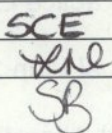


DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	16/08/2018
Planning Development Manager authorisation:	SCE	16.08.18
Admin checks / despatch completed		17/08/18. 17/08/18.

Application: 18/01040/LBC **Town / Parish:** Harwich Town Council
Applicant: Hilary Kassman
Address: 45 Kings Quay Street Harwich Essex

Development: Retrospective consent to open fireplace up to original state and replace gas fired appliance with woodburner, move soil vent pipe from inside to external rear wall, and repaint garden aspect of rear wall.

1. Town / Parish Council

Harwich Town Council

Harwich Town Council objects on the grounds that the applicant has not sought to use either the correct colours or materials that are appropriate for a listed building within the conservation area or are in-keeping with the street scene. Furthermore, concerns are raised as to the retrospective nature of this application. Harwich Town Council would like an officer to inspect the premises to make sure the necessary measures are taken to ensure the finished project is compliant with the necessary regulations and is in-keeping with other buildings in the conservation area.

2. Consultation Responses

Not applicable

3. Planning History

17/01762/LBC	Retrospective consent to open fireplace up to original state, move sewage pipe from inside to external rear wall, and paint garden aspect of rear wall buff.	Application not proceeded with.
18/01040/LBC	Retrospective consent to open fireplace up to original state and replace gas fired appliance with woodburner, move soil vent pipe from inside to external rear wall, and repaint garden aspect of rear wall.	Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

Site Description

The application relates to 45 Kings Quay Street, Harwich, a Grade II Listed Building which is located within a terrace of listed properties. The application site is located within Harwich Conservation Area and also within Flood Zone 3.

The listing description describes the building as follows:

3 houses, former Corporation School and schoolmaster's house.1724. Altered in early C19. Rendered brick and hipped plain clay tile roof. 2 storeys with attics and with parapeted front and NW flank. EXTERIOR: school house has two C20 double-hung sash windows, with small panes, on each floor and a central C20 door surround. A blind window recess over has painted plaster crest of founder Sir Humphrey Parsons and Latin inscription. Nos 42 & 44 have similar double-hung sash windows and each has an arch-headed recessed door with fanlight. These have chamfered jambs, heavy impost blocks with moulded base. Doors have 6 moulded panels and

surrounds are reeded. One large central rendered stack and Nos 42 & 44 each have a hipped dormer behind parapet. Various 2 and 3-storey rear extensions including a 3-storey tower with slated hipped roof and cast-iron Regency-like balconies. INTERIOR: No.42 has a well staircase of typical Harwich type with turned baluster. Entrance corridor has elaborate ceiling of 7 plaster cross-vaults. No.42 listed 21/7/71.

Proposal

This application is for retrospective listed building consent for the following:

- Opening up the fireplace to its original state and replacing the gas fired appliance with a woodburner.
- Moving the soil vent pipe from inside to the external rear wall
- Repaint the rear wall of the host dwelling

Assessment

The only consideration as part of this application is the impact of the proposals on the character, appearance and historic fabric of the listed building.

Paragraph 189 of the National Planning Policy Framework 2018 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It goes on to say that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the Draft Plan which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The opening up of the fireplace is internal. The alteration will not result in the loss of any historic fabric nor will it detract from the special character and appearance of the building. The proposal will reinstate an original fireplace contributing to restoring the historical features of the property and is therefore considered a positive alteration.

The moving of the soil vent pipe to the external rear wall of the listed building is considered to be a minimal alteration. The pipe will measure 4.9 metres in height from ground floor level and is finished in black to match the existing external pipework therefore it is considered to be acceptable in terms of design. It is therefore considered that the repositioning of the pipe will not cause any significant impact upon the historic fabric of the listed building due to the proposal being positioned next to the existing pipework.

The new colour scheme would result in an aesthetical change to the appearance of the rear elevation of the dwelling. However, it is considered that the proposed 'Antelope Buff' exterior masonry paint is respectful of the buildings historic integrity and prominent location along Quayside. The proposal is different to the original colour 'Dulux Muffin' however it is reversible

change and therefore on that would not be detrimental to the special character or appearance of the listed building.

Overall, the proposed alterations are acceptable and will preserve the character and appearance of the listed building.

Other Considerations

Harwich Town Council objects to this application due to the incorrect use of materials and colour which are inappropriate for a listed building. There are also concerns with the retrospective application and a request for an officer to inspect the premises.

In response to the concern above, the proposed colour has been addressed in the report. The case officer visited the site as part of the application process as well as taking photographs and making case notes.

Five letters of objection have been received raising the following concerns:

1. The works have caused damage to the neighbouring dwelling no.44 chimney due to the opening up of the fireplace.
2. 'Antelope Buff' does not match the other dwellings and what happens if they paint the front.
3. The application is a breach of building regulations
4. The applicant didn't discuss the application with the neighbours

In response to the concerns raised above, concern 1 is a private issue between neighbours and is not a material planning consideration; therefore it has not been taken into account within this application. Concern 2, has been addressed within the report and if the applicant would like to paint the front of the property, they will need to apply for listed building consent. Concern 3, this is not a material planning consideration and falls under matters controlled by building regulations. Concern 4, this is a private issue between neighbours. As part of the planning process any property that lies adjacent to the dwelling will receive a letter as part of the consultation process.

Conclusion

The development is therefore considered to be acceptable in terms of design, appearance and it will preserve the historic fabric of the listed building. The application is therefore recommended for approval.

6. Recommendation

Approval – Listed Building Consent

7. Conditions / Reasons for Refusal

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 No. 95-2017-02 P

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

8. Informatives

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO