

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	16/12/2020
Planning Development Manager authorisation:	TC	18/12/2020
Admin checks / despatch completed	DB	21/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.12.2020

Application: 20/01496/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr and Mrs Lambrou

Address: White Timbers Abbey Street Thorpe Le Soken

Development: Proposed loft conversion.

1. Town / Parish Council

Thorpe Le Soken Parish Council No comments have been received

2. Consultation Responses

Building Control and Access Officer
09.11.2020 No comments at this stage.

3. Planning History

TPC/97/12	Various works to various trees	Current	19.03.1997
01/00224/TCA	Fell 1 Sycamore, 1 Elm, 1 Horse Chestnut with scar; shorten over extended lateral limb by 40% of Horse Chestnut adj. lamp post	Approved	13.03.2001
96/01508/FUL	Proposed extension, conservatory and detached double garage	Approved	11.02.1997
98/00668/FUL	Single storey extension to the rear of the property	Approved	30.06.1998
03/00907/TCA	Remove one Holme oak, one Yew, one Holly and one Bay tree	Approved	22.05.2003
03/00919/TCA	Remove 1 Holm Oak, 1 Yew, 1 Holly and 1 Bay tree and re landscape the garden area	Approved	22.05.2003
08/00025/FUL	Two storey front extension and rear conservatory.	Refused	18.03.2008
08/01303/FUL	Erection of single-storey front extension to form double garage	Approved	05.11.2008

and lounge and single storey rear extension (conservatory).

17/01930/TCA 1 No. Horse Chestnut - dead - fell Approved 05.12.2017

20/01496/FUL Proposed loft conversion. 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

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Proposal

This application seeks planning permission for a loft conversion incorporating a rear dormer and roof lights on the front roof slope. The detached house is located within development boundary 1 and the conservation area of Thorpe Le Soken. The application site also lies adjacent to the Grade 2* listed building of The Abbey and opposite the Grade 2 listed building of Tortworth.

Design, Appearance and Heritage Impact

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Thorpe Le Soken Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a conservation area preserves and enhances the conservation area setting. Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

Policy EN23 of the adopted Tendring District Local Plan (2007) seeks to ensure that any proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that the proposals for new developments affecting a listed building or setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric: are explained and justified through an informed assessment and understanding of the significant of the heritage asset and its setting; and are of a scale, design and use materials and finishes that respect the listed building and its setting.

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 area of a suitable scale, design and materials. Draft Policy SPL3 of the Tendring District Local Plan 2013 - 2013 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

The application site is located in Thorpe Le Soken Conservation Area and is one of two detached houses constructed in a similar style in the early 1960's. Due to the positioning of the two dwellings, set back significantly from the road, in their current form they do not impose themselves detrimentally on the conservation area with some cover from mature trees especially in the summer months.

The proposal however introduces a number of new materials and inappropriate forms. The four roof lights on the front roof slope which also protrude, are set high in the roof plane and are unevenly spaced leading to an appearance that unbalances the dwelling and conflicts with the conservation area. The proposed rear flat roof dormer, notably the excessive width and bulk which is close to the ridge and eaves is considered poor in design terms and would result in an incongruous form of development to the detriment of the character and appearance of the conservation area. Although the dormer is sited at the rear it would be visible to those neighbouring properties abutting the rear and side of the site and from the gardens of the listed building of The Abbey. The dormer would also be visible when passing along Abbey Street due to its size and

scale along with the materials of white fibre cement cladding which will stand out and only exacerbate the over-dominance of the roof.

In addition the proposed dormer window would set an undesirable precedent for similar developments to the progressive detriment of the character and appearance of the conservation area.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roof space not gain extra headroom over any great width and they should not be located close to verges or hips.

A heritage statement has been submitted with the proposal which identifies no harm caused to the conservation area by the proposal, however the position of the dwelling close to listed buildings in combination with the conservation area has not been recognised.

The proposed changes would negatively impact the significance of this section of the Conservation Area by failing to preserve and or enhance its character and appearance. The proposals would also be detrimental to the settings of the two close listed buildings, an important component to their individual significances.

It is concluded that in its current form, the proposed works would harm the character and appearance of the Conservation area and conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the aforementioned Development Plan Policies. The development would fail to preserve the setting of the Conservation Area.

Impact upon Neighbouring Amenities

The proposed dormer will provide views to the rear of neighbouring gardens, however these are already possible from the first floor and the addition of one bedroom and a bathroom on the second floor is not considered to cause any significant harm.

There will be no change to the private amenity space to the rear of the property or the off road car parking provision in front of the dwelling.

Other Considerations

Building control have no comments.

No other letters of representation have been received.

Conclusion

For the reasons set out above, the scale, size and position of the proposed dormer and roof lights together with the design and appearance amounts to a form of development that is considered contrary to national and local policies being harmful to the character and appearance of the conservation area and the settings of the neighbouring listed buildings.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Thorpe Le Soken Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a conservation area preserves and enhances the conservation area setting. Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability

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The proposal introduces a number of new materials and inappropriate forms. The four roof lights on the front roof slope which also protrude, are set high in the roof plane and are unevenly spaced leading to an appearance that unbalances the dwelling and conflicts with the conservation area. The proposed rear flat roof dormer, notably the excessive width and bulk which is close to the ridge and eaves is considered poor in design terms and would result in an incongruous form of development to the detriment of the character and appearance of the conservation area. Although the dormer is sited at the rear it would be visible to those neighbouring properties abutting the rear and side of the site and from the gardens of the listed building of The Abbey. The dormer would also be visible when passing along Abbey Street due to its size and scale along with the materials of white fibre cement cladding which will stand out and only exacerbate the over-dominance of the roof.

The proposal would negatively impact the significance of this section of the Conservation Area by failing to preserve and or enhance its character and appearance. The proposal would also be detrimental to the settings of the two neighbouring listed buildings, an important component to their individual significances.

For the reasons set out above, the poor design and scale of the proposed dormer together with its over-dominant nature and siting along with the opposing roof lights on the front roof slope will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity which would harm the character and appearance of the Conservation area and conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the aforementioned Development Plan Policies. The development would fail to preserve the setting of the Conservation Area.

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.

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