

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/08/18
Planning Development Manager authorisation:	AN	9/8/18
Admin checks / despatch completed	YNE	10/08/18

**Application:** 18/01047/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Glen Rothwell

**Address:** The Kings Arms Wignall Street Lawford

**Development:** Proposal first floor extension.

### 1. Town / Parish Council

Lawford Parish Council Council has no objection to this application

### 2. Consultation Responses

N/A

### 3. Planning History

TPC/35/92	Willows	Current	19.08.1992
97/01255/FUL	Temporary living accommodation for use during fire damage reinstatement at The Kings Arms	Approved	17.11.1997
97/01425/LBC	Reinstatement of roof and first floor after fire damage	Approved	16.01.1998
98/00749/FUL	Temporary living accommodation for use during fire damage reinstatement at The Kings Arms	Approved	23.07.1998
98/01378/LBC	Provision of external lighting to existing signage	Approved	30.11.1998
08/00493/FUL	Additional Class A5 (Hot Food Takeaway) Use from existing Public House/Restaurant.	Approved	01.07.2008
13/00088/FUL	Change of use from public house with living accommodation to a single dwelling house.	Approved	29.07.2013
13/00089/LBC	Alterations to building in association with change of use to a single dwelling house.	Approved	29.07.2013
15/00388/LBC	Garage and alterations.	Approved	03.08.2015

15/00394/FUL	Garage and alterations.	Approved	03.08.2015
15/01577/DISCON	Discharge of condition 03 (windows and doors details) and 04 (external facing and roofing materials) of planning permission 15/00388/LBC.	Approved	28.10.2015
17/00216/FUL	New dwelling and garage.	Withdrawn	11.04.2017
17/00220/LBC	New dwelling and garage.	Approved	
17/01155/FUL	Erection of cart lodge.	Approved	07.09.2017
17/01156/LBC	Erection of cart lodge.	Withdrawn	24.07.2017
17/01546/DISCON	Discharge of condition 3 (materials) of planning permission 17/01155/FUL.	Approved	21.09.2017
18/00328/FUL	Proposal for 1st floor extension.	Refused	24.04.2018
18/00329/LBC	Proposal for 1st floor extension.	Refused	24.04.2018

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### **Site Description**

The application relates to a substantial listed building - The former Kings Arms PH - situated on Wignall Street on the outskirts of Lawford. The property (now a dwelling) is 'L-shaped' in plan form and has a large curtilage, with the land to the side being the former Public House Car Park.

The building fronts on to the main road, has been extended to create a dwelling, but remains an imposing listed building within the landscape. The site falls within the countryside outside the present development limits, and is part within the conservation area and part within the AONB.

The land falls steeply from the road to the rear of the site and from the building to the car-park and access-drive. The building has been recently extended to the rear and, of particular relevance to this application on its eastern side, by virtue of a black timber clad single storey pitched roof addition that extends partly out to the side of the building.

The building's listing is as follows:

Public house. C17 or earlier origin with later alterations and additions. Timber framed, painted brick faded, dentilled eaves cornice, plastered returns. Central and external left red brick chimney stacks. Red plain tiled roof. Single storey left lean-to. 2 storeys. Central band. 3 first floor vertically sliding sash windows with glazing bars, 2 small paned casements and a similar vertically sliding sash to ground floor. C20 glazed door in line with chimney stack. Restored back to back inglenook fireplace, heavy storey posts, wall studs, bridging and ceiling joists to ground floor.

### **Proposal**

This application seeks planning permission to provide additional accommodation on top of the single storey eastern wing. The existing roof is to be replaced, which will see the ridge height increase by 0.5m and the eaves height remain the same, whilst a staircase and balcony area are

to be erected to the northern elevation. At first floor level the additional space would accommodate a bedroom, bathroom, landing area and studio.

### History

Under planning reference 18/00328/FUL & 18/00329/LBC planning permission and listed building consent were refused for a similar proposal that sought to provide additional accommodation on top of the single storey eastern wing; this however was to include five dormers and an increase in ridge and eaves height of 1.2m. The reason for refusal formed around the increased height and inclusion of dormer windows and roof lights, which it was felt did not reflect the proportions and character of the host dwelling, and would overwhelm and dominate the eastern facing elevation.

### Appraisal

#### Impact upon Character and Appearance of Listed Building:

Paragraph 194 of the National Planning Policy Framework (2018) requires applicants to provide clear and convincing justification for any harm to, or loss of, the significance of any heritage asset. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Tendring District Local Plan (2007) Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced.

In this instance the proposal seeks to replace the existing roof upon the eastern elevation of the listed building, which will see an increase in overall height of 0.5m in order to accommodate additional living area, and the inclusion of a spiral staircase leading to a balcony area upon the northern elevation. Whilst there were concerns within previous applications that the proposed works would not reflect the proportions and character of its host dwelling and would overwhelm and dominate the eastern facing elevation of the property, it is acknowledged that the revised plans have removed all five dormer windows, reduced the height increase from 1.2m to 0.5m and maintained the eaves level. Therefore, the harm previously identified is now significantly reduced. Further, the materials, stained black timber boarding and natural slate tile, and design is very much in-keeping with the existing design, which further ensures the proposal assimilates well within its immediate surroundings. The spiral staircase, which is relatively minor in size, is not necessarily in-keeping with the existing building, but is to be painted black which will help ensure it conforms with its surroundings. Therefore it is considered that the harm to the character and appearance of the listed building is not significant and does not warrant a reason for refusal.

#### Impact upon the Conservation Area Setting/AONB:

The conservation area appraisal for Lawford Conservation Area confirms the importance of the listed building due to its prominent siting and attractively laid out rear gardens. The proposed works, due to the forward siting of the building within the street scene, would appear highly prominent in views west along Wignall Street. However, given the significant amendments, as highlighted above, the overall works are now relatively minor and would not detract from the character of the listed building. As such the development would preserve the character and appearance of the conservation area setting, whilst the development would have only a minimal impact upon the wider landscape quality of the Dedham Vale AONB being extensively screened from the open landscape to the north.

#### Residential Amenities:

The proposed development has seen the previous dormer windows be removed and replaced with windows. It is also acknowledged there is a balcony area to the northern elevation. However, views out of these windows and balcony area into the rear garden serving 'The Spinney' to the west would be limited due to the degree of separation (25m plus) and the presence of intervening outbuildings/extensions. The nearest adjacent property to the east is 'Willow Cottage'; however there is an approximate separation distance of 70m which ensures no harm to existing amenities.

## Other Considerations

Lawford Parish Council has no objections to the application.

There have been no other letters of representation received.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 21503/10 and 21503/12 Revision A, and the untitled Site Location Plan.

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

## **8. Informatives**

### 1. Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The extension is to be occupied ancillary to the residential use of the dwelling known as 'The Kings Arms'.