

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	01/10/2020
Planning Development Manager authorisation:	TF	02/10/2020
Admin checks / despatch completed	DB	05/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/10/2020

Application: 20/01051/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr James Fowler

Address: The Wagon New Road Mistley

Development: Proposed single storey front porch extension.

1. Town / Parish Council

The Parish Council Recommend approval

2. Consultation Responses

Essex County Council Heritage
28.08.2020

The application is for a proposed single storey front porch extension.

The building is a former nineteenth century public house/inn which is located in a Conservation Area. The building is also considered a non-designated heritage asset with regard to the NPPF.

The front elevation of the building has been subject to little or no change since its construction. The extract from the nineteenth century Ordnance Survey map below notes the flush elevation as existing.

I do not support this application and recommend it is refused.

The proposed porch is located on the principal elevation of the building. The porch sits awkwardly with the façade and the arrangement of the fenestration. This presents an inappropriate addition which detracts from the architectural interest of the building and is intrusive to the conservation area given how prominent the former public house façade is.

The proposed porch will fail to preserve or enhance the character and appearance of the Conservation Area. This will cause harm to the significance of a designated heritage asset and as such paragraph 196 of the NPPF should be considered. This should be considered in light of the 'great weight' noted in

paragraph 193. The proposal will also harm the aesthetic and architectural quality of a non-designated heritage asset, this harm should be considered under paragraph 197 of the NPPF.

This proposal is harmful to the significance of designated and non-designated heritage assets and should be refused. Whilst the proposed porch is inappropriate in design, I consider the principle of an addition here to be challenging.

3. Planning History

11/00543/FUL	Extension and alterations to existing public house with dwelling above in connection with conversion to two no. dwellings, and erection of two no. two storey dwellings with associated parking facilities and construction of vehicular access.	Refused	28.07.2011
14/00479/FUL	Extension and alterations to an existing building in association with conversion to a dwelling house and the erection of two additional dwelling houses with associated parking facilities and new vehicular access.	Approved	02.06.2014
16/00730/NMA	Non-material Amendment to Planning Application 14/00479/FUL - Minor changes to the fenestration:- Deeper windows in each gable end, the addition of a conservation rooflight on front elevation and a pair of doors and a window on the ground floor of the rear elevation in lieu of doors and sidelights.	Approved	01.06.2016
16/00755/DISCON	Discharge of conditions 3 (external surfaces materials), 4 (Railings to frontage), 5 (Boundary Treatment), 6 (Boundary treatment, fencing, tree and hedges), 7 (Landscaping), 9 (Ground Levels), 11 (Chimneys), 14 (Windows and doors), 19 (Vehicular turning facility), 20 (Construction Method	Approved	26.07.2016

Statement) and 22 (Road surfacing) of approved planning application 14/00479/FUL.

16/01187/NMA	Alterations to the fenestration in side (South) elevation of plot 2 to enable a window to be provided to the bathroom.	Approved	22.08.2016
16/01730/FUL	Variation of condition 2 of application 14/00479/FUL to replace previously approved drawings with drawing numbers BBB, 214A, 314A, 414A, 514A, 614, 714B, 814B, 914 and 1625/3A.	Approved	14.12.2016
20/01051/FUL	Proposed single storey front porch extension.	Current	

4. Relevant Policies / Government Guidance

National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

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

PPL8 Conservation Areas

Essex County Council Parking Standards - Design and Good Practice 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Proposal

This application seeks permission for the erection of a single storey front porch extension, with a mono-pitched roof, with a further small pitched roof gabled canopy over the new entrance.

Application Site

The site is located to the West of New Road within the development boundary of Mistley. The site serves a detached house constructed from red stock facing brickwork with a

natural slate roof. The surrounding street scene is comprised from dwellings of differing scales and designs, materials present include brickwork, slate roofs and render.

Assessment

Design and Appearance

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 proposed extension will measure 4.057m wide by 1.575m deep with an overall height to the roof of 2m. In regards to its siting and size, the porch is unlikely to be detrimental to highway safety (inasmuch as sufficient space remaining for vehicles to manoeuvre within the site in order to enter/exit in a forward gear) nor is it likely to adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect.

Design

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.

It is considered that the design of the proposal is sympathetic to the setting and quantifies high quality design.

Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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).

The proposal has a nominal forward projection and, in conjunction with ample separation distances towards adjacent properties, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Heritage Assets (Conservation Areas)

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of

an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

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.

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.

Mistley, originally Mistley Thorn, is the earlier settlement of the two, as the Church of St Michael and All Angels in Manningtree (demolished c.1966) was the successor to a building founded as a chapel of ease of Mistley church. Little survives from the earliest periods in Mistley: even the original parish church gave way to a replacement around 1735 designed by Adam. The body of this church was itself demolished leaving what are now known as Mistley Towers, and replaced around 1868-70 with the present church in Gothic style.

Mistley owes much of its present appearance firstly to the Rigby family, owners of the Mistley Estate. Richard Rigby made a fortune from the South Sea Company, settled at Mistley and built a mansion, a new wharf and kilns. He was succeeded by his son, also Richard, who with the patronage of the Prince of Wales and the Duke of Bedford rose to become Paymaster of the Forces in 1768. By the time he died in 1788, he had recast the Hall and the church, erected the almshouses provided for in his father's will, and built commercial and residential properties in the village.

In regards to the Conservation Area Appraisal, Mistley is divided into character areas, which will be described in general terms before notes on features of particular interest. The Wagon is within the area described as 'The Rest of The Area', which includes the former grounds and designed landscape associated with the former Mistley Hall.

At the foot of New Road, a small triangle with a war memorial and village sign is well laid out, with a circular seat around horse-chestnut tree. The bollards and granite sett paving are attractive features, but all other street furniture and surfaces in the area are rather nondescript. Mistley Clinic has important trees on its frontage, though the Parish Church Hall is in a generally poor state of repair and its grounds are lacking maintenance.

The northern end of New Road is dominated by the church of St Mary and St Michael, a substantial Victorian building with a spire. Its churchyard has an attractive holly hedge,

gate piers, a lych gate and prominent conifers. This ensemble forms an interesting group with the MCC (Mistley Cricket Club) and the Mistley and Manningtree Bowls Club, all with manicured lawns and hedges on the same side of the road, and a backdrop to the south of mature trees beyond which is the railway line. Across the road from the church is Dormey House, a single storey lodge building of yellow brick, with attractive original chimney details and its original frontage wall with possibly the original gate: the railings are however missing. Dormey House also has a number of mature conifers on the inside bend of the road which make them more prominent in this particular street scene.

Essex County Council Heritage consider the proposal to sit awkwardly with the façade of the property and presents an inappropriate addition which detracts from the architectural interest of the building and is intrusive to the conservation area. However recent new developments within the vicinity of the site have been constructed, which taken together and considered in relation to this proposed modest addition, would not, on balance, result in a development that would cause undue harm to the setting and appearance of the site within Conservation Area to warrant a refusal. They go on to suggest that the proposal will also harm the aesthetic and architectural quality of a non-designated heritage asset. However the appraisal makes no specific reference to the historic public house nor any features specific to the locale; as such the development is considered to preserve the character or appearance of the Conservation Area.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval- Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning 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 plan; Drawing No. 02 A

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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