

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	25/03/2021
Planning Development Manager authorisation:	TF	26/03/2021
Admin checks / despatch completed	DB	06.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.04.2021

Application: 20/01726/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Zach Farthing

Address: Pound Farm 548 Main Road Harwich

Development: Proposed decking area, gazebo and hot tub, and retrospective permission for erection of fence, gate and shed.

1. Town / Parish Council

Harwich Town Council No objection to this planning application.
19.02.2021

2. Consultation Responses

Essex County Council The application is for a proposed decking area, gazebo and hot tub,
Heritage and retrospective permission for erection of fence, gate and shed.
11.03.2021

The site comprises the Grade II listed Pound Farmhouse and Outbuilding (List Entry Number: 1187926), which has recently undergone major renovation works (REF: 12/00844/LBC). The external works included alterations to the boundary with the development of houses to the rear, removal of planting and replacement fence. The Yard Pump to Rear of Pound Farmhouse is also listed (Grade: II, List Entry Number: 1205146).

Due to the historical development within the area and the works that have taken place to the farmhouse, the setting of the building has changed considerably in more recent years. Today the building lies in a larger plot, in comparison to the dwellings that surround the site, particularly those developed as part of the enabling works to the farmhouse. This illustrates the building's recent history. As such, the boundary line and plot should be preserved. The proposed works include a large fence between the dwelling and garage. The fence is not considered appropriate to the character and appearance of the farmhouse and results in the plot being broken down further.

The Design and Statement Access statement notes that the fence is proposed due to the healthy and safety concerns being situated on a main road. Another solution should be sought that's more appropriate if fencing is required and the boundary line should be maintained.

There are no objections to the shed.

The measurements provided for the proposed gazebo indicates that it will be out of keeping with the character and appearance of the farmhouse, due to its large size. However, no elevation or streetscene

drawings have been submitted. It is recommended that this information is supplied to demonstrate the visual impact.

There is no objection in principle to the decking area, however details should ensure that no part of the proposal is fixed or joined to the listed structures. Listed building consent will be required for any fabric intervention.

In their current form, the proposals do not preserve the setting of the Grade II listed Pound Farmhouse and Outbuilding (List Entry Number: 1187926), contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF as it is considered the proposals cause a small amount of less than substantial harm as set out by paragraph 196 the NPPF. It is not considered that a clear and convincing justification for the proposals have been made as required by paragraph 194 of the NPPF as a more appropriate design could be mitigate the harm caused.

3. Planning History

96/00986/LBC	(Pound Farmhouse, Main Road, Dovercourt) Partial reconstruction of front elevations	Approved	16.09.1996
07/00909/OUT	37 dwellings together with new access road parking courts and service areas	Refused	30.03.2009
11/00112/LBC	Removal of existing rear extension. Install scaffolding internally and externally to support remaining structure.	Approved	
11/00797/TPO	Sycamores 1- 4 - fell because of close proximity to boundary and existing building. Plum - 8 - fell because tree is dead. Walnut - 9 - fell because of impact on listed building and need to gain access. Horse chestnut - 11 - fell because of serious impact on listed building and need to gain access and considered unsafe. Horse chestnut - 12 - fell because it is dead.		08.08.2011
11/00805/LBC	Demolition of collapsed structure and demolition of associated barn. Works to stabilise existing house and to secure and make safe prior to making further proposals for restoration.	Approved	07.09.2011
12/00843/FUL	Construction of 30 new dwellings on land to rear of property. Repair and restoration of Listed Building including extensions and alterations and construction of single garage.	Approved	17.05.2013
12/00844/LBC	Repair and restoration of Listed	Approved	17.05.2013

	Building including extensions and alterations and construction of single garage.		
14/00086/DISCON	Discharge of conditions 07 (Archaeological works) and 11 (Site Contamination Investigation) of planning permission 12/00843/FUL.	Approved	11.06.2014
14/01087/DISCON	Discharge of condition 03 (repair programme) of planning permission 12/00843/FUL.	Approved	12.05.2017
15/01503/DISCON	Discharge of condition 6 (Secure by Design), 8 (landscaping) and 12 (construction method statement) of planning permission 12/00843/FUL.	Approved	27.11.2015
15/01673/DISCON	Discharge of condition 13 (surface water drainage), 19 (estate roads) and 24 (turning heads) of planning permission 12/00843/FUL.	Approved	02.05.2017
15/01675/TPO	Sycamore (T2), Sycamore (T3) - close to building risk of damage - fell. Horse Chestnut (T13) - risk of damage to listed building - fell. Tree planting proposed as submitted in 15/01503/DISCON	Approved	01.12.2015
15/01804/DISCON	Discharge of condition 28 (materials) of planning permission 12/00843/FUL (variation to materials previously submitted).	Approved	11.01.2016
16/00095/DISCON	Discharge of condition 10 (hard surfacing) and 14 (gates, screen walls and fences) of planning permission 12/00843/FUL.	Approved	05.10.2016
16/00919/FUL	Variation of condition 2 to vary approved plans to alter the number of bedrooms of some plots and removal of condition 26 regarding pedestrian access onto Clarkes Road of planning permission 12/00843/FUL.	Approved	13.10.2016
16/01408/DISCON	Discharge of condition 4 (restoration of listed building) of planning permission 12/00843/FUL.	Approved	07.11.2016
16/01967/DISCON	Discharge of condition 3 (materials), 4 (large scale plans showing building details), 5 (external render), 8 (brickwork details) and 9 (external joinery	Approved	01.02.2017

colour) of planning permission
12/00844/LBC.

20/01726/FUL Proposed decking area, gazebo and hot tub, and retrospective permission for erection of fence, gate and shed. 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

EN23 Development Within the Proximity of 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

Proposal

The application is for a proposed decking area, gazebo and hot tub, and retrospective permission for erection of fence, gate and shed. The application site comprises the Grade II listed Pound Farmhouse and outbuilding which has recently undergone major renovation works. The renovation of the farmhouse was enabled following alterations to the boundary with the development of houses to the rear which all lie within the development boundary of Harwich.

Design, Appearance and Heritage Impact

The decking, hot tub, fencing and shed, if not within the curtilage of the Listed Building would be considered as permitted development. The shed and fencing has been stained to match the black weatherboarding of the existing garage and single storey rear extension to ensure these elements tie in with the overall appearance and are not unduly noticeable. The hot tub, decking and gazebo will be sited directly behind the listed farmhouse thereby reducing the views of these features from Main Road. It is likely only the roof of the gazebo will be seen above the boundary planting and fence, and when balancing this visual impact against the backdrop of the new development which is clearly visible in views behind Pound Farmhouse it is not considered to cause significant harm to the setting of the listed building.

ECC Heritage have been consulted for their heritage advice and they conclude that the proposals cause a 'small amount' of less than substantial harm as set out by paragraph 196 the NPPF. On balance this small amount of less than substantial harm does not justify the refusal of the application.

Impact on Residential Amenity

The low level nature of the additions in the garden ensure that there will be no significant impact to neighbouring properties.

Other Considerations

Harwich Town Council has no objection to this planning application.

No further letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, 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 plans:

Block Plan PFH1
Layout Plan View PFH2
Photo of fence labelled PFH3
Photo of fence labelled PFH4
Photo of shed labelled PFH5
Photo of shed labelled PFH6
Photo and specification of gazebo labelled PFH7

Photo and specification of hot tub labelled PFH8
Image of decking labelled PFH9

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