

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	25/06/2019
Planning Development Manager authorisation:	AN	25/6/19
Admin checks / despatch completed	SB	25/06/2019

Application: 19/00529/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Rob Scott

Address: Cherry Tree Cottage Clacton Road Horsley Cross

Development: Proposed single storey rear extension to form an orangery.

1. Town / Parish Council

Mistley Parish Council

At its Planning Committee Meeting on the 30th May 2019, Approval was recommended, subject to the materials for the lantern being sympathetic and in harmony with the listed building.

2. Consultation Responses

Essex County Council
Heritage

The application is for a proposed single storey rear extension to form an orangery.

The building is Grade II listed (List Entry ID:1240227).

The listing description states:

Pair of cottages. C17. Timber framed and weatherboarded. Red plain tiled roof. Central red brick chimney stack. One storey and attics. 2 flat headed dormers. 3 small paned vertically sliding sash windows, shutters to right. Door to right, 4 panels, 2 top lights. Rear extensions. Interior features to right cottage, (Cherry Tree) include, stop chamfered bridging joist, chamfered joists with carpenters marks. Vertically boarded doors, stairs by chimney, halved and bladed top plate scarf.

The building has been subject to recent extension of significant size. I do not support the principle of this proposal which seeks to further extend the listed building. The cumulative effect of the various extensions will create a footprint which is substantially larger than the host building and in no way subservient. This extensive cumulative footprint would not only detract from the architectural interest and aesthetic value of Cherry Tree Cottage but the wider group listing as a whole.

No Heritage Statement has been provided with the application and as such it is not considered compliant with paragraph 189 of the NPPF. The proposal will cause less than substantial harm to a designated heritage asset. As such paragraph 196 of the NPPF is relevant.

3. Planning History

00/02075/LBC	Out-building providing kitchen/dining room with two bedrooms and bathroom over - timber boarded with tiled roof . New link to existing - painted brick wall, glazed wall and roof	Approved	24.04.2001
00/02076/FUL	New out-building and link to form kitchen/dining room with two bedrooms and bathroom	Approved	24.04.2001
01/01249/FUL	Non compliance with condition 6 from planning permissions 00/02076/FUL and 00/02075/LBC relating to window design	Approved	20.09.2001
01/01322/LBC	Removal/Non-compliance of condition 6 of Listed Building Consent	Approved	19.09.2001
19/00529/FUL	Proposed single storey rear extension to form an orangery.	Current	
19/00530/LBC	Proposed single storey rear extension to form an orangery.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN22 Extensions or Alterations to 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

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 site refers to Cherry Tree Cottage, Clacton Road, Horsley Cross which is located outside the settlement development boundary of Mistley. Cherry Tree Cottage is a semi-detached dwelling with Tudor Cottage to the south of the application site. The two dwellings form the group listing of a pair of Grade II Listed cottages.

The listing description is as follows;

Pair of cottages. C17. Timber framed and weatherboarded. Red plain tiled roof. Central red brick chimney stack. One storey and attics. 2 flat headed dormers. 3 small paned vertically sliding sash windows, shutters to right. Door to right. 4 panels, 2 top lights. Rear extensions. Interior features to right cottage, (Cherry Tree) include, stop chamfered bridging joist, chamfered joists with carpenters marks. Vertically boarded doors, stairs by chimney, halved and bladed top plate scarf.

Proposal

The application seeks planning permission for a proposed single storey rear extension to form an orangery. The extension will measure 4.7 in width, 5.4 in depth with an overall height of 2.7 metres (3.9 metres in height including the glazed lantern).

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and heritage impact.

Design and Appearance

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.

The proposed extension will be located to the rear of the host dwelling and therefore it will not be visible from the street scene of Clacton Road. The proposal is single storey with a flat roof which incorporates a roof lantern. The extension will be constructed from facing bricks, black timber clad, grey fibre glass lantern (ultrasky lantern) and double glazed windows to match the host dwelling.

Impact upon neighbouring amenities

There is no neighbouring dwelling to the north of the application site. To the south of the site is 'Tudor Cottage'. The proposal will be screened by the rear extension of Tudor Cottage and due to the single storey nature of the proposal, it will not cause any significant impact upon neighbouring amenities.

Heritage Impact

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.

The building has been subject to recent extension of significant size. The principle of the proposal is not supported as it seeks to further extend the listed building. The cumulative effect of the various extensions will create a footprint which is substantially larger than the host building and in no way subservient. This extensive cumulative footprint would not only detract from the architectural interest and aesthetic value of Cherry Tree Cottage but the wider group listing as a whole.

It is therefore considered that the proposed works will cause less than substantial harm to a designated heritage asset in line with Paragraph 196 of the National Planning Policy Framework 2019.

Other Considerations

Mistley Parish Council have commented on the application and have recommended the application for approval subject to the materials for the lantern being sympathetic and in harmony with the Listed Building.

No individual letters of representation have been received.

6. Recommendation

Refusal - Full

7. Conditions / Reasons for Refusal

- 1 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.

A heritage statement has not been submitted as part of this application. A full assessment of the buildings significance has not been considered by the applicant and therefore it is not compliant with Paragraph 189 of the National Planning Policy Framework (2019).

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.

Cherry Tree Cottage is a semi-detached dwelling with Tudor Cottage to the south of the application site. The two dwellings form the group listing of a pair of Grade II Listed cottages.

The building has been subject to recent extension of significant size. The principle of the proposal is not supported as it seeks to further extend the listed building. The cumulative effect of the various extensions will create a footprint which is substantially larger than the host building and in no way subservient. This extensive cumulative footprint would not only detract from the architectural interest and aesthetic value of Cherry Tree Cottage but the wider group listing as a whole.

The identified less than substantial harm caused to the heritage asset is not outweighed by any public benefits. Consequently, the proposal fails to accord with paragraph 196 of the National Planning Policy Framework (2019) and the afore-mentioned local and national planning policies.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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