

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	07/02/2020
Planning Development Manager authorisation:	TF	10/02/2020
Admin checks / despatch completed	CC	10/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	10/2/2020

**Application:** 19/01819/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr Barrowcliff and Mrs Warner

**Address:** 515 Main Road Harwich Essex

**Development:** Proposed two storey side extensions and single storey rear extension to form bedrooms, dining area, kitchen and garage.

### 1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

### 2. Consultation Responses

Essex County Council  
Heritage The application is for proposed two storey side extensions and single storey rear extension to form bedrooms, dining area, kitchen and garage.

The two heritage assets for consideration are:  
- Grade II listed: 505-511 and 511 a Main Road (List Entry ID:1205044); and  
- Grade II Listed: Old Timbers. (List Entry ID: 1187919).

The proposal site is located between the two listed buildings.

I do not support this application. The significant enlargement of the building will have an adverse impact upon the listed buildings, particularly 505-511 Main Road, as the proposed building will almost completely infill the space between the buildings, detracting from its setting. The prominence of the new building will detract from the manner in which Number 505-511 is experienced, appreciated and understood.

The proposal will detract from the setting and significance of two designated heritage assets. This harm should be considered in the context of paragraph 196 of the NPPF and the great weight noted in paragraph 193. No Heritage Statement has been provided and as such the application is not compliant with paragraph 189 of the NPPF.

Should this application be refused, I recommend the applicant engages in the pre-application process to discuss possible changes at the site.

### 3. Planning History

19/01819/FUL	Proposed two storey side extensions and single storey rear extension to form bedrooms, dining area, kitchen and garage.	Current
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### 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

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

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 application site is located on the southern side of Main Road, Dovercourt and accommodates a two-storey detached dwelling. The dwelling comprises of a tiled hipped roof with cream rendered walls above a red brick plinth. To the east of the properties is a row of pink render cottages which are Grade II listed. To the west is a Georgian red brick property which is also Grade II listed. Opposite is the listed All Saints' Church. To the front of the property is a block paved parking area and low red brick wall.

### Proposal

This application seeks planning permission for the erection of 2 no. two-storey side extensions and a single storey rear extension to accommodate additional bedrooms, a dining area, kitchen and integral garage.

The side extension on the eastern side of the building would measure 3.7m in width whereas the extension on the west of the property would measure 3.2m in width. Both the side extensions extend beyond the rear of the existing property and link into the proposed single storey flat roof addition at the rear.

### Appraisal

#### Design/Visual Impact

In this instance the proposed extensions would double the footprint of the existing dwelling and would represent bulky intrusive additions that would be unsympathetic to the form and character of the property. In particular the windows cutting through the eaves of the proposed two-storey side additions would be at odds with the character of the existing property.

The two-storey side extensions would erode the open spacing around the dwelling enclosing the distance to adjoining properties adversely impacting upon the spacious appearance of the dwelling within the street scene.

Overall the proposed extensions are disproportionate to the size and form of the existing dwelling and would result in harm to the character and appearance of the existing property and its setting within the street scene.

### Heritage Issues

The two heritage assets for consideration are:

- Grade II listed: 505-511 and 511 a Main Road (List Entry ID:1205044); and
- Grade II Listed: Old Timbers. (List Entry ID: 1187919).

The proposal site is located between the two listed buildings.

The significant enlargement of the building will have an adverse impact upon the listed buildings, particularly 505-511 Main Road, as the proposed building will almost completely infill the space between the buildings, detracting from its setting. The prominence of the new building will detract from the manner in which Number 505-511 is experienced, appreciated and understood.

The proposal will detract from the setting and significance of two designated heritage assets. This harm should be considered in the context of paragraph 196 of the NPPF and the great weight

noted in paragraph 193. No Heritage Statement has been provided and as such the application is not compliant with paragraph 189 of the NPPF.

### Residential Amenities

To the east the facing flank of 505-511 Main Road has no openings and given that the extension does not extend extensively back past the rear wall of those properties the impact of the two-storey side extension on the resident's amenity would be minimal. To the west the degree of separation to the facing flank of no. 519 Main Road ensures that any impact upon the resident's outlook or privacy would be minimal.

### Tree Impacts

There are no trees on the application site that are likely to be adversely affected by the development proposal.

Within the curtilage of the adjacent property, to the west of the application site, there is a mature and established Sycamore. The tree has been heavily reduced in the past and has re-grown well although there are many old pruning wounds that are decay organism entry points.

The tree is approximately 6m tall and appears, from a visual inspection from the ground appears to be in reasonable condition. No part of the crown of the tree overhangs the application site.

In terms of the impact of the development proposal on the tree a measurement of the tree establishes that it has a Root Protection Area equivalent to that of a circle with a radius of 7.6m when measured from the main stem.

The site plan shows that the proposed extension will be 1m from the boundary of the adjacent property and site measurements show that the tree is 5.4m from the boundary fence. This means that proposed extension will be 6.4m from the main stem of the tree. Therefore the implementation of the development proposal would result in an incursion into the RPA of the Sycamore by a maximum of 1.2m where the north-western corner.

Taking into account the previous management/maintenance of the tree and the minor incursion into the RPA as well as the tolerance of this species to root disturbance; it is considered that the construction of the proposed extension would not cause harm to the health, condition or long term viability of the tree.

There appears to be little scope or need for any new soft landscaping to be associated with the development proposal.

### Other Considerations

Harwich Town Council have no objections. No further letters of representation have been received.

## **6. Recommendation**

Refusal

## **7. Reasons for Refusal**

- 1 The National Planning Policy Framework ("the 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. Paragraph 130 of "the Framework" states that 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.

Policy QL9 (ii) of the Tendring District Local Plan states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character by ensuring the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials. Policy QL11 (i) states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts, by ensuring that the scale and nature of the development is appropriate to the locality. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

In this instance the proposed extensions would double the footprint of the existing dwelling and would represent bulky intrusive additions that would be unsympathetic to the form and character of the property. In particular the windows cutting through the eaves of the proposed two-storey side additions would be at odds with the character of the existing property.

Furthermore, the two-storey side extensions would erode the open spacing around the dwelling enclosing the distance to adjoining properties adversely impacting upon the spacious appearance of the dwelling within the street scene.

Overall the proposed extensions are disproportionate to the size and form of the existing dwelling and would result in harm to the character and appearance of the existing property and its setting within the street scene. The development proposals are therefore considered to be contrary to the aforementioned national and local planning policies.

- 2 The National Planning Policy Framework ("the Framework") 2019 at Paragraph 192 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 193 of "the Framework" states that 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 "the Framework" 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 EN23 states that proposals for development that would adversely affect the setting of a listed building, including group value and long distance views will not be permitted. These sentiments are carried forward in Policy PPL9 of the emerging Local Plan Publication Draft 2017.

The significant enlargement of the dwelling would have an adverse impact upon the adjacent listed buildings, particularly 505-511 Main Road, as the proposed building will almost completely infill the space between the buildings, detracting from its setting. The prominence of the extended dwelling would detract from the manner in which Number 505-511 is experienced, appreciated and understood.

Therefore the proposal would detract from the setting and significance of two designated heritage assets. This harm should be considered in the context of paragraph 196 of the "the Framework" and the great weight noted in paragraph 193. In addition, no Heritage Statement has been provided and as such the application is not compliant with paragraph 189 of the "the Framework", which confirms that local planning authorities should require an

applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

In this case there are no public benefits to outweigh the identified harm and consequently the development is contrary to the aforementioned policies.

**8. Informatives**

Positive and Proactive Statement

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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO