

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	2/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	4/12/19

Application: 19/01151/LBC **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

Mrs Dawn Sauka - Little Bromley Parish Council Little Bromley Parish Council have no objections to this application

2. Consultation Responses

Essex County Council Heritage The application is for retrospective listed building consent for retention of a porch.

I do not support the proposal for a porch to a timber framed building such as this in principle. I consider this to detract from the aesthetic of the principal façade and the architectural interest of the building.

There is evidence provided by the applicant - in the form of a statement - that the porch is of some age. The building was listed in 1987 and the porch is not mentioned in the description.

A porch such as this, in my opinion, can only be considered harmful and therefore paragraph 196 of the NPPF is relevant. Should this porch pre-date 1987 I recommend further consultation between the applicant and the local planning authority as it would have formed part of the original listing.

3. Planning History

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	Withdrawn	23.07.2018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

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

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.

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.

The listing is described as:-

House. C16. Timber framed and plastered. Hipped red plain tiled roof with gables. Off centre right red brick chimney stack. 2 storeys with later single storey extensions to right and left. 3 window range of C20 small paned casements. Vertically boarded door to left. Internally the 4 bay frame

appears to be intact with chamfered bridging and ceiling joists, jowled storey posts, straight braces to tie beams, halved and bridled top plate scarf. Back to back inglenook fireplace. Nailed board doors and vertically boarded doors. Roof not accessible at time of resurvey.

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.

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.

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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 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.

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.

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