

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	09/05/19
Planning Development Manager authorisation:	AN	9/5/19
Admin checks / despatch completed	KNE	10/05/19

Application: 19/00198/LBC **Town / Parish:** Mistley Parish Council

Applicant: Ms C Thorn

Address: Kowloon The Green Mistley

Development: Installation of entrance porch lantern light, inclusion of emergency overflow rainwater hopper and down pipe, and masonry/render paint colour change to light blue.

1. Town / Parish Council

Mistley Parish Council

At its Planning Committee Meeting on the 28th February 2019 the Parish Council made No Objections, but wished to point out that this will be the only dwelling in this area in light blue. The Committee is aware that the LPA's Conservation Officer's professional views will be sought in this regard.

2. Consultation Responses

Essex County Council
Heritage (dated 2 April
2019)

The application is for the installation of an entrance porch light, inclusion of emergency overflow rainwater hopper and downpipe and repainting of render. It is understood this application is retrospective. The building is Grade II listed (List Entry ID: 1240342) and located in a conservation area.

I have addressed each of the proposed items separately below.
Entrance Porch Light: I do not support this item in principle. The existing elevation is relatively free of fixtures and fittings and this enhances the building's architectural and aesthetic interest. Whilst only a single fixture, these cumulatively lead to the 'cluttering' of an elevation which will detract from its significance. As such I consider this to cause less than substantial harm to a designated heritage asset and therefore paragraph 196 of the NPPF is relevant.
Rainwater goods: This may be acceptable in principle, if rainwater cannot be discharged to the rear of the building. However UPVC is not an appropriate material considering the aesthetic value of the listed building or the character and appearance of the conservation area. The hopper and downpipe, as a minimum, should be a powder coated metal. As such I consider this to cause less than substantial harm to designated heritage assets and therefore paragraph 196 of the NPPF is relevant.
Repainting: The repainting of the property is acceptable in principle. With regard to the proposed blue colour, I do have concerns if this is historically or regionally appropriate to the character and appearance of the conservation area. As such I recommend the applicant is required to provide clear justification for the particular colour used in this sensitive location.

Essex County Council
Heritage (dated 8 May
2019)

This consultation should be read in conjunction with my previous advice pertaining to this proposal. The information below pertains only to the proposed painting.

There is currently a dearth of information pertaining to a colour palette for historic buildings Essex. This has resulted in the commission, in May 2019, of a study to research the county's historic building stock in order to determine which colours are appropriate and this information can be used as a tool by applicants.

I have no objection to the proposed colour in a breathable paint. However, this may change in the future as studies further inform what the appropriate historic colour palette is for this region.

3. Planning History

91/00338/LBC	Hardwood double glazed conservatory.	Approved	05.06.1991
17/01330/FUL	Alterations and extension.	Approved	08.11.2017
17/01331/LBC	Alterations and extension.	Approved	08.11.2017
17/01674/FUL	Alterations to fireplace and general damp proofing.	Approved	
17/01676/LBC	Alterations to fire place and general damp proofing.	Approved	24.11.2017

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

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

Site Description

The application site in question is a property known as 'Kowloon', which is located to the south-western section of The Green within the parish of Mistley. The property is Grade II listed and sits within the Mistley and Manningtree Conservation Area as well as the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty. The main property is one of three terraced properties which are listed as a group. The terraces face out onto Mistley Green and are bounded by an industrial site and associated buildings to the rear. Kowloon is a three storey building with an attic room and cellar. The front and side elevations are rendered and painted, while the rear is weather boarded and red brick. Later additions of a side extension, rear conservatory, rear walkway and rear porch have been added to the original property.

Kowloon's listing is as follows:

"3 attached dwellings. C18 probably for Richard Rigby or earlier with later alterations and additions. Timber framed and plastered. Red plain tiled roof. Off centre right red brick chimney stack. 2 storeys and attics. 2 flat headed dormers with C19 2 light casements. Eaves cornice. Eaves height painted brick lean-to to left return, this with C20 entrance door to No. 15. Central No. 14 has a centre band with pilaster to left. 5 first floor small paned vertically sliding sash windows. Right and left angled bays to ground floor, that to Kowloon, right, with dentilled cornice, 2 central windows, all small paned vertically sliding sashes. There is a door to right of each bay, that to No. 14 is C20, to Kowloon 6 panelled, pilasters with capitals and bases, dentilled cornice matching that to the bay. q.v. 3/227."

Description of Proposal

This application seeks Listed Building Consent for the following works:

- Retrospective consent for an entrance porch lantern light and emergency overflow rainwater hopper and down pipe to the front elevation; and
- Change of colour of the front and side elevation from magnolia to light blue.

Assessment

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

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. 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.

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 Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

In respect of the retrospective entrance porch light, the Council's Historic Environment consultant has stated that, due to the front elevation being relatively free of fixtures and fittings, its inclusion could result in a 'cluttering' effect which will detract from the buildings significance. However, following further discussions they have confirmed it only results in minor harm. Further, it is noted it is a minor addition that is easily reversible, and therefore on balance is not considered to significantly harm the character or appearance of the building.

The Council's Historic Environment consultant also expressed concern with the retrospective rainwater goods given the UPVC is not an appropriate material when considering the aesthetic value of the listed building. However, following discussions, the agent has confirmed that the existing plastic rainwater down pipe and hopper head will be replaced with coated aluminium. Therefore, subject to a condition ensuring this is actioned, there will be no harm to the listed building.

The repainting of the property was initially considered acceptable in principle by the Council's Historic Environment consultant; however they required sufficient justification that the colour proposed was necessary in such a sensitive location. Accordingly this justification was provided, highlighting local examples, that there is no preferred colour range within Tendring and that the paint will be breathable. Further to this, the Council's Historic Environment consultant has confirmed that, given there is a dearth of information pertaining to a colour palette for historic buildings in Essex, there is no objection to the paint proposed.

It is therefore concluded that while the proposal results in a number of alterations to the Grade II Listed Building, the works will not detrimentally affect the buildings special architectural and historic interest.

Other Considerations

Mistley Parish Council have no objections, but do note the building would be the only blue building in the local area, and accordingly wish to hear the views of the Council's Conservation Officer.

There have been two letters of objection received, with the following points:

1. The owner has carried out some of the works without permission;
2. Porch light is not required;
3. Will set a precedent; and
4. The entrance light is out of character.

In answer to this, points 1 and 2 are not material planning considerations. In respect of points 3 and 4, this has been addressed within the main body of the report above.

6. Recommendation

Approval.

7. Conditions

- 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, documents titled 'Site Location Plan', 'Block Plan', 'Proposed Elevations', 'Heritage Statement', the letter dated 16 April 2019 titled 'Regularisation for light and downpipe and to include the change of render colour - Kowloon, The Green, Mistley' and the email from the agent for the application dated 10 April 2019 which confirms the downpipe and hopper will be black coated aluminium.

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

- 3 Within three months of the date of this decision and notwithstanding the details as shown on the drawing titled 'Proposed Elevations', as per the email received by the agent for the application dated 10 April 2019, the UPVC down pipe and hopper head shall be removed and replaced with metal rainwater goods in a black finish unless otherwise agreed in writing by the Local Planning Authority.

Reason - The application relates to unauthorised works to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

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.