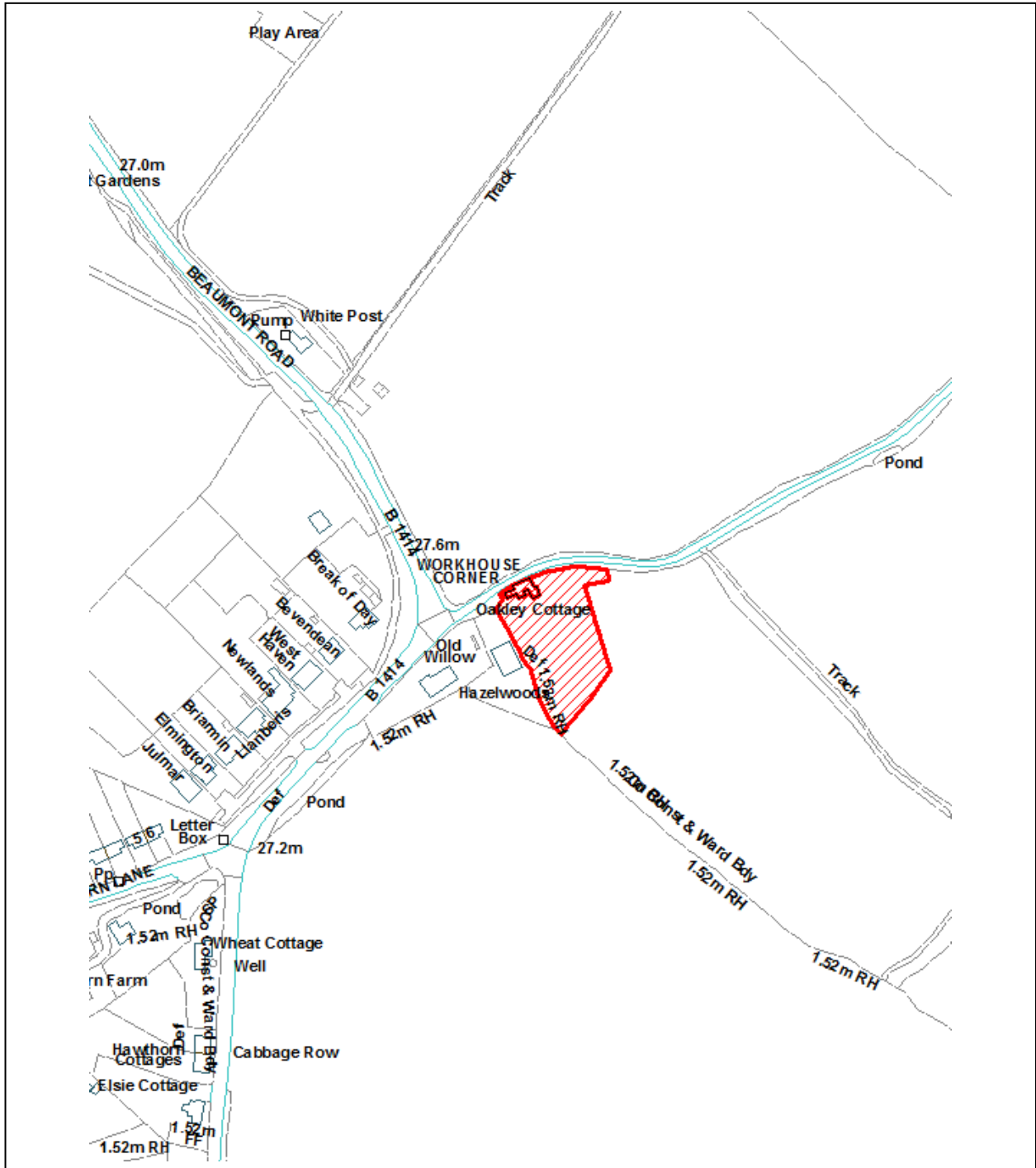


PLANNING COMMITTEE  
12 FEBRUARY 2019  
REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 18/01869/FUL - OAKLEY COTTAGE, PESTHOUSE LANE, GREAT OAKLEY, HARWICH, CO12 5BB**



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<b>Application:</b>	18/01869/FUL	<b>Town / Parish:</b> Great Oakley Parish Council
<b>Applicant:</b>	Mr & Mrs Higgins	
<b>Address:</b>	Oakley Cottage Pesthouse Lane Great Oakley CO12 5BB	
<b>Development:</b>	Construction of single storey annex.	

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is a Tendring District Council employee.
- 1.2 The application seeks planning permission for the construction of a single storey annex.
- 1.3 The proposal represents no visual harm or detrimental impacts to neighbouring amenities or the setting of the listed building.

**Recommendation:** Approve

**Conditions:**

1. Time Limit
2. Approved Plans
3. Ancillary Use to Oakley Cottage, Pesthouse Lane, Great Oakley

## 2. **Planning Policy**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

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

- 2.1 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.
- 2.2 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.
- 2.3 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.

### **3. Relevant Planning History**

09/00081/LBC	Proposed single storey extension to the rear.	Refused	30.04.2009
09/00085/FUL	Erection of single storey extension.	Approved	30.04.2009
09/00487/FUL	Change of use from agricultural land to garden.	Approved	03.08.2009
09/00580/FUL	Proposed single storey side/rear extension to form bathroom and kitchen extensions.	Approved	05.08.2009
09/00581/LBC	Proposed single storey side/rear extension to form bathroom and kitchen extensions.	Approved	05.08.2009
13/00680/FUL	Erection of dwelling following demolition of outbuilding.	Approved	25.09.2013
14/00329/DISCON	Discharge of condition 03 (landscaping), 05 (materials) and 09 (construction method statement) of planning permission 13/00680/FUL.	Approved	04.04.2014
14/00481/DISCON	Discharge of condition 03	Approved	16.04.2014

(landscaping) of planning permission 13/00680/FUL.

14/00492/FUL	Cart lodge and wood store.	Refused	23.05.2014
14/00493/LBC	Cart lodge and wood store.	Approved	
15/01168/FUL	Proposed cartlodge and woodstore.	Approved	17.02.2016
18/01869/FUL	Construction of single storey annex.	Current	

#### **4. Consultations**

Not Required

#### **5. Representations**

- 5.1 Great Oakley Parish Council have commented on this application and have requested that a legally binding covenant should be included in any planning consent preventing the separation of the "Annex" from the main property in perpetuity to prevent it from subsequently being sold off separately.
- 5.2 No letters of representation have been received.

#### **6. Assessment**

The main planning considerations are:

- Site Context
- Planning History.
- Principle of development
- Design and Appearance
- Impact upon neighbouring amenities
- Heritage Impact

##### Site Context

- 6.1 The site is located on the southern side of Pesthouse Lane at the junction with Beaumont Road. The application relates to the Grade II Listed Oakley Cottage. The cottage dates from the 17th/18th century and is timber framed, mainly plastered with a facade of red brick in stretcher bond, with a thatched roof. Adjacent to the cottage is a detached bungalow approved under planning application reference number 13/00680/FUL. Access to Oakley Cottage and the new dwelling are via the shared access off Pesthouse Lane.

##### Planning History

- 6.2 Planning permission was granted under reference 15/01168/FUL for the erection of a cartlodge and wood store in a similar position to the proposed.

### Listed Building Reference 7/35

- 6.3 Cottage. C17/C18. Timber framed, mainly plastered with facade of red brick in stretcher bond, with thatched roof. 2 bays facing SE with internal stack at right end, and C20 external stack against it. C19/C20 single-storey extension to right. C18/C19 outshut at rear, forming a catslide. One storey with attic. 2 C20 casements. C20 glazed door in glazed lean-to porch or conservatory. Clasped purlin roof. Reportedly documented from 1631, not examined.

### Principle of development

- 6.4 The site is outside the Settlement Development Boundary (SDB). Saved policy HG12 states that proposals for an extension to an existing dwelling outside the SDB will be permitted provided that, among other things, the extension is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling, retains sufficient space around the dwelling to protect its setting and would not adversely affect adjoining properties. The principle is acceptable subject to the proposal complying with the following considerations.

### Design and Appearance

- 6.5 QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.
- 6.6 The annexe is considered to be of a size and scale typically associated with an annexe.
- 6.7 The annexe will be visible from the street scene; however the proposal will be set back by approximately 25 metres from Pesthouse Lane.
- 6.8 The annexe is single storey in nature, of a traditional design and will be constructed from a brick plinth, timber cladding with a slate roof which is in keeping with the neighbouring dwelling 'Hazelwood's'.
- 6.9 The annexe will be restricted to ancillary accommodation by condition as the level of accommodation proposed could amount to a "dwelling" in its own right. Adequate garden area remains for the host property. The development is therefore considered acceptable in terms of design and appearance.

### Impact upon neighbouring amenities

- 6.10 There are no neighbours located to the east of the site however there is a neighbouring dwelling to the west.
- 6.11 The proposal will be visible to the neighbouring dwelling 'Hazelwoods'. However, the annexe maintains 4 metres to the neighbouring boundary which complies with Policy HG14 and as the proposal incorporates a pitched roof which will slope away from the neighbouring dwelling, it is considered that the annexe will not cause any significant impact upon neighbouring amenities.

### Heritage Impact

- 6.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of

preserving a listed building or its setting or any features of special architectural or historic interest.

- 6.13 Paragraph 196 of the Framework adds that 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 securing its optimum viable use.
- 6.14 Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.
- 6.15 The proposed annexe is sited within the curtilage of Oakley Cottage, a Grade II Listed Building.
- 6.16 Accordingly the applicant has submitted a Heritage Statement to justify how the proposed works will not adversely affect the Listed Building.
- 6.17 The principle of a structure in this location has been previously approved by the granting of application no. 15/01168/FUL as well as the proposal being single storey in nature and constructed from materials that are considered to be sympathetic to the setting of the listed building.
- 6.18 Furthermore, the proposal will be sited approximately 25 metres from the Listed Building, the site is well set back and main views of the Listed Building will be retained. Therefore, there is no significant harm identified to the setting of the Listed Building, and the proposal is therefore acceptable against this criteria.

#### Conclusion

- 6.19 Overall, the proposed annex in this location is acceptable, and the proposal represents no visual harm or detrimental impacts to neighbouring amenities.

#### Background Papers

None