



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr George Cressall
29 Bittern Close
Kelvedon
Colchester
CO5 9PQ

APPLICANT: Mr and Mrs J Young
White Ladies
205 Thorpe Road
Kirby Cross
Frinton On Sea
Essex
CO13 0NH

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

APPLICATION NO: 21/00543/LBC

DATE REGISTERED: 17th March 2021

Proposed Development and Location of Land:

Proposed single storey rear extension and construction of a detached garage/workshop, including the demolition of an existing lean-to structure and garage.

White Ladies 205 Thorpe Road Kirby Cross Frinton On Sea

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT LISTED BUILDING CONSENT FOR THE PROPOSED GARAGE** in accordance with the application form, supporting documents and plans submitted, subject to the following 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 proposed garage hereby permitted shall be carried out in accordance with the following approved plans:- WL.21.02 Revision B

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

- 3 The rear extension, internal alterations and rear rooflight are hereby refused.

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policy QL11 and emerging Policy SP1 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extension outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and

would not represent overdevelopment of the site.

Saved Tendring District Local Plan (2007) Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced. Emerging policy PPL9 further states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character appearance and fabric.

The footprint of the proposed rear extension is similar in size to that of the existing dwelling, the extension is not considered to appear subservient to the host dwelling and will have an over-dominating appearance deemed to be unsympathetic and out of character with the host dwelling and surrounding area. The proposed rear extension is considered to have a significant adverse effect on visual amenities and less than substantial harm to the listed building.

The bathroom plumbing and rooflight is likely to result in the loss of, and cutting of historic timbers. The bowing of the roof indicates that there may be some structural issues with the historic timbers. The rooflight would result in harm to the architectural appearance of the rear roofscape through the cumulative impact of windows on this rear elevation. There are limited areas of the rear roof uninterrupted by windows, and the proposed rooflight would reduce this further. The internal alterations and proposed rooflight are therefore not compliant with the aforementioned policies and deemed to result in significant harm to the listed building.

For the reasons set out above, the poor design and scale of the proposed rear extension with its over-dominant nature will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity and the listed building. The proposal is therefore contrary to the aims and aspirations of the afore-mentioned policies and guidance.

DATED: 22 September 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 July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

PPL9 Listed Buildings

Split Decision Informative

THIS IS A SPLIT DECISION - this is a split decision and Condition 3 means that the rear extension is refused.

Positive and Proactive Statement - Proposed Garage/Workshop

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Positive and Proactive Statement - Rear Extension, rear rooflight, internal alterations

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.

Restricted Use

The detached garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as White Ladies, 205 Thorpe Road Kirby Cross Frinton on Sea Essex, shall not be sold, let or used as an independent residential unit.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

ABOUT LISTED BUILDING AND CONSERVATION AREA APPLICATIONS

1. If you are 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, you 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 possesses 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.