

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	18/07/19
Planning Development Manager authorisation:	AN	18/07/19
Admin checks / despatch completed	ER SB	19/7/19 19/07/19

**Application:** 19/00658/LBC **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mr & Mrs Adams

**Address:** Palfreymans The Green Great Bentley

**Development:** Demolition of existing conservatory and formation of single storey rear extension to form lounge.

### 1. Town / Parish Council

Parish Clerk	At Great Bentley Planning Committee meeting held on 9th May 2019, it was agreed to offer no objection
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### 2. Consultation Responses

Historic Environment Manager	The proposal, whilst it would still be larger in footprint, does not resolve the issues of footprint recognised in the existing building at the western extent creating an awkward junction with the host building, this western wall should be flush with the elevation of the host structure. This proposal, in terms of footprint, is inappropriate for the same reasons as the existing poor quality conservatory.
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### 3. Planning History

95/00702/LBC	(Palfreyman's Cottage, The Green, Great Bentley) Demolition of existing boundary wall and erection of new low wall and railings as replacement	Approved	18.08.1995
96/01520/FUL	(Palfreymans Cottage, The Green, Great Bentley) Extension to existing detached garage	Approved	06.02.1997
96/01521/LBC	(Palfreymans Cottage, The Green, Great Bentley) Extension of garage	Approved	24.01.1997
04/00141/LBC	Re-building of existing front boundary wall with brick plinth and railings	Approved	17.03.2004
05/01767/TCA	Reduce Pear tree in rear garden by 25-30%	Approved	04.11.2005
12/00090/FUL	Demolition of existing garage and erection of cart-lodge.	Approved	13.03.2012
12/00536/FUL	Demolition of existing garage and erection of cart-lodge. (Re-design	Approved	04.07.2012

	of scheme approved under 12/00090/FUL)		
13/00881/TCA	1 No. Pear tree- rear garden - reduce.	Approved	03.09.2013
15/01007/LBC	Proposed reconstruction of roof on existing shed.	Approved	11.08.2015
15/01008/FUL	Proposed reconstruction of roof on existing shed.	Approved	
16/30112/PREAPP	Proposed shed.		15.06.2016
16/01024/FUL	Proposed shed.	Approved	08.09.2016
16/01025/LBC	Proposed shed.	Approved	
19/00657/FUL	Demolition of existing conservatory and formation of single storey rear extension to form lounge.	Current	
19/00658/LBC	Demolition of existing conservatory and formation of single storey rear extension to form lounge.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

EN23 Development Within the Proximity of a Listed Building

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

PPL9 Listed Buildings

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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)**

### Description of Proposal

The application seeks Listed Building Consent to replace the existing conservatory with a single-storey rear extension. The conservatory is to the rear, extending from a modern addition in the south-east corner. The rear face of the dwelling has an uneven inverted U-shape – the existing conservatory is inset from the outer flank by around 0.9m yet overhanging the inside flank by 1.2m. The application was amended during its determination following a site meeting attended by the Planning Authority, the Historic Environment Manager and the applicant's planning agent; concern had been expressed in regards to the flank walls of the replacement extension overhanging both the outer (to abut the boundary wall with Pond House) and inner flank walls (cutting half-way across the larder window) – resulting in an inverted 'T' footprint. The amendments which were requested were to show that the left hand flank wall was reduced in width in order that it fell in line with the historic addition's flank wall.

Revised amended plans were received 21<sup>st</sup> June which showed the flank wall of the proposed extension was brought in line (a reduction of circa 0.5m) with the right hand side of the window referred to previously, but not to the full extent of the flank wall as requested. The depth of the projection is around 3.6m and it has a flat roof approximately 2.9m high with parapet wall detail and containing an aluminium-framed roof lantern. Externally the extension would have a rendered finish with timber joinery detail.

### Listed Building

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires 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, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

This proposed extension fails to redress for the poor built-relationship between this further extension and the existing extension. Through the demolition of the existing conservatory an opportunity could present itself for an addition to be sensitively designed which has a more aesthetically-pleasing, integrated relationship with the host building. Regrettably, the proposed extension jars with the host building overhanging the existing internal flank elevations of the historic addition creating a completely dead, unusable space and an awkward junction at this south-east corner of the dwelling.

This listed building has been subjected to a chronology of seemingly ad-hoc extensions which have already detracted from its architectural interest. This proposed extension fails to redress for the poor built-relationship between this further extension and the existing extension. Through the demolition of the existing conservatory an opportunity could present itself for an addition to be sensitively designed which has a more aesthetically-pleasing, integrated relationship with the host building. Regrettably, the proposed extension jars with the host building overhanging the existing internal flank elevations of the historic addition creating a completely dead, unusable space and an awkward junction at this south-east corner of the dwelling. Overall the proposed addition, cumulatively in conjunction with existing inappropriate additions would detract from the architectural interest and aesthetic value of the composition and would therefore be an inappropriate form of extension to a listed building.

## **6. Recommendation**

Refusal - Listed Building Consent

## **7. Conditions / Reasons for Refusal**

- 1 Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF requires 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, where appropriate, securing its optimum viable use.

The adopted Tendring District Local Plan 2007 Saved Policy EN22 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 sentiments are carried forward in Policy PPL9 of the emerging Local Plan Publication Draft 2017.

The proposal represents poor design by reason of jarring with the host building, overhanging the existing internal flank elevations of the historic addition creating a completely dead, unusable space and an awkward junction at this south-east corner of the dwelling.

The design of the proposed extension, by reason of failing to improve the built-relationship between the existing adhoc extensions (which already detract from the building's architectural interest) and the proposed extension which would result in a further inappropriate addition which would detract from the architectural interest and aesthetic value of the composition. There are no public benefits to outweigh this harm, contrary to the aforementioned policies.

## 8. Informatives

### Positive and Proactive Statement

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>