

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	13/02/2019
Planning Development Manager authorisation:	SCE	14.02.19
Admin checks / despatch completed	SR	14/2/19

Application: 18/02103/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr Frederick Pimlott

Address: Trinity Cottage 81 West Street Harwich

Development: Remove existing log burner & replace with open fireplace.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

Not Applicable

3. Planning History

18/02102/FUL	Remove existing log burner & replace with open fireplace.	Application Returned
18/02103/LBC	Remove existing log burner & replace with open fireplace.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

This application relates to Trinity Cottage, 81 West Street, Harwich, a two storey Grade II Listed Building located within the development boundary of Harwich, located within Harwich Conservation Area and Flood Zone 3.

The listing description is as follows:

House. Early C19. White rendered brickwork with low pitched C20 concrete pantile roof behind parapets and parapeted gables. Of 2 storeys. Parapet at front forms raised block and 2 white rendered stacks. First floor has 2 C20 top-hung casements with painted timber shutters (amended October 95). 2 similar windows on ground floor, with shutters, and central entrance with semicircular-headed and internally chamfered rendered surround. Semicircular fanlight and C20 door. INTERIOR not inspected.

Proposal

This application seeks listed building consent for the removal of the existing log burner and replacement with an open fireplace and the insertion of an air vent.

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 removal and replacement of the fireplace is internal. The existing log burner appears to be a modern addition and as a result the proposed open fireplace 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 is of a traditional design, restoring the historical features of the property and is therefore considered a positive alteration.

The proposed terracotta airbrick will be located to the south easterly elevation and this can only be seen through the side gate accessed via West Street. The proposal will be low level and it is being installed to improve the ventilation into the Living Room of Trinity Cottage to provide air circulation to the open fire. The terracotta airbrick will be painted white to match the host dwelling and therefore the proposal is considered to be a minimal alteration. It is considered that the proposed terracotta airbrick will not cause any significant impact upon the historic fabric 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 has no objection to this application.

No letters of representation have been received.

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. 2018-16 and Drawing No. 2018-17

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