

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	01/03/2019
Planning Development Manager authorisation:	SCE	04.03.19
Admin checks / despatch completed	RW	5/3/19

EX

Application: 18/02097/LBC **Town / Parish:** Mistley Parish Council

Applicant: Ms Toppin

Address: 5 High Street Mistley Manningtree

Development: Proposed new windows.

1. Town / Parish Council

Mistley Parish Council have no comments to make.

2. Consultation Responses

N/A

3. Planning History

11/00835/LBC	Internal and external alterations to dwelling including new enlarged window and replacement roof at ground floor rear, and roof light and flue to rear. Alterations to garage including new higher roof with roof lights.	Approved	06.12.2011
11/00875/FUL	Works to existing garage including re-roofing, change to external cladding, changing of garage doors and the insertion of 2 no. rooflights.	Approved	06.12.2011
12/00450/FUL	Works to existing garage including re-roofing, changes to external cladding, changing of garage doors and insertion of 2 no. rooflights (retrospective application).	Approved	28.09.2012
12/00549/LBC	Works to existing garage including re-roofing, changes to external cladding, changing of garage doors and insertion of 2 no. rooflights (retrospective application).	Approved	28.09.2012
14/01747/TCA	Cherry - thin 3 no leading branch & remove 12ft in height.	Approved	16.12.2014

18/01627/LBC	Enlarge kitchen window to match existing ground floor front window.	Approved
18/02097/LBC	Proposed new windows.	Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Application Site

The application site refers to 5 High Street, Mistley, located to the north of the High Street and located within the defined settlement limits of Mistley and within the Conservation area. The area is characterized by two and two and a half storey dwellings set close to the road, many of which are listed and have regular shaped plots. No 5 is a mid-terraced listed building comprising of a two and a half storey dwelling of render and plain tiles and slate roof. The rear amenity area is set to hard standing with a garage to the rear.

The main dwelling is a listed building, the listing for which follows:

A terrace of 8 cottages. C18 for Richard Rigby with later alterations and additions. Painted and red brick faced, Nos 6 and 8 plastered as is the return of Swan House. Red tiled roof, the pitch changing between Nos. 5 and 6. 4 ridge and one rear red brick chimney stacks. 2 storeys and attics. 10 flat headed dormers. Central band Nos. 1 to 5. 11 window range of mainly small paned vertically sliding sashes but some with glazing bars. No. 1 has a C29 2 storey bay, No. 2 a tripartite ground floor window, No. 5 a small paned shop window with end pilasters, fascia and canopy, No. 8 a ground floor bay. The doorways are paired with pilasters, friezes and flat canopies with the exception of Nos. 8 and 9 where they are set to left and right respectively and have segmental heads. Some original 6 panelled doors remain. Part of the village built by Richard Rigby late C18 g.v. 3/227.

Proposal

This application seeks listed building consent for the replacement window and serving the host dwelling and two new small gable windows serving the existing garage.

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 replacement window will be located to the rear elevation of the host dwelling and therefore will not be visible from the High Street. The proposal is to replace the existing basement window with a larger timber framed window which will replicate the existing shop window at the front of the house.

Although the proposal will result in the loss of some historic fabric of the listed building, it is considered that the proposal will visually enhance the rear elevation of the host dwelling by incorporating a replica of that mentioned within the Listed Description of the dwelling. Therefore the proposal is considered to be a positive addition.

The replacement door will be replaced with minimal interference to the timber frames with additional glazing to allow light into the rear of the host dwelling. The proposal will have glazing bars set to align with those of the new window. It is therefore considered that the proposal will have a neutral impact and therefore it will not be harmful to the Listed building.

The proposed insertion of two small circular timber windows in each gable of the garage roof which is a modern addition to the application site and not the original listed section of the property. As such the most important historic fabric and features mentioned in the listed will be retained and not affected by the proposal. The proposed windows are considered to have a neutral impact upon the setting of the listed building and as the proposal will only affect more recent elements of the building that have little value to the listing of the building, the additions would not adversely impact upon the setting of the listed building.

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

Other Considerations

Mistley Parish Council have no comments to make regarding this proposal.
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 and document: Drawing Ref PA - 01 and Planning and Heritage Statement dated December 2018.

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