

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	21/09/2021
Planning Development Manager authorisation:	SCE	21.09.2021
Admin checks / despatch completed	DB	22.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	22.09.2021

Application: 21/00544/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs J Young

Address: White Ladies 205 Thorpe Road Kirby Cross

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

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
24.05.2021

Recommends: REFUSAL - as per the comments made by Essex County Council Heritage.

2. Consultation Responses

Essex County Council
Heritage
13.05.2021

Built Heritage Advice pertaining to an application for: Proposed single storey rear extension and construction of a detached garage/workshop, including the demolition of an existing lean-to structure and garage.

The development site is Grade II listed as White Ladies (List UID: 1111538).

The original form and historic elements of the listed building remain discernible through the existing extensions. Though the use of felt for the lean too roof, and the squat box dormers are unsympathetic in detailing they remain subservient in their massing and materiality to the historic core of the listed building, formerly a lobby entrance house of seventeenth/eighteenth century or earlier.

Local planning authorities require an applicant to describe the significance of any heritage assets affected by an application including any contribution made by their setting. This application does not adequately describe the significance of the listed building including that of the lean too extension for which demolition is proposed. Paragraph 189 of the NPPF is therefore relevant here. Notwithstanding this, provision of an enhanced understanding of the significance of the heritage asset an extension of a similar footprint, volume, and detailing to that currently proposed is unlikely to be supported.

To the south of the proposed location of the double garage and workshop, permission for two bungalows has been granted in recent years at appeal and under the application 17/01272/FUL.

I am unable to support this application due to the following harmful items:

- The proposed demolition of the lean too extension, and large new flat roofed extension of similar footprint to the historic core of the listed building. The significance of this extension remains unknown. The proposed extension in its volume and large footprint would compete with the volume of the cottage and would diminish and detract from its architectural interest.
- Installation of a roof light and bathroom and the invasive associated plumbing works that this would necessitate to the historic core of the building. A new window is also shown in the proposal drawings at the location of the bathroom in addition to the rooflight, though this is not shown in elevation.
- The proposed double garage and workshop element of the proposal would detract from the setting of the listed building by competing with it in its volume and massing, as well as occupying a large portion of the cottage's garden. The proposed outbuilding in its volume and proximity would compete with the volume of the cottage and diminish its architectural interest.
- The proposed lantern light ins an incongruous detail given the age and vernacular rural architectural detailing of the historic cottage.
- The proposed outbuilding and replacement extension are generic in their form, materials and detailing and as such would detract from the setting and architectural interest of the listed building. The proposals are not a bespoke response to their context within in the domestic curtilage of, and abutting the listed building.
- Paragraph 200 of the NPPF encourages local planning authorities to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. In my opinion this has not been achieved in the current iteration of the proposals.

Paragraph 196 of the NPPF is therefore relevant here given the above outlined items that would result in less than substantial harm to the significance of the listed building and I am unable to support this application in its current iteration.

Were a revised scheme to be forthcoming this should be adequately informed by an enhanced understanding of the significance of the whole heritage asset including the lean too extension. Any future iterations of the proposals at the site should also be accompanied by a clear set of demolition plans at an appropriate scale, indicating the loss and removal of any building fabric to allow for understanding of the impact the scheme would have upon the significance of the listed building.

I do believe there is the potential her for a small sympathetically detailed single bay garage with an asymmetric roof of 0.5/1 storeys, set back away from the house. I also believe that there may be the potential here for a sympathetic extension or enhancement of the existing extension. The acceptability of any revised proposals would be subject to improved understanding of the significance of the existing lean-too extension being provided.

Were the applicant to submit revised proposals, I would request that I be formally reconsulted on the application and would be happy to provide updated comments.

There appears to be little scope for new soft landscaping associated with the development proposal and little potential benefit to character or appearance of the public realm.

Essex County Council
Heritage

Following the submission of additional information I have the following additional comments:

Based on the information provided the lean-to extension does not appear to be of historic interest and significance.

I would be supportive of the principle of a new extension at the location of the existing one, slightly larger than the existing extension, though not of the large footprint currently proposed. The footprint of the proposed extension is similar in size to that of the existing historic building and is not subservient to it in this regard. The detailing of the extension is also unsympathetic in its architectural articulation.

There is also potential here for a garage subservient to the listed building and detailed sympathetically. The separate dwellings to the south of the site are a different consideration to a garage. The garage is in principle an ancillary building, and not a separate dwelling and would be within the curtilage of the house, sharing a visual and proximal relationship with it. The new dwellings to the south are separate and will be divided by a boundary, resulting in a different, more indirect relationship to the listed building.

I am unable to support the current iteration of the proposals, paragraph 196 of the NPPF remains relevant here for the reasons outlined in my previous letter. I recommend that this application is refused.”

Essex County Council
Heritage

Following the receipt of revised proposals, my comments regarding the extension to the house remain unchanged.

I do not think it will be possible for the applicant to achieve the quantity of development sought through the proposed extension without the proposals resulting in harm to the significance to the listed building.

I would be able to support the garage in its own right, subject to the specification of external finish materials which can be secured by a suitably worded condition.

Paragraph 202 of the NPPF (2021) remains relevant here regarding the proposed extension only.”

3. Planning History

00/01568/FUL	Demolition of rear extensions and erection of extension to form kitchen and utility room	Approved	17.01.2001
00/01571/LBC	Demolition of existing felt roofed rear extension and erection of kitchen and utility room	Approved	17.01.2001
04/01080/FUL	Change of use of half of parcel of land from agricultural to garden use		26.07.2004
04/01455/FUL	Change of use of area edged in red from agricultural to garden use	Approved	11.10.2004
14/30110/PREAPP	Erection of 2 No. 3 bedroom	Refused	07.04.2014

	bungalows with double garages.		
17/01272/FUL	Erection of two bungalows.	Refused	09.10.2017
21/00543/LBC	Proposed single storey rear extension and construction of a detached garage/workshop, including the demolition of an existing lean-to structure and garage.	Current	
21/00544/FUL	Proposed single storey rear extension and construction of a detached garage/workshop, including the demolition of an existing lean-to structure and garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL9 Listed Buildings

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more

strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission of a proposed single storey rear extension and construction of a detached garage / workshop, including the demolition of an existing lean-to structure and garage.

Site Description

The application site serves a detached 1.5 storey dwelling known as 'White Ladies, 205 Thorpe Road, Kirby Cross. The dwelling is Grade II Listed, Historic England details as follows;

"FRINTON AND WALTON THORPE ROAD TM 2020/2120 KIRBY CROSS (south side) 12/67 No. 205, White Ladies. (Formerly listed as 6/50 cottage opposite Blue house) II Cottage. C17/C18 or earlier. Timber framed and rough rendered. Red plain tiled roofs. Left external and central right red brick chimney stacks. Single storey range to left, one storey and attics to right with 2 gabled dormers. 1:4 two light diamond leaded casements, those to right paired by pentice boards over. Gable porch to left, C20 plank and muntin door.

Listing NGR: TM2052821162"

The site does not fall within a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Assessment

The design, appearance, impact on the Listed Building and impact on residential / neighbouring amenities are the main considerations in this application.

Design and Appearance

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 proposed rear extension will have a maximum depth of 4.9 metres by 11.5 metres wide with an overall flat roof height of 3 metres. The extension will be finished in a rough cast render over a brick work plinth to match that of the existing dwelling, it will have timber casement windows and doors and includes the installation of one lantern light. The footprint of the proposed extension is similar in size to that of the existing dwelling, as such, 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 therefore considered to have a significant adverse effect on visual amenities and is not compliant with Paragraph 130 of the NPPF, saved Policy QL11, Policy SP1, nor Policy HG12.

Internal alterations are also proposed to install a bathroom at first floor level which includes the installation of a conservation rooflight to the rear of the dwelling. The proposed rooflight is believed to cause a cramped appearance along the existing roofspace due to 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 window therefore deemed to have a significant harmful effect on visual amenity and harm to the listed building and does not comply with the aforementioned policies.

The proposed detached garage will be located to the rear of the site and will measure 6 metres wide by 6.4 metres deep with an overall pitched roof height of 4.6 metres. The garage will be finished in weatherboarding over a brick plinth, it will have a pitched roof design finished in roof tiles to match those of the existing dwelling. The garage is located to the rear of the site towards the west boundary. The garage is considered to be of an appropriate size and design in keeping with the existing dwelling and surrounding area, the proposed garage may be visible from the streetscene at the gap between the host dwelling and neighbouring dwelling to the west, however as it is located to the rear of the site it will be largely shielded by the host dwelling and will not appear prominently within the streetscene. The proposed garage is therefore not considered to have any significant adverse effect on visual amenities and is compliant with the aforementioned Policies.

Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

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.

Essex County Council Place Services have been consulted with regards to this application and have made the following comments;

“The original form and historic elements of the listed building remain discernible through the existing extensions. Though the use of felt for the lean too roof, and the squat box dormers are unsympathetic in detailing they remain subservient in their massing and materiality to

the historic core of the listed building, formerly a lobby entrance house of seventeenth/eighteenth century or earlier.

Local planning authorities require an applicant to describe the significance of any heritage assets affected by an application including any contribution made by their setting. This application does not adequately describe the significance of the listed building including that of the lean too extension for which demolition is proposed. Paragraph 189 of the NPPF is therefore relevant here. Notwithstanding this, provision of an enhanced understanding of the significance of the heritage asset an extension of a similar footprint, volume, and detailing to that currently proposed is unlikely to be supported.

To the south of the proposed location of the double garage and workshop, permission for two bungalows has been granted in recent years at appeal and under the application 17/01272/FUL.

I am unable to support this application due to the following harmful items:

- The proposed demolition of the lean too extension, and large new flat roofed extension of similar footprint to the historic core of the listed building. The significance of this extension remains unknown. The proposed extension in its volume and large footprint would compete with the volume of the cottage and would diminish and detract from its architectural interest.
- Installation of a roof light and bathroom and the invasive associated plumbing works that this would necessitate to the historic core of the building. A new window is also shown in the proposal drawings at the location of the bathroom in addition to the rooflight, though this is not shown in elevation.
- The proposed double garage and workshop element of the proposal would detract from the setting of the listed building by competing with it in its volume and massing, as well as occupying a large portion of the cottage's garden. The proposed outbuilding in its volume and proximity would compete with the volume of the cottage and diminish its architectural interest.
- The proposed lantern light ins an incongruous detail given the age and vernacular rural architectural detailing of the historic cottage.
- The proposed outbuilding and replacement extension are generic in their form, materials and detailing and as such would detract from the setting and architectural interest of the listed building. The proposals are not a bespoke response to their context within in the domestic curtilage of, and abutting the listed building.
- Paragraph 200 of the NPPF encourages local planning authorities to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. In my opinion this has not been achieved in the current iteration of the proposals.

Paragraph 196 of the NPPF is therefore relevant here given the above outlined items that would result in less than substantial harm to the significance of the listed building and I am unable to support this application in its current iteration.

Were a revised scheme to be forthcoming this should be adequately informed by an enhanced understanding of the significance of the whole heritage asset including the lean too extension. Any future iterations of the proposals at the site should also be accompanied by a clear set of demolition plans at an appropriate scale, indicating the loss and removal of any building fabric to allow for understanding of the impact the scheme would have upon the significance of the listed building.

I do believe there is the potential her for a small sympathetically detailed single bay garage with an asymmetric roof of 0.5/1 storeys, set back away from the house. I also believe that there may be the potential here for a sympathetic extension or enhancement of the existing extension. The acceptability of any revised proposals would be subject to improved understanding of the significance of the existing lean-too extension being provided.”

Since receiving these comments additional information was sought regarding the significance of the heritage assets (namely the lean to extension) Essex County Council Heritage then provided the following updated comments;

“Following the submission of additional information I have the following additional comments:

Based on the information provided the lean-to extension does not appear to be of historic interest and significance.

I would be supportive of the principle of a new extension at the location of the existing one, slightly larger than the existing extension, though not of the large footprint currently proposed. The footprint of the proposed extension is similar in size to that of the existing historic building and is not subservient to it in this regard. The detailing of the extension is also unsympathetic in its architectural articulation.

There is also potential here for a garage subservient to the listed building and detailed sympathetically. The separate dwellings to the south of the site are a different consideration to a garage. The garage is in principle an ancillary building, and not a separate dwelling and would be within the curtilage of the house, sharing a visual and proximal relationship with it. The new dwellings to the south are separate and will be divided by a boundary, resulting in a different, more indirect relationship to the listed building.

I am unable to support the current iteration of the proposals, paragraph 196 of the NPPF remains relevant here for the reasons outlined in my previous letter. I recommend that this application is refused.”

A third letter after receiving amended plans reducing the size of the proposed extension and proposed garage stated;

“Following the receipt of revised proposals, my comments regarding the extension to the house remain unchanged.

I do not think it will be possible for the applicant to achieve the quantity of development sought through the proposed extension without the proposals resulting in harm to the significance to the listed building.

I would be able to support the garage in its own right, subject to the specification of external finish materials which can be secured by a suitably worded condition.

Paragraph 202 of the NPPF (2021) remains relevant here regarding the proposed extension only.”

It is therefore considered that the proposed rear extension is of an unsympathetic design and appearance, the extension does not appear subservient to the host dwelling due to the large proposed footprint and the detailing of the extension is also unsympathetic in its architectural articulation. The proposed rear extension therefore causes significant harm to the listed building and is not compliant with saved Policy EN22 or Emerging Policy PPL9.

Essex County Council Heritage were further consulted on the proposed internal alterations to the existing dwelling to include a bathroom at first floor level and the installation of a rear roof light. It was agreed that 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.

The proposed garage is considered to be of an appropriate design and appearance with no significant harmful effect on the listed building. The proposed garage therefore complies with the aforementioned Policies.

Impact on Neighbouring Amenities

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst 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).

The proposed rear extension is of a single storey nature and therefore poses no significant threat of overlooking or loss of privacy to the adjacent neighbours.

Due to the position of the proposed rear extension in relation to the siting of the neighbouring dwellings on their plots, the proposal has no significant harmful effect on the loss of light to the adjacent neighbouring dwellings.

The proposed garage is also of a single storey nature with no significant threat of overlooking or loss of privacy to the adjacent neighbours.

The garage is located away from the adjacent neighbouring properties and has no impact on loss of light.

The proposal is therefore considered acceptable in terms of residential amenities.

Highway Issues

The proposed garage / workshop does not conform to Essex County Council Highways requirements for a garage to measure 7 metres by 3 metres internally in order to qualify as an acceptable parking space. However the plans submitted do show adequate parking at the site. Furthermore the existing garage does not comply with Essex County Council requirements to be considered as an adequate parking space, the proposal cannot therefore be said to cause a loss of parking space at the site. The proposal is therefore considered acceptable in terms of highway safety.

Other Considerations

5 letters of objection from one member of the public, and one further letter of objection from a member of the public have been received raising concerns as summarised below;

Letters of objection	LPA Response
<ul style="list-style-type: none"> Objects to the application as per the comments made by Essex County Council Heritage and members of the public 	<p>The comments provided by Essex County Council have been assessed within this report, whereby it is deemed that the proposed rear extension is of an unacceptable design and appearance, however the proposed garage is considered to be acceptable with no significant harmful effect on residential amenities.</p>
<ul style="list-style-type: none"> The impact on neighbours and local wildlife. 	<p>The proposal impact on the neighbouring dwellings has been assessed throughout the report.</p> <p>The proposal is not considered to have a harmful effect on wildlife, there will be no loss of significant mature trees as a result of the proposal, the proposed garage will be situated in the rear garden of White ladies and is surrounded by well-maintained grass, as such it is unlikely to be protected species within the vicinity of the proposal.</p>
<ul style="list-style-type: none"> The access point to the site is extremely limited and delivery of building materials will disrupt the neighbours privacy and increase noise levels over a considerable period of time, decreasing the quality of life for the neighbours and wildlife in the area. 	<p>Any harm caused by the delivery of building materials to a neighbouring property is not considered to be a material planning consideration, in the event that this does occur it should be dealt with as a civil matter. The delivery of building materials is also not thought to have any significant effect on the loss of privacy.</p> <p>Any level of noise emitted as a result of the delivery of building materials and</p>

	construction of the development is expected to be consistent with normal residential construction noise and is not a valid reason to reject an application.
<ul style="list-style-type: none"> The substantial size of the workshop and its potential use causing possible noise, pollution and disturbance. The garage is considered to be out of character with the area and is visible from the neighbouring properties and public footpath. 	<p>The design and appearance of the garage / workshop has been assessed throughout this report and is deemed to be of an appropriate size and scale. With regards to potential noise concerns, it is recognised that White Ladies is a residential dwelling and its use will continue as such, any noise emanating from the property is expected to be consistent with normal residential noise levels.</p> <p>An informative restricting the use of the garage to that ancillary to the existing dwelling has been added to this report.</p>
<ul style="list-style-type: none"> Ongoing boundary disputes and land ownership concerns. 	Boundary disputes and land ownership are not deemed to be a material planning consideration and have not been assessed throughout this report.

Frinton and Walton Town Council Object to the proposal as per the comments made by Essex County Council Heritage.

Essex County Council Heritage Object to the construction of the rear extension, the internal works of the listed building and the rear rooflight, but are supportive of the proposed (amended) garage.

No other letters of representation have been received.

Conclusion

It is clear that the proposed garage can go ahead independently of the proposed rear extension. This is a case where a split decision is appropriate otherwise the whole scheme would need to be refused. The split decision at least allows the applicant to proceed with the acceptable elements of the scheme and potentially appeal the rear extension.

For the reasons set out above the proposed rear extension, internal alterations and rear rooflight are considered to be of an unsympathetic design out of character with the host dwelling and is considered contrary to national and local policies being harmful to the character and appearance of the local area. The proposed garage is considered to be of an acceptable design and appearance with no significant adverse effect on residential amenities and is consistent with national and local Policies.

6. Recommendation

Split decision

7. Conditions / Reasons for Refusal

- 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.

8. Informatives

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

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.

Split Decision Informative

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

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.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>