



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Mr Jason Parker - Parker Associates Limited The Beeches Church Road Fingringhoe Colchester CO5 7BN	APPLICANT:	Mr Wayne Turner Thatch Cottage The Green Tendring Clacton On Sea Essex CO16 0BU
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PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

APPLICATION NO: 20/00947/LBC **DATE REGISTERED:** 28th July 2020

Proposed Development and Location of Land:

**Proposed single storey side extension
Thatch Cottage The Green Tendring Clacton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE LISTED BUILDING CONSENT** in accordance with the application form, supporting documents and plans submitted, for the following reason(s):

- 1 Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds 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 securing its optimum viable use.

Policy EN22 of the Saved Plan 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 requirements are carried forward to Policy PPL9 of the Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

Place Services Historic Environment Officer has been consulted on this application and has stated that Thatched Cottage is a Grade II listed (List Entry ID: 1306598) 16th/17th century dwelling. No Heritage Statement has been undertaken and as such the application is not considered compliant with paragraph 189 of the NPPF. Given the significance of this heritage asset, very little information has been sourced to inform an appropriate design.

The existing range to the side of the principal pile is considered to be of relatively modern derivation and as such there is potential for this to be removed. The officer caveats this statement with the fact that not all walls of the side extension have been assessed nor has cartographic evidence been used to date their deviation.

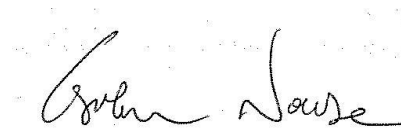
The existing side extension is of two parts which steps back from the building line. The form is utilitarian and these were obviously used as ancillary structures to the main dwelling. Whilst it would appear there is opportunity to demolish these structures, the officer does not think there is opportunity for a new building to increase in height or footprint.

The proposed extension is not appropriate in design. The infilling of the step-back over elongates the pitch and produces a poor quality aesthetic which detracts from the architectural interest of the host building. Whilst utilitarian in their design, the existing buildings produce a more successful articulation of massing than that proposed. In addition features such as double doors in a front façade are inappropriate which further detracts from the architectural interest of the host building, especially considering its prominence in the view towards it.

This proposal will cause a high level of less than substantial harm to a designated heritage asset and as such paragraph 196 of the NPPF is relevant. This high level of harm should be considered in the context of the 'great weight' noted in paragraph 193 of the NPPF. Consequently, the proposals fails to accord with paragraph 196 of the National Planning Policy Framework 2019 and the afore-mentioned local and national planning policies.

DATED: 4th March 2021

SIGNED:



Graham Nourse
Assistant Director
Planning Service

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

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

PPL9 Listed Buildings

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.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

ABOUT LISTED BUILDING AND CONSERVATION AREA APPLICATIONS

1. If the applicant is aggrieved by the decision of the local planning authority to refuse Listed Building Consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. Appeals must be made on a **Listed Building Appeal Form** which is obtainable from the Planning Inspector, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State has power to allow a longer period for the giving of a notice appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. **Please note, only the applicant has the right of appeal.**
2. If Listed Building Consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district, a purchase notice requiring that the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (listed Building and conservation areas) Act 1990.
3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation areas) act 1990.
4. Identical rights of appeal exist if an applicant is aggrieved by the decision of the local planning authority in relation to an application made on that behalf:-
 - a) To refuse, to vary or to discharge the conditions attached to a Listed Building Consent.
 - or
 - b) To add new conditions consequential upon any such variation or discharge.