

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|--------------------------|
| File completed and officer recommendation: | AC | 3 rd Dec 2019 |
| Planning Development Manager authorisation: | TF | 05/12/2019 |
| Admin checks / despatch completed | AP | 9/12/19 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | ER | 9/12/19 |

Application: 19/01150/FUL **Town / Parish:** Little Bromley Parish Council

Applicant: Mrs Cooper

Address: Grove Cottage Bentley Road Little Bromley

Development: Retention of porch to front elevation.

1. Town / Parish Council

No comments received

2. Consultation Responses

Historic Environment Manager I do not support the proposal for a porch to a timber framed building such as this

3. Planning History

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| 18/00968/LBC | Porch addition, external painting (cream to yellow) and erection of Broadband Mast to roof (retrospective). | Withdrawn | 23.07.2018 |
| 19/01150/FUL | Retention of porch to front elevation. | Current | |
| 19/01151/LBC | Retention of porch to front elevation. | 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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 property is sited at the southernmost end of an unmade lane there are limited views of the dwelling at the lane entrance. There are however, clear views of the dwelling from over 400m when travelling north-west along Bentley Road. The dwelling itself is a 16th century timber-framed detached dwelling of simple form. An attached garage has historically been added to the dwelling, for which there are no appropriate planning or listed building consent records. Externally the dwelling is finished with a painted render and an overtly dominant aerial has been installed to the chimney – there are no planning records for either of these developments either.

Site History

The dwelling was listed in 1987; there is no evidence that a porch-type projection existed on the property when it was listed, especially as there is no reference to a porch (modern or otherwise) in the listing. Historic aerial photography shows shadowing to the front elevation, this is an indication that some kind of projection was added prior to the current proposal. Any enlargements to the dwelling undertaken after the property was listed would require Listed Building Consent.

Description of Proposal

The application seeks retrospective planning permission for the front porch. There is disagreement between the applicant and the Local Planning Authority (LPA) when the porch was constructed, with the applicant alleging it was constructed in the 1950's. The LPA has sought guidance from Building Control Officers in regards to both construction methods and materials on the porch. The porch has what appears to be an asbestos-cement tiled roof with galvanised render-mesh; both of these products would date the porch to the early 1990's and, being post-listing, would have required consent.

The porch projects 1.7m and is around 2.7m wide, giving it a footprint in the region of 4.6sqm. It has eaves of 2m and a dual-pitched roof of 2.8m. It is sited slightly off-centre and finished in render with an asbestos-cement tiled roof.

Principle

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. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- o be of a size, scale and height and in keeping with the character of the locality
- o its design and materials would make a positive visual contribution to its setting
- o be well related and in proportion to the original dwelling
- o not be visually intrusive on a skyline or in the open character of the surrounding countryside
- o retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- o not represent over-development of the site or be detrimental to highway safety
- o not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- o not exacerbate any existing access, drainage or other problems associated with the site.

Whilst a porch of this size, scale and height may have been an appropriate addition on an un-listed property, the form, design and materials do not make a positive visual contribution to the historic building and its setting.

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 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.

The porch does not relate well to its site, the original façade would have been simple and uncluttered, in adding a front porch this detracts from the aesthetic of the principal façade and the architectural interest of the building.

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).

There are no properties in the vicinity, as such 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 proposed development neither generates an additional need for parking nor decreases the existing parking provision at the site.

6. Recommendation

Refusal – Full Planning Permission

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 porch addition represents poor design by reason of cluttering and interrupting the form of the original simple facade; 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 porch addition, by reason of cluttering and interrupting the form of the original simple façade detracts 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 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.

The applicant is advised that consent does not exist for the aerial-mast. The structure is unsightly, as a result of its excessive height and causes actual harm to both the significance and the setting of this Listed Building.

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| 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 |