rear extension, this extends slightly beyond the shared rear boundary wall between no.8 and no.10 Market Place. This is predominantly a red brick and clay tile roof construction with a section of render to the rear elevation and a section of small parapet wall above. At some point during the latter half of the 20<sup>th</sup> century a roof light and small flat roof dormer window have been added to the rear elevation. To the front elevation the deep timber café window was then added during the latter half of the 20<sup>th</sup> century but it reflects the overall architectural style of the building.
- 3.5. During the early 2000s a further two storey extension of red brick and clay tile was constructed off the two storey extension to provide an internal staircase.
- 3.6. Market Place consists of numerous phases of construction with remaining fabric and features resulting from the 16-17<sup>th</sup> century through to early 20<sup>th</sup> century phases contributing positively (to varying degrees) to the special historic and architectural interest and thus significance of the listed building. Some of the more recent additions and alterations to the building, including the 1970s rear kitchen extension

and the Velux and dormer windows to the rear elevation are considered to be of no special historic or architectural interest.

- 3.7. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) recognises that 8 & 10 Market Place are important properties which add considerable character to the Market Place. Due to the special historic and architectural interest of the building, as identified above, it makes a positive contribution to the character and appearance and thus significance of the Market Bosworth Conservation Area.

#### **4. Relevant planning history**

##### **01/01151/LBC**

- Extension and alteration to premises  
Listed Building Consent  
04.01.2002

##### **01/01160/FUL**

- Extension and alteration to premises  
Permission  
07.01.2002

##### **02/00442/COU**

- Change of use of part of shop to eating area  
Permission  
17.06.2002

##### **98/00681/LBC**

- Alterations and extension to provide ground floor shop and first floor flat  
Listed Building Consent  
11.11.1998

##### **98/00682/COU**

- Alterations and extension to provide ground floor shop and first floor flat  
Permission  
11.11.1998

##### **99/00008/ADV**

- Erection of illuminated fascia sign and projecting sign  
Advertisement Consent  
31.03.1999

##### **99/00013/LBC**

- Erection of illuminated fascia sign and projecting sign  
Listed Building Consent  
31.03.1999

##### **06/00893/FUL**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling  
Permission  
01.11.2006

##### **06/01002/LBC**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling
- Listed Building Consent

01.11.2006

**08/00271/ADV**

- Erection of signage  
Advertisement Consent  
02.05.2008

**08/00272/LBC**

- Erection of signage  
Listed Building Consent  
02.05.2008

**11/00402/COU**

- Retrospective change of use from a1(delicatessen) to a3 (cafe) including  
outbuilding  
Permission  
29.06.2011

**11/00565/FUL**

- Erection of timber shed  
Permission  
14.09.2011

**11/00579/LBC**

- Erection of timber shed  
Listed Building Consent  
14.09.2011

**5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. A notice was displayed in the local press.
- 5.4. One letter of support has been received.
- 5.5. Objections have been received from two separate addresses with the following concerns:
  - 1) Retrospective works
  - 2) Not in keeping with the character
  - 3) Loss and damage to historic fabric

**6. Consultation**

- 6.1. No comments have been received from the following consultees:
  - Historic England
  - Leicestershire Archaeology
  - The Society for the Protection of Ancient Buildings
  - The Victorian Society
  - The Georgian Group
- 6.2. No objections have been received from the following consultees:
  - HBBC Conservation Officer
- 6.3. Objections have been received from the following consultees:
  - Market Bosworth Parish Council

- Bosworth Vision
- Market Bosworth Neighbourhood Forum

6.4. Concerns raised include the following:

- 1) Alterations to a listed buildings is an offence
- 2) Lack of a specialist builder
- 3) Damage to adjacent property
- 4) Uncertainty of the quality of the alterations
- 5) Requirement of detailed plans and structural surveys
- 6) Loss of ancient timber frame as well as chimney stack
- 7) Blocked light to no.10, overshadowing
- 8) Fibreglass roof is out of keeping
- 9) Increased fire hazard
- 10) Poor quality plans and inaccurate Design and Access Statement
- 11) Inadequate heritage statement
- 12) Age of the kitchen extension allegedly dating to 1900
- 13) Rear structure is viewed as an unimportant part of the listing
- 14) Effects of water vapour from the kitchen upon the building
- 15) Need for a specialist roofing specialist
- 16) Ventilation

## 7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Market Bosworth Conservation Area Appraisal (MBCAA) (2014)

## 8. Appraisal

8.1. Key Issues

- Impact upon the special architectural and historic fabric/interest of the Listed Building and its setting

8.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.

8.3 Section 16 of the National Planning Policy Framework 2021 provides the national policy on conserving and enhancing the historic environment. 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 (paragraph 193).

- 8.4 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.5 Policy CE1 of the Market Bosworth Neighbourhood Plan requires new developments in Market Bosworth to be in keeping with its Character Area with regards to scale, layout, and materials to retain local distinctiveness and create a sense of place. The application site is located within Character Area E of Market Bosworth, which has the focus of the Conservation Area.
- 8.6 A Design, Access and Heritage statement with has been submitted as part of the proposal which adequately describes the significance of the listed building, provides a commentary and justification for the works and a photographic record of the works undertaken. The level of detail within this statement is considered sufficient and proportionate and therefore the requirements of paragraph 194 of the NPPF and the relevant sections of DM11 of the SADMP have been met.
- 8.7 The roof structure to the main building comprises of some remaining elements of the oak Cruck frame, some re-cycled timber when it was reconstructed during the 19<sup>th</sup> century, some early-20<sup>th</sup> century timber members, and some more recent sections of timber and plywood. There had been some isolated areas of timber decay and rot, particular around the rear Velux and dormer windows and along the ridge of the roof with a partial collapse to the right hand side of the chimney stack.
- 8.8 The works have consisted of replacing the small number of rotten and failed timber sections with new timbers, installing some new rafters alongside the existing timbers and inserting a new ridge beam to the right hand side of the chimney. The roof has been felted and insulated and the original blue clay tiles re-laid and supplemented by a very small number of reclaimed tiles to match where required. The void in the roof between no's 8 and 10 Market Place is proposed to be filled with insulation and fire protection.
- 8.9 The rear kitchen window to the 1970s extension was rotten and of no interest; it has been replaced with a hardwood framed window to the same proportions and appropriate style. The two small windows on the western ground floor elevation have also been replaced with hardwood framed windows to the same style and proportions. The rotten timber trims to the face and defective leading to cheeks of the dormer window on the front elevation have been replaced on a like for like basis.
- 8.10 The dormer window to the rear was a poor construction from the 1970s. It has been rebuilt to similar proportions, in its same position and flat roof form and in between retained historic timbers. It has leaded cheeks and roof and a hardwood framed casement window. The Velux window on the rear elevation has been replaced with a leaded heritage style model fitted with less projection from the roof plane and in the same position with defective timber members surrounding it being replaced.
- 8.11 Although a clay tile roof is a traditional material for the area and in keeping with the materials used for the roof on the remainder of the building its use was not suitable for the shallow roof pitch and without adequate drainage had allowed water ingress. This had adversely affected the roof timbers of the modern extension and some of the largely 19<sup>th</sup> century rafter feet which extended over the 19<sup>th</sup> century rear extension, and from which the rafters of the 1970s roof structure of the extension were tied into. A new shallow pitch fibreglass roof has been installed over the extent of the 19<sup>th</sup> century and 1970s extensions. This work has meant the removal of the bottom section of the historic rafter feet along this section of the rear elevation to

allow for a new structural timber stud wall to support the new roof. It has however allowed for the panel of historic wattle and daub revealed through the works to be retained behind a ventilated void in the structure. To provide the required ventilation, fall and upstand for drainage for the new roof a parapet wall has been installed around the perimeter of the extension (its rear and side party wall); this has been constructed of brick to match the existing wall and has led to a minor increase in its height compared to the original eaves levels. A Velux window has been installed into the roof structure to provide light into the kitchen. An extraction flue for a new gas boiler in the kitchen is to emerge from the rendered panel on the rear elevation.

- 8.12 The chimney stack between the two storey rear extensions has been taken down and rebuilt during the course of works to better tie it into the adjoining structures. It remains in the same position and has been rebuilt with some of the same bricks but to slightly reduced proportions, projecting less from the elevations and with the height of the stack being reduced. A terracotta chimney pot has been reinstated on top of the stack.
- 8.13 During the works a cast iron fire/oven was uncovered behind a timber panel and above a tiled hearth in the kitchen. The fire is a Triplex model dating from the 1950s so it is of very limited interest. It was not connected to the chimney above, with the connecting chimney breast demolished during the early 2000s when the adjacent extension was constructed. Only the face panel to the fire can be salvaged and if possible it is to be incorporated within the fireplace of the main building. The works to the fireplace, including its majority removal and re-siting of retained fabric, are not considered to have any affect upon the special interest of the listed building and therefore listed building consent is not required for these works, so these comments are for completeness only to ensure all works specified within the Design, Access and Heritage Statement have been assessed.
- 8.14 The repairs, renovations and replacements to the roof structure of the original main building, the front elevation dormer window, frames to the front elevation and side elevation ground floor windows, and rear chimney stack have been limited to where required only to address structural defects or when the condition of the fabric is too poor to warrant retention. These works are therefore justified and all repairs and replacements are considered to have been sensitively and sympathetically completed and are appropriately detailed as to maintain the historic and architectural interest of the affected features. The Velux and dormer window to the rear elevation are of no special interest but their appropriate replacement on essentially a like-for-like basis complements the renovations to the surrounding roof structure, and in the case of the Velux window results in a very minor enhancement to the appearance of the building by reducing its projection from the roof plane.
- 8.15 By replacing the roof construction to the 1970s rear extension this has also affected the remnant roof structure over the 19<sup>th</sup> century projection from the original building. A considerable number of the lower sections of the 19<sup>th</sup> century rafters had broken due to the load imposed upon them by the roof of the 1970s extension and some had sections of rot due to water ingress from the defective roof, in these instances their removal is considered justified. However there have been instances of what appeared to be sound rafters being pre-emptively removed to facilitate the construction. Given the minor interest of these timber sections and the relatively limited number of pre-emptive removals the impact from this aspect of the work is considered to be minor.
- 8.16 A positive aspect from these roof works has been the uncovering and protection of the section of likely 17<sup>th</sup> century wattle and daub, so this has led to a revealing of the significance of the original building. On balance the impact upon historic fabric

and the significance of the listed building resulting from altering the roof to the rear extension is considered to be negligible. The remainder of the works to alter the roof to the extension affect the elements of the structure dating from the 1970s so have no impact upon the special interest of the listed building. The addition of a Velux window, boiler flue and replacement window to the rear extension has had or will have no impact upon the special interest of the listed building.

- 8.17 For the above reasons it is considered that the proposal is compatible with the significance of the Grade II Listed building known as 8 and 10 Market Place and the proposal therefore complies with Policies DM11 and DM12 of the SADMP, Policy CE1 of the Market Bosworth Neighbourhood Development Plan, section 16 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The works carried out are considered to be complementary to the original dwelling and the wider Market Bosworth Conservation Area by virtue of its minor scale, subservient and traditional appearance. The works are considered to preserve the special interests of the listed building, and it therefore compatible with its significance. Therefore is in accordance with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Consequently, this application is recommended for approval subject to the following planning conditions.

## **11. Recommendation**

- 11.1 **Grant Listed Building Consent** subject to:

- Planning conditions outlined at the end of this report



11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 **Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with details provided within the Proposed Roof Plan Drg. No. 04a, Proposed Rear Elevation Drg. No. 05a, Heritage Statement, all received on 23.12.2020.

**Reason:** To preserve the special interest of the building in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.