

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	24.7.19
Planning Development Manager authorisation:	AN	5/8/19
Admin checks / despatch completed	SB	05/08/19

Application: 19/00767/LBC **Town / Parish:** Weeley Parish Council
Applicant: Mrs Jennifer Richardson
Address: 1 Hillside House Cravenwood Close Weeley
Development: Replace existing wooden gate posts with brick pillars to include letterbox and house number, with the addition of period-style lanterns. Upgrade existing gate in keeping with the property and proposed storage shed and garden swing seat in garden.

1. Town / Parish Council

Mrs Nicola Baker Weeley Parish Council has no objection to this application

2. Consultation Responses

None received

3. Planning History

91/00084/LBC	Demolition of existing house.	Refused	19.11.1991
93/00920/FUL	Conversion and development to form residential/nursing home	Approved	16.06.1994
93/00921/LBC	Conversion and development to form residential/nursing home	Approved	16.06.1994
03/01241/FUL	Conversion of Hillside House to three apartments and erection of 16 dwellings	Approved	29.04.2005
03/01242/LBC	Conversion to three apartments involving full restoration of building	Approved	29.04.2005
06/01485/FUL	Conversion of Hillside House to 3 apartments and erection of 16 dwellings.	Approved	24.04.2007
06/01486/LBC	Conversion of existing house to five apartments.	Withdrawn	25.01.2007
08/00454/FUL	Conversion of Hillside House to 3 apartments and erection of 16 dwellings. (Variation to planning	Approved	16.07.2008

	permission 06/01485/FUL to allow revised phasing of development).		
10/00137/LBC	Conversion/restoration and alteration of Hillside House to form 3 no. apartments (variation to listed building consent 03/01242/LBC).	Approved	20.05.2010
10/00723/FUL	Conversion of Hillside House to 3 apartments and erection of 16 dwellings. (Variation to conditions 1, 2 & 3 of planning permission 08/00454/FUL).	Approved	27.01.2011
11/01036/LBC	Internal fit-out of listed building. 3 no. dwellings were developed as part of a previous approved works and the internal fit-out is now proposed to commence to provide habitable space.	Approved	07.11.2011
15/30004/PREAPP	Addition of orangery style conservatory with parapet walls.	Refused	19.02.2015
19/00767/LBC	Replace existing wooden gate posts with brick pillars to include letterbox and house number, with the addition of period-style lanterns. Upgrade existing gate in keeping with the property and proposed storage shed and garden swing seat in garden.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

EN22 Extensions or Alterations to a Listed Building

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

PPL9 Listed Buildings

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 site an arbour swing of traditional design, a shed and erect a pair of brick pillars whilst replacing the gate to both the side and rear accesses.

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.

The Listing is described as:

House. 1858. Red brick in Flemish bond, roofed in handmade red plain tiles. T shape plan with main elevation facing N.W. Crosswing aligned NW SE main wing at right angles Victorian Gothic

Style two storeys with attics. Front elevation comprises gable to crosswing with projecting two storey bay, set back to right of this then two storey entrance porch surmounted by shingled timber bell turret and projecting open porch. Right hand section of elevation is subdivided by brick stack on face with relief panel, canted projecting bay at ground floor level on right hand corner. Windows are timber mullion and transom with diamond leaded lights, rebated in openings with one projecting by at ground floor, and on right hand section at first floor two centre arched heads with decorative moulded bricks. Canted cills beneath. Window on bay has drip mould with flint inset above, and thin brick buttresses on splays. Detail repeated on canted by at RH end. Parapet to crosswing gable, eaves to projecting bays and front elevation incorporate projecting string courses of decorative brick. Front door sits in open recess with two centre segmental brick, archway, made up of two courses, lower ogee moulded. Floor in recess tiled diagonally. Door has thirteen panels, lower six with shields, upper five form part of two centre arch design with decorated spandrels. Heavy doorcase with quadrant and hollow mouldings. Open timber porch in front of entrance. Side (SW) elevation comprises two gables, both with decorative ribs and corbels beneath verge on left hand, and parapet on right. Left gable has recessed roundel in apex, diaper pattern in burnt headers square inset flint panel. Two windows, one central at first floor, one offset at ground floor, both mullion and transom with details similar to front elevation. Right gable apex has decorative roundel with polychrome splayed bricks directly above tripartite window with arched heads. Above first floor large window with two centre brick arched head. Timber tracery in "Y" form, with diamond shaped leaded lights. Roof form irregular with hexagonal structure over entrance porch. Gables have both parapets and variety of bargeboards from simple straight type on two gablets on right hand of front elevation to curved type with fret cut quatrefoil motif on open porch in front of entrance. Decorative ridge tiles. Four stacks each of different design with moulded projecting courses, including dentil. Interior contains many original features including a pilloried central entrance hall with trefoils to the balustrade, high beamed ceilings, gothic panelled doors and an open-well staircase lit by a large gothic window with stained margin panes; but most of the chimney pieces have been removed.

The arbour would be manufactured in natural wood and placed in the existing private gardens to the far side of no. 1 Hillside House furthest point away from listed building against the north-west boundary. The arbour is not a permanent structure and is very much a subordinate feature comprising side panels with a trellis-like appearance, a lightweight 'roof' and open rear. It is considered to be of a sensitive and appropriate design to its surroundings.

The shed would be manufactured in timber and erected in the existing private gardens against the boundary with No. 2 Hillside House. At approximately 2.1m high, a little under 1m deep and 1.2m wide it is of a subordinate nature in the context of the existing boundary treatment which is well over 2m high. There would be limited views of the shed from communal estate lands walkways as a result of the existing hedging/trees/planting.

Gates in two different locations are being replaced, these are to the side (south-west) and rear (north-west) boundaries. The replacement of the existing side gate will incorporate two red brick pillars with decorative pier cap stones and two copper Victorian style lanterns on top. The pillars, including the stone capping would be around 1.4m high which is less than the existing timber gateposts and the proposed lanterns would add around 0.6m. The lanterns would be controlled via a day/night photocell sensor also with a restricted timer to ensure it is operational for a maximum of 6 hours a night so not constantly on through the night. The existing estate boundary to the north-west is of a red-brick construction and a pair of red-brick gate pillars exists within the estate at the secondary entrance to Cravenwood Close. The replacement rear wooden gate would be around 0.9m high and of redwood finish.

Overall the proposed structures and replacement gates, being of both a sensitive (red brick to match the main building) and subordinate nature 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.

Other

Contributions have been received from five members of the public and the Parish Council offering two letters of support and three letters of no objection. One letter of objection has been received, the matters raised have been responded to below.

In my opinion the design is in poor taste and not in keeping with the rest of Hillside House, or the public areas lighting and object to this proposed application.	Noted.
I object to the lanterns being at the height proposed due to all other lighting on or near the public pathways are all low level bollard lights and the design specified in Mrs Richardson's application is not in keeping with the rest of the estate lighting.	The Consent does not propose lighting to the estate – it is contained within the curtilage of the dwelling and seen in the context of such.
The brick pillars are not in keeping with the rest of the gate lines for Hillside House as the other properties have kept the wooden fence posts in keeping with the original design of the conversion. Using the excuse of the wood being damaged by the weather is not a reason to remove and replace with brick or is there an intention to replace the fencing with brick as well as there are a number of fence posts that require attention.	Noted. As described above, there are other examples of red-brick features within the locale and for this reason the development is considered appropriate. The future intentions of an applicant are not a material consideration as each application is considered on its own merits; should an application be forthcoming to replace other boundary treatments, these will be considered accordingly.
The application does not mention the extension to the paving area as shown on the proposed gate detail document. They already have a large central patio which was not subject to planning application, and not mentioning this is the design and access statement is unacceptable.	Such works would not require Listed Building Consent nor an express grant of planning permission; further – the patio was in-situ when the applicants purchased the property.
No 4 Description of Proposed Works. Has the development of work already been started without consent? Mrs Richardson has marked this down as No when in fact the shed and the swing have already been installed and have been in situ since 2016. There is no mention in the application for the extension of the paving area.	Consent to amend the description to reflect the retention of any features already in place was gained from the applicant on 9 th July.
No 11 Neighbour and Community Consultation. Have you consulted your neighbours or the local community about the proposal? Mrs Richardson has marked this as Yes. I can confirm as her direct neighbours there has been no consultation what so ever with No 2 and No 3, furthermore her husband is also one of the directors with the Cravenwood Management Association so I am not surprised there are no objections from the Management Association.	The question seeks a yes/no response to consultation with neighbours <u>or</u> the local community. The response 'yes' is correct in regards to the Management Association.
16. Declaration. It seems in the declaration Mrs Richardson concludes the facts stated are true and accurate where in actual fact this is not the case.	Noted.

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 plan: un-numbered Gate Details, Lantern Details, Post Box Details, Proposed Gate Details, Proposed Pillars, Shed Details and Swing Details; received 11th June 2019.

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

8. Informatives

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?		NO
Are there any third parties to be informed of the decision?		NO