

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	14 th 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:	EX	14/11/19

Application: 19/01400/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 garden room.

1. Town / Parish Council

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

2. Consultation Responses

Essex County Council Heritage The application is for demolition of existing conservatory and formation of single storey rear extension to form garden room.

Whilst there is opportunity to demolish the existing conservatory and build a larger (in footprint) permanent structure of higher quality, this has not been realised in this application. Previous advice has been provided in the refusal of application (19/00658/LBC) and advice has been provided at a site meeting.

Given the that the proposal does not address the concerns previously raised, I do not support this application and direct the council to my previous response which is copied below:

The building is Grade II listed (List Entry ID: 1169216)

The listing description states:

Cottage. C17 or earlier with C18 and later alterations and additions. Timber framed. C18 red brick faced, plastered returns. Off centre left red brick chimney stack. One storey and attics. 3 gabled dormers. 4 C20 3 light diamond leaded casements. C20 outshot porch with matching 2 light window and vertically boarded door. Bridging and flat section ceiling beams visible internally. Included for group value.

I do not support this application.

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. The demolition of this conservatory and replacement with a new building is acceptable in principle.

The proposed building is significantly larger in footprint. I have no objection to the principle of a conservatory of a larger footprint, especially one that is of more appropriate aesthetic design such as that proposed. 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.

A replacement building of significantly larger footprint can still be realised whilst creating an improved junction with the host structure. This listed building has been subject to a chronology of seemingly adhoc extensions which has detracted from its architectural interest. This proposed over-development of the site will cumulatively be another inappropriate addition (in terms of footprint) which would detract from the architectural interest and aesthetic value of the composition. With regard to the western wall I consider this to be of poor quality in design terms and an inappropriate form of extension to a listed building.

In its current iteration, I consider the proposal to cause less than substantial harm to a designated heritage asset and therefore paragraph 196 of the NPPF is relevant.

Should the footprint of the proposal be reduced, and the west elevation brought flush (or set in 300mm) to the host building, then this would overcome the concerns outlined above.

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	(Palfreyman's Cottage, The Green, Great Bentley) Extension to existing detached garage	Approved	06.02.1997
96/01521/LBC	(Palfreyman's 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 12/00090/FUL)	Approved	04.07.2012

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

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)

SPL3 Sustainable Design

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)

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.

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 continues 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 still 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 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. 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.

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; 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.

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