

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	16/03/2023
Planning Manager / Team Leader authorisation:	SCE	17.03.2023
Planning Technician final checks and despatch:	ER	17/03/2023

Application: 23/00104/FULHH **Town / Parish:** Mistley Parish Council

Applicant: Miss Christine Smith

Address: 64 Holly Cottage Harwich Road Mistley

Development: Proposed demolition of hybrid wall/fence boundary along TDC footway and replace with brick wall. External wall insulation in the form of cladding to west and south elevations of dwelling and carry out associated slight enlargement and renewal of flat roof on rear extension. Repoint C19 brickwork with lime mortar and replace the UPVC rainwater goods on the front elevation with a cast-iron system.

Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 27 February 2023, the Parish Council recommended supporting the heritage comments made by Essex County Council.

1. Consultation Responses

Essex County Council
Heritage
24.02.2023

The application is for proposed demolition of hybrid wall/fence boundary along TDC footway and replace with brick wall. External wall insulation to west and south elevations of dwelling and carry out associated slight enlargement and renewal of flat roof on rear extension. Repoint C19 brickwork with lime mortar and replace the UPVC rainwater goods on the front elevation with a cast-iron system.

The proposal site is a 19th century building within the Manningtree and Mistley Conservation Area. This part of the Conservation Area largely comprises of late-nineteenth and early twentieth century semi-detached and terraced brick workers houses with later twentieth century infills. There are a number of buildings of local architectural and historic interest including the three large detached properties adjoining the proposal site along Harwich Road (56-58, 60 Alma House, and 62 Holly Place) which are considered good examples of the nineteenth century housing which developed in this area. The whole group makes a positive contribution to the character and appearance of the Conservation Area.

There are generally no objections in principle to the proposed repairs, improvement and reinstatement of lost original features as proposed. Repointing the historic brickwork with lime mortar and replacing UPVC rainwater goods with cast iron are considered appropriate and sympathetic repairs which will enhance the character and appearance of the Conservation Area. however, there are some concerns about the proposed boundary wall and external cladding.

Front boundary wall

The removal of the existing unsympathetic boundary treatment and

the reinstatement of the front garden and of a brick boundary wall will be considered as an enhancement to the character and appearance of the Conservation Area. It is however advised that the new brick wall shall take as a reference, in terms of materials and details, the adjoining boundary treatment at no66, in order to reinstate the original symmetry and uniformity of the pair as part of the street scene along Harwich Road.

While there is a variety of boundary treatments in the Conservation Area, as also stated in the supporting statement, low brick walls with brick piers and topped with coping stone are common in the local streetscape and they contribute positively to the significance of the area.

The replacement of the existing gate with a new metal gate of similar design is also acceptable, providing that details and specifications of the proposed gate are submitted for approval before installation.

External wall insulation

There are several concerns about the installation of external wall insulation to the side and rear elevation of the existing building.

- Character and appearance of the Conservation Area

The installation of external insulation and cladding will significantly alter the building's appearance and its contribution to the character and appearance of the Conservation Area. Most of the terraces in this area have brick elevations, often featuring contrasting details as brickwork bands, brick pilasters with brick capitals, doorways with architraves. There are many examples of rendered and painted brickwork as well. While timber cladding has been used in Mistley, this is a more typical feature in other areas of the Conservation Area and generally not in residential buildings (the closest example of external timber cladding is The Anchor Inn). The proposed external cladding would be therefore considered an incongruous addition which will not be in keeping with the character and appearance of the Conservation Area.

Moreover, the cladding will leave the gable exposed creating an incongruous detail where the thickness of the wall will be reduced.

The proposal is therefore not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

- Breathability

Traditional buildings, as the proposal site, are made of permeable materials and do not incorporate modern barriers to external moisture such as cavities, rain-screens, damp-proof courses, vapour barriers and membranes. When traditional buildings are working as they were designed to, the moisture absorbed by the building is released by internal and external evaporation keeping the dampness level low. The introduction of impermeable materials, like external or internal insulation, is likely to compromise the natural breathability of the historic fabric, trapping and holding moisture and creating problems for the building. As such, these materials must be avoided when making improvements to the energy efficiency of historic buildings and alternative solutions investigated.

Where external insulation is used, installation must ensure that the breathability of the original structure is retained and this is mostly achieved by introducing a ventilated cavity between wall and insulation. It is noted that this would further increase the thickness of the insulated layer, which would be inappropriate for this building.

Furthermore, external insulation is effective where the insulation layer is continuous along the building fabric, including windows and doors reveal. Whenever insulation is added to an existing building there is a danger of creating thermal bridges at critical junctions where full coverage may be interrupted. Areas left with reduced or no insulation will be colder and attract relatively more condensation, often resulting in severe local decay.

As the proposed insulation will not include the front elevation and the gable end and would not be installed to windows and doors reveals, it is likely that this solution would result in further damage to the building. As such, the need for improving the thermal efficiency of the building is not considered to provide a clear and convincing justification for any level of harm to the Conservation Area (Paragraph 200 of the NPPF) and great weight should be given to the heritage asset's conservation (Paragraph 199).

Further information on insulating historic buildings can be found on Historic England guidance Energy Efficiency and Historic Buildings: Insulating solid walls.

Overall, should the external cladding be removed from the proposal and the design of the proposed boundary wall revised, there would be no objection to this application. However, in their current form, the proposals do not preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

Tree & Landscape Officer
08.02.2023

There are no trees or other significant vegetation on the application site in the proximity of the proposed development.

Within the curtilage of the property immediately to the north there are two established trees, a Bay tree and a Holly tree. Both make a positive contribution to the character and appearance of the conservation area.

Taking into account the tree species and the extent of the proposed works it is considered that the implementation of the proposed development will not adversely affect the roots of the trees.

There is little public benefit to be gained by new soft landscaping associated with the development.

ECC Highways Dept
13.02.2023

Please find consultation response below for application 23/00104/FULHH, from the Highway Authority.

Should you require any clarification or further information please contact me.

Application No. 23/00104/FULHH

Proposal. Proposed demolition of hybrid wall/fence boundary along TDC footway and replace with brick wall. External wall insulation to west and south elevations of dwelling and carry out associated slight enlargement and renewal of flat roof on rear extension. Repoint C19 brickwork with lime mortar and replace the UPVC rainwater goods on the front elevation with a cast-iron system.
Address. 64 Holly Cottage Harwich Road Mistley Manningtree Essex CO11 1LW

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image.

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

2. Planning History

22/01657/FULHH	Proposed demolition of existing garden wall and wooden rail above and replace with new garden wall.	Withdrawn	06.10.2022
23/00104/FULHH	Proposed demolition of hybrid wall/fence boundary along TDC footway and replace with brick wall. External wall insulation in the form of cladding to west and south elevations of dwelling and carry out associated slight enlargement and	Current	

renewal of flat roof on rear extension. Repoint C19 brickwork with lime mortar and replace the UPVC rainwater goods on the front elevation with a cast-iron system.

3. 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)

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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.

4. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission for the proposed demolition of hybrid wall/fence boundary along TDC footway and replace with brick wall. External wall insulation in the form of cladding to west and south elevations of dwelling and carry out associated slight enlargement and renewal of flat roof on rear extension. Repoint C19 brickwork with lime mortar and replace the UPVC rainwater goods on the front elevation with a cast-iron system.

Assessment

Design/ Appearance/ Heritage Impact

The National Planning Policy Framework 2021 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2

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.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The proposal site is a 19th century building within the Manningtree and Mistley Conservation Area. This part of the Conservation Area largely comprises of late-nineteenth and early twentieth century semi-detached and terraced brick workers houses with later twentieth century infills. There are a number of buildings of local architectural and historic interest including the three large detached properties adjoining the proposal site along Harwich Road (56-58, 60 Alma House, and 62 Holly Place) which are considered good examples of the nineteenth century housing which developed in this area. The whole group makes a positive contribution to the character and appearance of the Conservation Area.

Front boundary wall

The removal of the existing unsympathetic boundary treatment and the reinstatement of the front garden and of a brick boundary wall will be considered as an enhancement to the character and appearance of the Conservation Area.

There is a variety of boundary treatments in the Conservation Area, as also stated in the supporting statement, low brick walls with brick piers and topped with coping stone are common in the local streetscape and they contribute positively to the significance of the area. The replacement of the existing gate with a new metal gate of similar design is also acceptable, however details and specifications of the proposed gate have not been submitted for consideration. It is considered these points could be addressed by conditions on any permission.

External wall insulation

The installation of external insulation and cladding will significantly alter the building's appearance and its contribution to the character and appearance of the Conservation Area. Most of the terraces in this area have brick elevations, often featuring contrasting details as brickwork bands, brick pilasters with brick capitals, doorways with architraves. There are many examples of rendered and painted brickwork as well. While timber cladding has been used in Mistley, this is a more typical feature in other areas of the Conservation Area and generally not in residential buildings (the closest example of external timber cladding is The Anchor Inn).

The proposed external cladding would be therefore considered an incongruous addition which will not be in keeping with the character and appearance of the Conservation Area. Moreover, the cladding will leave the gable exposed creating an incongruous detail where the thickness of the wall will be reduced.

The proposal is therefore not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

The introduction of impermeable materials, like external or internal insulation, is likely to compromise the natural breathability of the historic fabric, trapping and holding moisture and creating problems for the building. As such, these materials must be avoided when making improvements to the energy efficiency of historic buildings and alternative solutions investigated. Where external insulation is used, installation must ensure that the breathability of the original structure is retained and this is mostly achieved by introducing a ventilated cavity between wall and insulation. It is noted that this would further increase the thickness of the insulated layer, which would be inappropriate for this building.

Furthermore, external insulation is effective where the insulation layer is continuous along the building fabric, including windows and doors reveal. Whenever insulation is added to an existing

building there is a danger of creating thermal bridges at critical junctions where full coverage may be interrupted. Areas left with reduced or no insulation will be colder and attract relatively more condensation, often resulting in severe local decay.

As the proposed insulation will not include the front elevation and the gable end and would not be installed to windows and doors reveals, it is likely that this solution would result in further damage to the building.

As such, the need for improving the thermal efficiency of the building is not considered to provide a clear and convincing justification for any level of harm to the Conservation Area (Paragraph 200 of the NPPF) and great weight should be given to the heritage asset's conservation (Paragraph 199). Further information on insulating historic buildings can be found on Historic England guidance Energy Efficiency and Historic Buildings: Insulating solid walls.

The current proposal would therefore fail to preserve or enhance the character and appearance of the Conservation Area, resulting in a low degree of less than substantial harm to their significance, as per paragraph 202 of the NPPF and contrary to Policy PPL8. There are insufficient public benefits to outweigh this harm and the proposal is therefore contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

The ECC Heritage Team have objected to the scheme detailing changes which could overcome these issues. These amendments have not been pursued by the applicant/ agent.

Impact to Neighbours

The proposal is of a minor nature which would not adversely impact the residential amenities of neighbouring sites.

Other Considerations

At its Planning Committee Meeting on the 27 February 2023, the Parish Council recommended supporting the heritage comments made by Essex County Council. There have been no letters of representation received.

Conclusion

The proposed development by virtue of its design and materials will fail to preserve or enhance the character and appearance of the conservation area and would result in an incongruous form of development to the main dwelling, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies. The application is therefore recommended for refusal.

5. Recommendation

Refusal - Full

6. Reasons for Refusal

- 1 The National Planning Policy Framework 2021 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. Section A of this policy states requests

that new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness and Section B requests that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Paragraph 197 section C of the NPPF states in determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The proposal site is a 19th century building within the Manningtree and Mistley Conservation Area. This part of the Conservation Area largely comprises of late-nineteenth and early twentieth century semi-detached and terraced brick workers houses with later twentieth century infills. There are a number of buildings of local architectural and historic interest including the three large detached properties adjoining the proposal site along Harwich Road (56-58, 60 Alma House, and 62 Holly Place) which are considered good examples of the nineteenth century housing which developed in this area. The whole group makes a positive contribution to the character and appearance of the Conservation Area.

Most of the terraces in this area have brick elevations, often featuring contrasting details as brickwork bands, brick pilasters with brick capitals, doorways with architraves.

The proposed installation of external insulation and cladding, by virtue of the detailing and materials will significantly alter the building's appearance and would be an incongruous addition, failing to preserve or enhance the character and appearance of the Conservation Area.

In relation to paragraph 202 of the NPPF, there are no public benefits to outweigh this less than substantial harm to the significance of a designated heritage asset. The proposed external insulation and cladding are therefore contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

7. Informatives

Positive and Proactive Statement

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Block Plan - Rec 20/01/2023

Existing and North West Elevations - Rec 20/01/2023

Existing West Elevation - Rec 20/01/2023

Proposed and Existing South Elevation - Rec 20/01/2023

Proposed North and West Elevation - Rec 20/01/2023

Proposed West Elevation - Rec 20/01/2023
Site Plan - Rec 20/01/2023
Design and Access Statement - Rec 20/01/2023