

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	AC	18/11/2022
Planning Manager / Team Leader authorisation:	JPG	18/11/2022
Planning Technician final checks and despatch:	CC	18.11.2022

**Application:** 20/00518/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** L Buchan

**Address:** Windmill House The Street Ramsey

**Development:** Changes to the external walls comprising the installation of weatherboarding; replacement of all windows and door frames with uPVC frames, Juliette balconies to first floor flank elevations, removal of chimney and new front porch. Internal wall removal. Demolition of dilapidated shed and use of two-storey coach-house as ancillary accommodation. Retrospective.

### **1. Town / Parish Council**

### **2. Consultation Responses**

Essex County Council  
Heritage

Historic England

Essex County Council  
Heritage  
26.05.2020

Built Heritage Advice pertaining to an application for: Proposed rear extension to form new living space.

The proposals are to a historic miller's house located within the curtilage of the Grade II\* listed Ramsey Windmill (List UID: 1147549) and as such is curtilage listed. Given this, a listed building consent is required for this site. The property is also located within Ramsey Village Conservation Area.

Three public rights of way are located to the north, north west and north east of the site from which views are afforded of the listed windmill and behind it Windmill House. Windmill House, the location of the proposals, forms part of the curtilage of the designated heritage asset and serves as the backdrop to the listed windmill when viewed from these public rights of way.

The proposals are not of the quality expected of a development within a conservation area. Paragraph 200 of the NPPF encourages local planning authorities to look for opportunities for new development within Conservation Areas, to enhance or better reveal their significance. The proposals do not in my opinion achieve this and may diminish the significance of this section of the Conservation Area through the introduction of inappropriate materials and the crude form of the extension.

The site has not been assessed to the level of detail required for a heritage asset of this importance as is required by applicants by paragraph 189 of the NPPF.

Notwithstanding this lack of assessment, the incongruous additions to the miller's house, which largely retains its historic prominent form and massing, would result in harm to the architectural appearance of the curtilage listed house. The proposal's unsympathetic design and massing would also diminish the character of this section of the Conservation Area. Furthermore the poor detailing and materiality further exacerbate the poor quality of the design, such as the proposed UPVC fenestration which in principle is unsupported in a conservation area.

The proposals would result in less than substantial harm to the significance of the listed building and would preserve and enhance character and appearance of the Conservation Area, making paragraph 196 of the NPPF relevant here.

I am therefore unable to support this application.

Should a future application be forthcoming it is recommended that this is preceded by a preapplication to discuss opportunities at the site for an extension.

Historic England

Essex County Council  
Heritage  
24.11.2020

Built Heritage Advice pertaining to an application for: Proposed rear extension to form new living space.

The proposals are to a historic miller's house located within the curtilage of the Grade II\* listed Ramsey Windmill (List UID: 1147549) and therefore the building is curtilage listed. As such, a listed building consent is required for this site. The property is also located within Ramsey Village Conservation Area.

This letter should be read in addendum to my letter of 26th May 2020.

The proposal does not reflect the extensive and proactive discussions on site and is largely unchanged from the previously submitted scheme. It has also largely retained all previously harmful elements of the scheme. The applicant continues to pursue Juliet balconies despite it being discussed on site that these are inappropriate to this listed building and within this Conservation Area. It was discussed on site that the rear (north) elevation is identified as the oldest part of the dwelling and the application would include almost the complete truncation of the elevation.

These proposals fail to preserve the architectural interest of this building and furthermore cause harm to its significance, without justification, through this poorly conceived proposal.

Paragraph 196 of the NPPF is relevant with regard to the less than substantial harm to the curtilage listed building that would be resultant from the detrimental impact the proposals would cause to the architectural and historic interest of the curtilage listed building.

The proposals would result in less than substantial harm to the Conservation Area which should be considered under 196 of the NPPF, considering that the proposals would fail to preserve or

enhance the character and appearance of the Conservation Area. Furthermore, the loss of an element that makes a positive contribution to the Conservation Area in the loss of the lean-to north elevation, makes paragraphs 201 of the NPPF, and 196 again relevant here.

The 'great weight' that should be given to the asset's conservation under paragraph 193 of the NPPF is also of relevance here in regard of both the curtilage listed building and the conservation area.

Historic England  
26.11.2020

I recommend that this application is refused.  
Thank you for your letter of 5 November 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### 3. Planning History

17/00525/FUL	Proposed two detached dwellings.	Withdrawn	07.06.2017
17/01917/FUL	Proposal to erect 2 new dwellings with associated parking & landscaping.	Approved	15.11.2019
20/00518/FUL	Changes to the external walls comprising the installation of weatherboarding; replacement of all windows and door frames with uPVC frames, Juliette balconies to first floor flank elevations, removal of chimney and new front porch. Internal wall removal. Demolition of dilapidated shed and use of two-storey coach-house as ancillary accommodation. Retrospective.	Current	
22/00828/FUL	Proposed erection of 1no. new dwelling with associated parking & landscaping (variation to Plot 1 of approved application 17/01917/FUL).	Approved	
22/01000/DISCON	Discharge of condition 8 (Construction Method Statement) of application 17/01917/FUL	Approved	11.07.2022
09/00174/FUL	Change of use from Class C3 dwelling to C2 residential care home for homeless and disabled children.	Withdrawn	17.06.2009
09/00678/FUL	Change of use from Class C3	Refused	19.10.2009

	(dwellinghouse) to Class C2 (residential care home) for homeless and disabled children.		
10/00049/TCA	Remove 7 metre stretch Hawthorn Hedge.	Approved	15.02.2010
15/00219/FUL	Demolition of the existing annexe and courtyard arrangement and replacement with two-storey extension including internal alterations.	Withdrawn	19.03.2015
15/30191/PREAPP	Demolition of existing annexe and courtyard arrangement and replacement with a two storey extension.	Refused	18.09.2015
16/00272/FUL	Demolition of the existing annexe and courtyard arrangement and replacement with a two-storey extension including internal alterations.	Refused	17.05.2016
17/01917/FUL	Proposal to erect 2 new dwellings with associated parking & landscaping.	Approved	15.11.2019
20/00518/FUL	Changes to the external walls comprising the installation of weatherboarding; replacement of all windows and door frames with uPVC frames, Juliette balconies to first floor flank elevations, removal of chimney and new front porch. Internal wall removal. Demolition of dilapidated shed and use of two-storey coach-house as ancillary accommodation. Retrospective.	Current	
22/01022/FUL	Proposed construction of 1 no. 2 bedroom bungalow (amendment to Plot 1 granted consent under 17/01917/FUL, to extend footprint by 3m).	Approved	07.09.2022

#### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Conservation Area Character Appraisals

### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal (including Site Description and Proposal)**

Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge, nearby residents and a Parish or Town Council where there is one.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

### Site Description

Windmill House is located to the north west of Wix Road, Ramsey, set back from the ribbon development to the south. The site comprises a long driveway leading to Windmill House, with the Grade II\* Listed Ramsey Windmill situated towards the north of the site. Windmill House is not listed, however it is located adjacent to the curtilage of Ramsey Windmill.

### Proposal

As submitted, the application proposed a rear addition to the property along with a number of alterations. As a consequence of concerns raised by the Built Heritage team regarding the potential impact of the development on the listed windmill the plans have evolved extensively and they now simply seek the regulation of a number of internal and external alterations which have already been undertaken to the dwelling - these include changes to the external walls comprising the installation of weatherboarding; replacement of all windows and door frames with uPVC frames, Juliette balconies to first floor flank elevations, removal of chimney and new front porch. Internal wall removal. Demolition of dilapidated shed and use of two-storey coach-house as ancillary accommodation.

### Design/Heritage Impacts

The Windmill existed on the site long before the dwelling (circa 1842 versus the dwelling being Victorian). The dwelling clearly existed in 1952 when the Windmill was first listed, though it is not referred to in any way in the listing. The Windmill clearly has its own curtilage, being fenced off with a post/rail type boundary treatment. For these reasons to LPA conclude that the host dwelling is not curtilage listed - however applications for development should be considered against their impact on the Setting of a Listed Building.

### Assessment

The Town and Country Planning Act 1990, Section 55 provides the definition of development and new development.

Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act "building operations" includes-

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which -
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building,

The case of *Burroughs Day v Bristol City Council* [1996] establishes that for works to 'materially affect' external appearance, the changes must be visible from a number of vantage points and material to the appearance of the building as a whole.

The following elements of the application are considered to not amount to operational development:-

Replacement of all windows and door frames with uPVC frames  
Removal of chimney  
Internal wall removal  
Juliette balconies to first floor flank elevations  
Use of two-storey coach-house as ancillary accommodation.  
Demolition of dilapidated shed

The property is sited at the northern end of an access road which serves one existing property and two new properties (subject of the 2017 approval). The access road is in excess of 130m long and the property is not within a clear line of site from The Street, it also site beyond a set of large solid

gates. For these reasons the property itself is not visible from a number of vantage points and for this reason the replacement of all windows and door frames with uPVC frames and the installation of guard rails (Juliette balconies) does not amount to development under Section 55 (a) (ii) of the Town & Country Planning Act 1990. It is further relevant to note that the windows were replaced at some point between 2015 and 2016; the development would automatically be granted planning permission under the 'four year rule' in any event.

Although the property is within a Conservation Area, consent to demolish structures is only required where those structures have a cubic content greater than 115cbm. For this reason, and express grant of planning permission would not be required for the removal of the chimney or the demolition of the dilapidated shed. It is also relevant to note that the Conservation Area Appraisal specifically mentions that the outbuildings "are flat roofed and do not enhance the setting of The Mill as a listed building."

The removal of internal walls does not amount to development under Section 55 (a) (i) of the Town & Country Planning Act 1990

The use of the coach house as ancillary accommodation does not amount to the creation of a new, separate planning unit. For this reason ancillary accommodation does not result in a material change of use.

Taking in to consideration that the location of the building being in excess of 50m from any public vantage points, the north elevation wall is finished externally in vertical metal cladding, the works are at ground floor level and sited to the rear/side, do not propose the enlargement of existing openings; the works are deemed to not materially affect the external of the building and do not amount to operational development.

#### The Requirement for Planning Permission

The installation of weatherboarding would require an express grant of planning permission as it consists of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles.

The reason why the front porch requires planning permission is because, as a result of the variations/undulations to land levels the porch is elevated thereby taking its height 0.8m higher than that controlled under Class D, paragraph D.1 (c) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### Principle

The Tendring District Local Plan 2013-2033 and Beyond (the Local Plan) 'North Essex Authorities' Shared Strategic Section 1' sets out the strategic level spatial strategy for North Essex. Local Plan Policy SP3 states [Emphasis added]:

"Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.

Policy SPL1 'Managing Growth' identifies Ramsey Village as a 'Smaller Rural Settlement'.

Policy SPL2 'Settlement Development Boundaries' states [Emphasis added]:

"To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

The application proposes an extension to an existing dwellinghouse, as such the principle of the development is acceptable.

### Design & Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Whilst dwellings are typically finished in self-coloured render within the locale, it is observed that, in response to the development for two new dwellings at the southern end of the access track that weatherboarding was the preferred external finish. For this reason little objection can be raised in regards to this choice of external finish. The porch site centrally within the façade and its ridge sits below the first floor window cill levels, its eaves level corresponds to the break between the render/weatherboard split and it introduces a form of development which breaks up the monotony of the façade. For these reasons the development is considered to respect existing street patterns and maintains a strong sense of place.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

Separation distances to adjacent dwellings are sufficiently extensive in order that the development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

### Highway Issues

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

The proposal does not result in the loss of existing or generation of additional parking provision.



## Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 197 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy PPL8 of the adopted Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features.

The essential character of Ramsey Conservation Area is of a relatively short, tightly-defined, traditional village street, closely lined with vernacular properties with others forming strong groupings away from the road. The generally limited scale of these properties contrasts with occasional larger buildings such as the listed farmhouses and the prominent post mill, though the restricted palette of facing materials applies equally to all these structures.

The application site is specifically mentioned in the appraisal as:-

"The drive continues to The Mill through an archway of conifers into a small paddock surrounded by mature hedgerows. To the left stands The Mill House, a two storey mid-Victorian building with rough rendered walls under a hipped slate roof. While windows have been replaced at first floor level, the original Victorian sashes survive on the principal elevation at ground floor level while there are small-pane sashes to the side and to the rear overlooking a small yard. A weatherboarded outbuilding with a slate roof and rear out-shut stands on the other side of the drive."

It is accepted that the porch and weatherboarding change the appearance of the dwelling, notwithstanding this the addition of a porch does not materially harm the wider characteristics attributed to Ramsey Conservation Area. It is accepted that the Appraisal makes specific reference to "the restricted palette of facing materials applies equally to all these structures" however the choice of weatherboarding as a facing material for the two new dwellings at the southern end of the lane is seen to establish that weatherboarding is an appropriate finish. For these reasons the porch and weatherboarding are considered to have a neutral impact on the character of the Conservation Area.

## Representations

No letters have been received in response to the publicity of the application.

The Parish Council have not made any comments on the application.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans All received 21 Sep 2022 and Ref , 1376 - P01.1. 1376 - P02.1 , 1376 - P03.1, 1376 - P04.1 and 1376 - P05.1. Red line plan is 1376 - P06.1.. and BLOCK PLAN & ORDNANCE SURVEY

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 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.