

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	25/03/2021
Planning Development Manager authorisation:	TF	25/03/2021
Admin checks / despatch completed	DB	25.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.03.2021

Application: 21/00038/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr & Mrs N Watts

Address: Lower Park The Walls Mistley

Development: Variation of condition 2 (approved plans) to simplify design approved in 19/00341/FUL.

1. Town / Parish Council

Mistley Parish Council
05.03.2021

At its Planning Committee Meeting on the 4th March 2021, the Parish Council recommended approval.

2. Consultation Responses

Essex County Council
Heritage
03.03.2021

Built Heritage Advice pertaining to an application for: Variation of condition 2 (approved plans) to simplify design approved in 19/00341/FUL.

The development site is located within Manningtree and Mistley Conservation Area.

The impact of the proposed remodelling, rendering, and cladding of the building on views across the Conservation Area were assessed at this site visit.

Place Service was not consulted on the previous application which I understand to be extant. At a site visit undertaken it was noted that the garage building is nearing completion and as such the permission appears to have been implemented.

ECC Heritage are not supportive of the previously permitted proposals, given the lack of consideration given to local character and distinctiveness and the detrimental impact they would cause to the character and appearance of the Conservation Area, and subsequent harm that they would cause to the significance of the of Conservation Area.

However, given that these proposals are extant, they form the baseline for the assessment of the current iteration of proposals submitted under this application. Though there are some minor improvements made to the permitted scheme over the permitted proposals, I am unsupportive of the following items within the current iteration of the proposals:

- The north elevation: the proposed large incongruous gable extension, the proposed incongruous large window to this gable, the large windows to the east of this gable, the balcony here, oversized porch over the doorway, these would be
- The proposed cladding in vertical timber boarding.
- The proposed box oriel window to the east elevation.
- Crown roof to the extended west range.
- The proposed single paned windows in place of the existing multiple light casements.
- The oversized overhanging roof/cornice over the extended kitchen/dining area.

The above items would be visible within views through the Conservation Area from the waterside to the north of the site and views looking north to the Stour from locations within the former parkland to the south of the site past historic buildings and walling which make a positive contribution to the Conservation Area, which contribute to the Conservation Area's significance. The introduction of incongruous detailing, building forms, increased first floor glazing, and incongruous materials would detract from these views, would fail to preserve or enhance the character and appearance of the Conservation Area, detrimentally impacting upon its significance.

As such paragraph 196 of the NPPF is relevant here and ECC Heritage are unable to support the current iteration of the proposals. Paragraphs 200 and 192(c) are also relevant here as the proposals in their materials, detailing and form, would fail to enhance or better reveal the significance of the Conservation Area, nor would not make a positive contribution to local character and distinctiveness.

ECC Heritage do believe that a scheme is possible here that is sympathetic to the character and appearance of the Conservation Area. Were the applicant to submit revised proposals addressing the above outlined harmful items, ECC Heritage would be happy to provide updated comments. Given the extant permission here, ECC Heritage would be supportive of horizontal white painted timber boarding and white render.

It was mentioned on site that installation of iron estate fencing is intended to the south boundary of the property. While this is likely to be supported, it is recommended that this is included as part of this application as part of forthcoming revised proposals.

ECC Heritage would encourage further consultation with the applicant here, possibly through a pre-app, as they do believe there is potential for the applicant to realise their ambitions for the property through a sympathetic approach which considers the challenges with the current iteration of the proposals largely concern its detailing and materials.

Were the applicant to provide revised proposals, ECC Heritage would request that they be re-consulted on this application.

3. Planning History

00/00276/TCA	Works to trees in Conservation Area	Approved	29.03.2000
19/00341/FUL	New detached out-building, extensions, alterations & re-	Approved	09.05.2019

modelling of existing two-storey dwelling (following demolition of existing single storey extensions) utilising existing vehicular access.

19/00382/TCA	1 No. English Oak - crown raise to 3m and reduce limb overhanging neighbouring property, 2 No. English Oak - crown raise to 5m, 3 No. English Oak - reduce crown by 3m and overhanging wires, 4 No. Chestnut - reduce 1m from wires, 5 No. Lime - crown raise to 6m, 8 No. Chestnut - crown raise to 4m, 1 No. Lime - crown raise to 6m, 1 No. Chestnut - crown raise to 4m, 1 No. Leylandii - remove, 1 no. Leylandii - reduce height by 5m.	Approved	03.04.2019
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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

EN3 Coastal Protection Belt

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL8 Conservation Areas

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 refers to Lower Park, The Walls, Mistley, which is a two storey dwelling located within the Manningtree and Mistley Conservation Area, the site is located within an Area of Outstanding Natural and it is within a Coastal Protection Belt.

Proposal

This application seeks a variation of condition 2 of the previously approved application 19/00341/FUL to amend the design.

The amendments are as follows:

- Introduction of a two storey gable extension to the front elevation
- Changes to fenestration
- Change of the roof form to the side element accommodating the gym to the ground floor and a bedroom to the first floor.
- Removal of two storey double gable extension to the rear and for the erection of a single storey flat roof extension with a roof lantern.

Assessment

The main considerations for this application are the following:

- Design and impact,
- Impact upon neighbouring amenities,
- Heritage impact,
- Coastal protection belt
- Other considerations.

1. Design and Impact

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

As the existing dwelling is set back from the highway and is surrounded by mature vegetation, the proposed two storey gable extension to the front elevation will not be visible from the street scene of 'The Walls'. The extension will have a dual pitched roof and will be constructed from materials that will match the host dwelling. It is therefore considered that the proposal is acceptable in terms of design and appearance.

The amendments involve changes to fenestration however due to the minor nature of the changes, it is considered that they will cause a neutral impact.

The proposed change of roof form to the side element will not be visible from the streetscene however the amendment is considered to be more in keeping with the hipped roof and the dormer window to match the previously approved outbuilding.

The removal of the two storey double gable extension to the rear and for the erection of a single storey flat roof extension with a roof lantern is considered to reduce the scale of the proposed works. As the proposal is to the rear it will not create any impact upon the street scene.

The materials proposed; pile tiles to match existing, dark grey SPM roof and glazing, multi red facing brickwork with white cement mortar, off white painted smooth render, stained vertical boarding and dark grey slim aluminium windows and doors will facing brickwork, stained boarding and colour washed rendered walls, plain tiles and create a modern appearance which is acceptable in terms of design and appearance.

2. Impact upon neighbouring amenities

Due to the location of the application site, there are no neighbouring dwellings and therefore it is considered that the proposals will not impact upon neighbouring amenities.

3. Heritage impact

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) which states that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The application site lies within Mistley and Manningtree Conservation Area.

ECC Heritage have been consulted on this application and have visited the site to consider the impact of the proposed remodelling, rendering, and cladding of the building on views across the Conservation Area.

ECC Heritage were not consulted on the previous application and they accept that that consent remains extant. Indeed, at a site visit undertaken it was noted that the garage building is nearing completion and as such the permission appears to have been implemented.

The Heritage Officer is not supportive of the previously permitted proposals, given the lack of consideration given to local character and distinctiveness and the detrimental impact they would cause to the character and appearance of the Conservation Area, and subsequent harm that they would cause to the significance of the of Conservation Area.

However, given that these proposals are extant, they form the baseline for the assessment of the current iteration of proposals submitted under this application. Though there are some minor improvements made to the permitted scheme over the permitted proposals, the officer is unsupportive of the following items within the current iteration of the proposals:

The north elevation: the proposed large incongruous gable extension, the proposed incongruous large window to this gable, the large windows to the east of this gable, the, balcony here, oversized porch over the doorway, these would be:

The proposed cladding in vertical timber boarding.
The proposed box oriel window to the east elevation.
Crown roof to the extended west range.
The proposed single paned windows in place of the existing multiple light casements. The oversized overhanging roof/cornice over the extended kitchen/dining area.

The above items would be visible within views through the Conservation Area from the waterside to the north of the site and views looking north to the Stour from locations within the former parkland to the south of the site past historic buildings and walling which make a positive contribution to the Conservation Area, which contribute to the Conservation Area's significance.

The introduction of incongruous detailing, building forms, increased first floor glazing, and incongruous materials would detract from these views, would fail to preserve or enhance the character and appearance of the Conservation Area, detrimentally impacting upon its significance.

In light of the above concerns raised by ECC Heritage, discussions have been held with the planning agent to amend the plans. Amended plans have been provided which show the eaves lowered to the two storey element accommodating the gym with a hipped roof to be in keeping with the host dwelling. The large window to the front gable extension has been reconfigured to a similar design to the previously approved application which would overcome some of the heritage officers concerns. Notwithstanding the concerns raised by Heritage, it is considered 'on balance' that given the extant permission, the limited nature of the changes to the proposal and the relatively isolated and screened nature of the site, that as there will be less than substantial harm to the site's setting within a Conservation Area, the application can be considered favourably.

4. Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt as the application site is set back from 'The Walls' and the proposed alterations, extension and outbuilding will be constructed from materials that will match those used within the existing dwelling. It is considered that it will not cause any significant harm to the landscape character of the area.

5. Other Considerations

Mistley Parish Council have considered the application and recommend the application for approval.

No letters of representation have been received.

6. **Recommendation**

Approval - Full

7. **Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from 09.05.2019

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 plans and document:

Drawing No. 19/21/07 B
Drawing No. 19/21/10 B

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

- 3 The proposed garage approved under planning reference 19/00341/FUL hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lower Park, The Walls, Manningtree.

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling.

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