

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	25 th Aug 2020
Planning Development Manager authorisation:	SCE	26.08.2020
Admin checks / despatch completed	DB	26.08.20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.08.2020

Application: 20/00421/LBC **Town / Parish:** Harwich Town Council
Applicant: Ms Sarah Davies
Address: 17 Castlegate Street Harwich Essex
Development: Proposed access to cellar

1. Town / Parish Council

No comments received.

2. Consultation Responses

Essex County Council Heritage 07.05.2020	Following the provision of further information, I am unopposed to the works providing new stair access to the cellar. Were the applicant to remove the 'proposed car port', 'first floor window alterations', and 'new log burner and flue' from the application I would be able to be supportive of the application.
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3. Planning History

07/00837/LBC	Internal alterations.	Approved	11.07.2007
20/00420/FUL	Proposed car port, access to cellar, external flue and alterations to a first floor window.	Withdrawn	12.08.2020
20/00421/LBC	Proposed access to cellar.	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

EN22 Extensions or Alterations to a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

5. Officer Appraisal

Site and Surrounding

Castlegate Street comprises two terraces - each of four properties; the application site sits adjacent this and, being located at the corner, its attached neighbour is seen in the context of Eastgate Street. Development along Castlegate is extremely high density.

Background

As submitted, the application proposed a number of elements and a corresponding application for full planning permission was submitted; the elements were the provision of a free-standing car port, new entry into the cellar, a new wood burner with external flue and alterations to an existing modern window.

During the determination of the application(s) significant concern was raised by the Heritage Officer in regards to the proposed carport, balcony, and spiral stair structure being deemed as overdevelopment within the Conservation Area which would result in detrimental harm to the regulated character and appearance of Castlegate Street and therefore of the character of this section of the Conservation Area. Further, the introduction of the proposed structure would result in harm to the listed building, separating it from these neighbouring buildings and also causing harm to its setting in its design detached from the building. In this same way the introduction of this car port structure would result in harm to the setting of the adjacent heritage assets, both designated and non-designated, that are located adjacent to the site. In regards to the new log burner & flue to specialists' details insufficient details were provided in the application. Given the dearth of details regarding this and its large exterior presence to the listed building, the flue will result in harm to the architectural articulation of the designated heritage asset.

The Officer concluded that the proposals as a whole would result in less than substantial harm to the listed building and Conservation Area, making paragraph 196 of the NPPF relevant and recommend this application be refused.

The nature of consent sought was subsequently amended to remove all elements apart from the cellar access; the corresponding Full application was withdrawn.

Proposal

In regards to the entry to the cellar, there was a minor misunderstanding that the cellar exists already and comments in response to a new cellar were that it would equally result in overdevelopment; concluding that there is an existent internal stair providing adequate access to the cellar. The proposed cellar would be an incongruous addition to the building and may result in physical harm to the rear of the historic structure through its construction which may result in harm to the historic significance of the designated structure.

The applicant states in her accompanying Design and Access Statement that "the current entrance to the cellar is via a very steep and unsafe set of steps. There is evidence at the property that access was originally from an external stair but presumably once again this was altered during the refurbishment. The new staircase allows for safe access to the cellar."

This application (now) proposes simply upgrading the existing access to allow safer ingress/egress to the cellar.

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.

The Listing is described as:

House, late C18 or early C19. Timber-framed and rendered with gabled clay plain tile roof and some black weatherboarding on gables and upper floors of flanks and rear. 2 storeys with attics and cellars. 2 hipped roof dormers in NW face of roof and 2 gabled dormers in SE face. The NW elevation has 2 double-hung sash windows with small panes over 3 similar windows, one square. The gabled Eastgate Street elevation has one C20 double-hung sash window with small panes over a similar window and early C19 door surround with flat hood on consoles. This has moulded pilasters and fanlight with coloured glass and diamond glazing pattern. INTERIOR: softwood spinebeams, base of old stack with segmental plan hearth and roof with joggled side purlins.

The Heritage Officer comments that, following the provision of further information, I am unopposed to the works providing new stair access to the cellar.

6. Recommendation

Approval - Listed Building Consent

7. Conditions

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2228-05A and 2228-03A, received 19th March 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No works to the cellar to facilitate habitation such as tanking or any other works are permitted, should any works be proposed, a new LBC application would be required and it

is recommended that the applicant engage in a Pre-Application with the local authority prior to submitting a LBC.

Reason - To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 4 No works hereby permitted shall be commenced until elevation and section drawings showing the proposed cellar stairs, hatch door, and opening into the cellar, at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason - To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 5 Prior to commencement a sample of the proposed brick to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the use of appropriate detailing on this listed building.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The applicant is reminded that this forthcoming consent is at the exclusion of the car port with terrace over, the amended first floor window to the left flank and the external flue which are shown on the approved plans 2228-05A and 2228-03A, received 19th March 2020. This consent pertains to the revised external access to the existing cellar only.

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