

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	26.05.2023
Planning Manager / Team Leader authorisation:	ML	26/05/2023
Planning Technician final checks and despatch:	ER	26/05/2023

Application: 22/01412/LBC **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs A Kinsmore-Ward

Address: Hill House 100 Halstead Road Kirby Cross

Development: Proposed single storey rear extension with internal connection and internal alterations and upgrades to floor levels to the bathroom and scullery.

1. Town / Parish Council

Frinton & Walton Town Council Recommend Approval

2. Consultation Responses (Summary)

Essex County Council
Heritage 1st
15.03.2023 (following site visit)

Overall the proposed works are acceptable, the extension has been reduced in scale from the previous proposal and the design is in keeping with the character of the listed building. Internal alterations were also considerably reduced and limited to the latest 1935 addition only, with very limited impact on historic fabric. There are just few details which would require some additional information:

The flat roof of the proposed extension is slightly higher than the level of the existing gutter. Details of the junction between the proposed flat roof and the existing pitched roof and of the proposed rainwater disposal system would be required

The proposed flat roof is finished with single ply membrane. As the roof would not have any parapet or upstand, the single ply finish would be highly visible. We advise that this is replaced with a more sympathetic material like traditional lead or zinc

The cavity wall for the new extension would be built in close proximity to the existing historic wall. Additional investigation to the foundation of the existing wall would be required, as well as structural details of the proposed cavity wall and foundation

We also advised the applicant that if they submit details of proposed windows and doors and schedule of external materials we would avoid adding any condition.

Essex County Council
Heritage 2nd
15.03.2023 (following amended plans)

The additional information submitted by the agent with the revised roof design has been assessed. The proposal for a Sarnafil (or similar) roof with applied standing seams and overhanging roof edge section to be finished in zinc or lead is acceptable. While there would be a low level of less than substantial harm, it is noted that the applicant investigated alternative solutions and provided clear and convincing justification to support the feasibility of this proposal, as stated in Paragraph 200 of the NPPF.

Construction details of the roof and new wall (including foundations) can be included as conditions pre-commencement of the new

extension. If they carried out a trial hole to inspect the condition of the existing footings (as suggested by the agent) a report can be submitted at this stage.

Details of new windows and doors can also be submitted before installation.

Therefore, there is no objection to this application, subject to the conditions in regards to roof details, foundation of existing wall, construction details, and rainwater goods.

3. Planning History

22/00532/LBC	Proposed replacement of two windows.	Approved	07.06.2022
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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
SP7 Place Shaping Principles

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

SPL3 Sustainable Design
PPL9 Listed Buildings

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

Site Description

The application site relates to Hill House, 100 Halstead Road, Kirby Cross, which is a two storey Grade II Listed Building located on the eastern side of Halstead Road, between the settlements of Kirby Cross to the south and Kirby-Le-Soken to the north.

The listing description is as follows:

Hill Farmhouse II House. C18 facade of probably earlier origin with later alterations and additions. Painted brick faced. Red plain tiled roof. Parapet verges. Rear wings. 2 storeys. Band below eaves. End and right bay pilasters 5:1 window range of small paned vertical sliding sashes. That to ground floor right a 3 light bow with reeded pilasters, frieze and square patera. Flat headed porch

supported by circular columns with moulded capitals and plain bases, frieze dentilled cornice. Reveal panels, moulded surround and frieze to 6 panelled door. Ornate tracery to light over. Moulded rainwater head. Moulded shutters to windows. Moulded surrounds to some fireplaces. Stop chamfered bridging and ceiling joists, some possibly not in situ.

Proposal

The application seeks listed building consent for the construction of a single storey rear extension with new internal connection and internal alterations and upgrades to floor levels, the bathroom and scullery. During the course of the application amended plans have been received due to officer and heritage concerns raised regarding the roof construction. Therefore, the application is determined on the basis of the amended plans.

The application is also supported by:

Design and Access – Heritage – Statement, Project No: 21020, August 2022 (revised)

Flush casement details

New garden door details

Brio-bi-fold door details

Brio-bi-fold door details

Assessment

The main consideration is the impact of the proposed works on features of special architectural or historic interest and that the special character and appearance or setting of the building would be preserved or enhanced.

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.

Paragraph 194 of the NPPF requires applicants to describe the significance of any heritage assets affected. The application is accompanied by a comprehensive Heritage statement.

Paragraph 199 of the National Planning Policy Framework ("the Framework") states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy PPL9 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' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

Paragraph 202 of the Framework adds 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, including securing its optimum viable use.

ECC Heritage Place Services have been consulted on the application and following a site visit amended plans were submitted to overcome the concerns raised by the Heritage Officers in regards to the roof design.

It is therefore considered that the proposed extension and internal alterations are acceptable and subject to conditions would strive to preserve and enhance the Listed Building, whilst adapting to modern living requirements.

Third Party Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site, press notice and neighbour consultation letters sent out to the adjacent properties.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approve – Listed Building Consent

7. Conditions

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Approved Plans

Site Location Plan - 001 PL2
Proposed Block Plan - 100 PL1
Proposed Ground Floor Plan - 104 PL1
Kitchen Area Proposed Floor Plan - 105 PL1
Roof Plan - 109 PL2
Proposed Elevations 210 PL3

Approved Documents

Design and Access – Heritage – Statement, Project No: 21020, August 2022 (revised)
Flush casement details - Rec'd 21.02.2023
New garden door details – Rec'd 21.02.2023
Brio-bi-fold door details – Rec' d 21.02.2023
Brio-bi-fold door details – Rec'd 21.02.2023

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. ROOF JUNCTION

CONDITION: Prior to the commencement of the construction of the extension hereby approved, full details the junction between the proposed flat roof and the existing pitched roof and of the proposed rainwater disposal system shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: The application relates to a listed building therefore such details are necessary, prior to commencement, in order to protect the historic fabric of the building/walls from damage, in order to preserve and enhance the historic character and integrity of the building from the outset.

4. FOUNDATION OF EXISTING WALL

CONDITION: Prior to the commencement of the construction of the extension hereby approved, an investigation to the foundation of the existing wall shall be carried out and report of investigation submitted for approval in writing by the Local Planning Authority.

REASON: The application relates to a listed building therefore such details are necessary, prior to commencement, in order to protect the historic fabric of the building/walls from damage, in order to preserve and enhance the historic character and integrity of the building from the outset.

5. NEW WALL AND FOUNDATIONS

CONDITION: Prior to the commencement of the construction of the extension hereby approved, construction details of the proposed wall adjacent to the existing wall, including foundation details, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be

implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: The application relates to a listed building therefore such details are necessary, prior to commencement, in order to protect the historic fabric of the building/walls from damage, in order to preserve and enhance the historic character and integrity of the building from the outset.

6. RAINWATER GOODS

CONDITION: All new rainwater goods for the development hereby approved shall be black painted or powder coated metal and shall be permanently maintained as such.

REASON: The application relates to a listed building and complementary materials are sought in order to preserve and enhance the historic character and integrity of the building

7. HERITAGE SERVICES

CONDITION: All new fixtures to be installed in the shower room, W.C., pantry and scullery must follow existing routes, unless Listed Building Consent has been obtained for any new works.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

8. DOORS AND JOINERY

CONDITION: Prior to the commencement of installation any proposed new internal doors and/or built-in joinery, if required, full details shall be submitted and approved by the Local Planning Authority. Works shall be installed as approved.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

8. **Informatives**

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

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