

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/03/2021
Planning Development Manager authorisation:	TF	04/03/2021
Admin checks / despatch completed	DB	04.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.03.2021

Application: 20/00946/FUL **Town / Parish:** Tendring Parish Council
Applicant: Mr Wayne Turner
Address: Thatch Cottage The Green Tendring
Development: Proposed single storey side extension

1. Town / Parish Council

Tendring Parish Council Not commented on this application

2. Consultation Responses

Essex County Council
Heritage
01.03.2021

The application is for proposed single storey side extension. This letter should be read in addendum to previous correspondence, since which time a site visit has been undertaken. 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. ECC Heritage caveat 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, ECC Heritage do 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. ECC Heritage recommend this application is refused.

3. Planning History

19/00389/LBC	Painting exterior dwelling, doors and window frames.	Approved	22.05.2019
20/00946/FUL	Proposed single storey infill extension	Current	
20/00947/LBC	Proposed single storey infill extension	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

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

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 (including Site Description and Proposal)

Site Description

The application site is Thatch Cottage, a one and a half storey Grade II Listed Building dwelling located within the development boundary of Tendring.

Proposal

This application seeks planning permission for a single storey infill extension.

Assessment

The main considerations for this application are:

- Design and Appearance (including Heritage Asset)
- Impact upon Neighbouring Amenities
- Other Considerations

1. Design and Appearance (including Heritage Assets)

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.

Paragraph 189 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A detailed Heritage Statement has been submitted with the application. The Heritage Statement outlines the rationale behind the proposals and justifies the alterations from a heritage perspective.

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 are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed infill is single storey and will create an extended kitchen. Due to the location of the proposed works, the extension will not be visible to the streetscene of The Green or Parsonage Lane.

ECC Heritage 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.

Originally the team provided their comments on the single storey side extension to replace the existing single storey structures. The team were consulted and stated that they object to the application and recommend that it should be refused. The potential for extension has not been established. Paragraph 189 of the NPPF requires an applicant to understand the significance of the heritage assets affected. Thatched Cottage is a significant vernacular dwelling, the applicant's Heritage Statement is not detailed enough to understand the significance of the existing building and the application is not considered compliant with paragraph 189. The second edition Ordnance Survey (1890s) shows the footprint of Thatched Cottage much the same as existing and as such there is potential loss of historic fabric, in which case there could be an objection in principle.

Notwithstanding the above concerns, the Officer objects to the proposed extension. This host building is a small vernacular dwelling. Should an extension be acceptable (which is not established in principle) then it should be subservient and will certainly be single storey. The proposal is of an inappropriate footprint, height and scale. The proposal will detract from the architectural interest of the listed building. 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.

Amended plans were provided by the agent and the officer was re-consulted. The officer stated that he had reviewed the amended drawings and there is no change to the original consultation response. The officer objects to this application and recommends that it should be refused. The significance of the heritage asset has not been understood. Notwithstanding this point, the proposal remains an inappropriate response to the designated heritage asset and will harm its architectural interest. 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.

Following the comments, a site visit was arranged to discuss the potential options of development. The agent submitted his final comments stating that 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.

2. Impact upon neighbouring amenities

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).

Due to the location of the proposed works, the infill extension is not considered to cause any significant impact upon neighbouring amenities.

3. Other Considerations

Tendring Parish Council have not commented on this application.

No letters of representation have been received.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 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.

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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