

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	14 <sup>th</sup> Nov 2019
Planning Development Manager authorisation:	TF	14/11/19
Admin checks / despatch completed	CC	14.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	14/11/19

**Application:** 19/01399/FUL **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 garden room.

### **1. Town / Parish Council**

Great Bentley Parish Council

At the meeting of Parish Council Planning Committee held on 3rd October 2019 it was resolved to make no comment regarding this application.

### **2. Consultation Responses**

None received

### **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 of scheme approved under	Approved	04.07.2012



	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	
16/01024/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.	Refused	19.07.2019
19/00658/LBC	Demolition of existing conservatory and formation of single storey rear extension to form lounge.	Refused	19.07.2019
19/01399/FUL	Demolition of existing conservatory and formation of single storey rear extension to form garden room.	Current	
19/01400/LBC	Demolition of existing conservatory and formation of single storey rear extension to form garden room.	Current	

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL8 Conservation Areas



### **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)**

### **Site Description**

The dwelling is a timber-framed and red brick faced with plastered returns circa 17th Century cottage with later 18th Century alterations and additions. It immediately adjoins Pond House, originally three cottages, which is also a circa 17th Century listed dwelling, though they should not be defined as a semi-detached dwelling in the recognised context.

Great Bentley derives most of its special qualities from its immense green. The village contains relatively few listed buildings, and few others could be regarded as of great historic or architectural interest. However, many share a family relationship in their scale, colouring and the use of local materials: they group together to make attractive sequences, and their positive relationship with The Green produces a quite distinct character and appearance.

The property has historically benefitted from two storey and single-storey (the conservatory) additions, though it has not been possible to find any related planning or Listed Building Consent applications for these. The existing conservatory is of a poor design and intrusive to the aesthetic value and architectural interest of the host building. The existing conservatory's footprint is also awkward in its relationship with the host building, in front of a window.

### **Application History**

During the determination of application 19/00657/FUL (and following the consultation response from the Historic Environment Manager) amendments to the plans were requested that the footprint of the proposal be reduced, and the west elevation brought flush (or set in 300mm) to the



host building. This amendment would overcome the concerns outlined. Revised amended plans were received that retained a 0.5m overhang beyond the west elevation of the historic addition. The application was refused on the grounds that the design, by reason of jarring with the host building, overhanging the existing internal flank elevations of the historic addition and creating a completely dead, unusable space and an awkward junction at this south-east corner of the dwelling. Its secondary reason for refusal was that the design, 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.

### Description of Proposal

The application proposes replacing the conservatory. 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 replacement extension would overhang the east flank wall and follow the line of the [retained] boundary wall, the west flank wall would overhang the west flank wall of the historic addition by 0.4m (a nominal reduction in width in comparison to the refused scheme). 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.

### Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 of the Saved Plan aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

This proposed extension continues to fail 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 still 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 is despite clear guidance on a scheme that would be acceptable.

### Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.



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.

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.

The famous village green (The Green) formed the basis for the designated Conservation Area in 1969, which was amended in 1982, and includes 15 buildings that are listed for their architectural or historical interest. The Area is positioned in the heart of the settlement to encompass The Green, and expands to incorporate the perimeter dwellings. The dwelling is one of the perimeter dwellings referred to; as the proposal is to the rear of the property and has very little or no impact on the facade facing The Green, the proposal does not harm the character or appearance of the Conservation Area.

#### Listed Building

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.

Policy EN22 of the Saved Plan (Extensions or Alterations to a Listed Building) 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. Emerging Policy PPL9 reflects this consideration.

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.



Under Paragraph 196 of the NPPF this would amount to less than substantial harm, to the significance of a heritage asset. There are no public benefits to outweigh their harm, contrary to the NPPF and the above plan policies.

#### Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the orientation of the application site and existing boundary features there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

#### Highway Issues

The proposal neither generates any further need for parking nor decreases the existing parking provision.

### **6. Recommendation**

Refusal - Full

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

- 1 The National Planning Policy Framework 2019 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The adopted Tendring District Local Plan 2007 Saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the emerging Local Plan Publication Draft 2017.

The proposal is considered to represent 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; contrary to the aforementioned policies.

- 2 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 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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also 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>