

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	03/01/24
Planning Manager / Team Leader authorisation:	ML	04/01/2024
Planning Technician final checks and despatch:	ER	04/01/24

Application: 23/01676/LBC **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr and Mrs Edward Haig-Thomas

Address: The Hawthorns High Street Thorpe Le Soken

Development: Proposed garden room extension, reinstatement of garage, installation of rooflights and internal alterations.

1. Town / Parish Council

Thorpe le Soken Parish Council No objections

2. Consultation Responses

Essex County Council
Heritage
22.12.2023

The proposal site is Grade II Listed The Hawthorns within the Thorpe Le-Soken Conservation Area. We were previously consulted for a pre-app for this site and a site visit and a meeting with the agent has been carried out in October 2023 in order to assess the impact of the proposed development on the significance of the identified designated heritage assets.

As previously advised, the proposed repairs and alterations to the main building are generally overall considered to preserve the special interest of the listed building and the character and appearance of the Conservation Area. It is noted that some alterations would result in a low degree of less than substantial harm to the significance of the designated heritage asset due to some loss of historic fabric (this is particularly relevant to the demolition of the partition at first floor to create the proposed en-suite) and the insertion of a bulkhead to the rear elevation to improve access to the top floor. However, the proposed alterations would allow for bringing back into use this heritage asset, which is currently vacant and has not been maintained for a number of years and prevent the historic building from further damage and deterioration.

As discussed on site, some further investigations might be carried out by a CARE engineer to the building structure, particularly the side extension which has evident cracks and movements requiring attention. Investigation to the existing timber floor structure at ground level would also be carried out in order to assess the condition of the existing timber and whether ventilation is provided. A condition for the submission of reports of all investigations carried out to the existing building prior commencement should therefore be included.

The proposed garden room is considered subservient to the main building in terms of scale and location and subtle in design and materials.

It is not clear whether the outbuilding at the rear was considered curtilage listed, however the information provided clearly shows that the existing building was in very poor condition and had to be taken down for safety issues after the roof collapsed in 2014. There is no

objection to the construction of the proposed garage/studio, as per supporting plans, in this location.

There is overall no objection to the current application, subject to the following conditions:

- Prior to commencement of any work, a detailed schedule of works and repairs to the historic fabric, including details and specifications of any structural work or repair where required, timber repairs and windows repairs, shall be submitted to and approved in writing by the Local

Planning Authority;

- Prior commencement of any work, reports of further investigations to the existing fabric, particularly structural information if required, shall be submitted to and approved in writing by the Local Planning Authority;

- Prior to commencement of above ground works/installation, specifications and samples of all external finish materials, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such;

- Prior commencement of work, construction details of proposed rear bulkhead/dormer and garden room at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority;

- Before work begins, the position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt this includes communications and information technology servicing), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with such approval;

- Prior to installation, a schedule of drawings that show details of all proposed windows, doors and rooflights, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, 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; and

- Prior commencement of works, a detailed landscape layout including information on hardstanding materials, 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.

3. Planning History

DP/V/9D(30)	Unauthorised works to trees	Current	
01/00049/OUT	Single dwelling house	Refused	30.05.2001
01/01439/OUT	Single dwelling house	Approved	04.10.2001
01/01441/CON	Proposed single house	Current	24.08.2001

92/00040/LBC	Retention and completion of refurbishment works and external alterations	Refused	10.03.1992
93/00935/FUL	(Hawthorns, High Street, Thorpe le Soken) Demolition of boundary wall and re-build new wall	Current	23.08.1993
93/00936/LBC	(Hawthorns, High Street, Thorpe le Soken) Demolition and rebuild front boundary wall	Approved	23.09.1993
08/00316/FUL	Erection of detached two storey dwelling and construction of vehicular access.	Approved	02.05.2008
08/00964/LBC	Formation of 2 new sash windows to the (rear) north east elevation and replacement of 4 sash windows to the (front) south west elevation, incorporating different glazing bar arrangement. replacement garage doors.	Approved	08.09.2008
10/00901/FUL	Erection of detached two storey dwelling and construction of vehicular access (amendment to design approved under Planning Permission 08/00316/FUL).	Approved	04.10.2010
12/00004/TCA	3 No. Hawthorns - fell	Approved	31.01.2012
12/00991/TCA	1 No. Yew - by garage - fell.	Approved	02.10.2012
13/00419/TCA	Sycamore - prune to clear telephone cables.	Approved	16.05.2013
15/00023/FUL	Proposed detached house.	Refused	03.03.2015
15/01437/FUL	Erection of 1 no. detached dwelling.	Refused	09.02.2016
18/01567/FUL	Variation of condition 2 (approved Plans) of 15/01437/FUL allowed on appeal.	Approved	19.12.2018
23/01675/FULHH	Proposed garden room extension, reinstatement of a garage and installation of rooflights.	Current	
23/01676/LBC	Proposed garden room extension, reinstatement of garage, installation of rooflights and internal alterations.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

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

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application site comprises of a two-storey detached dwelling within the development boundary of Thorpe le Soken. The site benefits from a corner plot siting with front elevation serving High Street and its side elevation serving Honey Dew.

The house is a Grade II Listed building constructed mainly from brick with some render and boarding detailing. The site benefits from an existing access off Honey Dew and a low boundary wall along the High Street. The rear garden is mainly laid to lawn with some planting along the boundary shared with Honey Dew. The house has previously been extended with a small outbuilding to the side.

Proposal

This application seeks Listed Building Consent for garden room extension, reinstatement of garage, installation of rooflights and internal alterations.

Assessment

The main consideration is the impact of the proposal 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.

Paragraph 205 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 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 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.

The building is a Grade II Listed building. The proposed alterations are considered to be of an appropriate scale and design which would respect the existing historic features on the building and surrounding site and are considered to preserve the special interest of the Listed Building.

It is not clear whether the outbuilding at the rear was considered curtilage listed, however the information provided clearly shows that the existing building was in very poor condition and had to be taken down for safety issues after the roof collapsed in 2014. The design/ scale of its replacement is considered suitable and would not result in a harmful impact to the setting of this protected building.

The ECC Heritage Team have been consulted on the proposed plans and have provided no objections to the majority of the proposal and have requested conditions for further detailed information and investigations be carried out and provided. As this information is required prior to the commencement of the works an agreement for these conditions has been sought and received from the agent confirming their allowance to these.

Whilst they have raised no objections ECC Heritage have highlighted one point regarding some of the minor changes to the rear. They have stated;

"It is noted that some alterations would result in a low degree of less than substantial harm to the significance of the designated heritage asset due to some loss of historic fabric (this is particularly relevant to the demolition of the partition at first floor to create the proposed en-suite) and the insertion of a bulkhead to the rear elevation to improve access to the top floor. However, the proposed alterations would allow for bringing back into use this heritage asset, which is currently vacant and has not been maintained for a number of years and prevent the historic building from further damage and deterioration."

Whilst this element of the proposal would result in some loss of the historic fabric of the existing house this impact is considered minimal and when weighed against the fact that the house will be repaired and reoccupied the impact would be considered not so harmful as to result in refusing planning permission in this regard.

A Heritage Impact Assessment has been provided in line with the requirements of the NPPF.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - 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.

2022/92/08

2022/92/11

2022/92/09 A

2022/92/10 A

2022/92/12 A

2022/92/13 A

2022/92/14 A

2022/92/15

DESIGN AND ACCESS STATEMENT - REC'D 27.11.23

HERITAGE IMPACT ASSESSMENT - REC'D 27.11.23

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 ACTION REQUIRED - HERITAGE

Prior to commencement of any work, a detailed schedule of works and repairs to the historic fabric, including details and specifications of any structural work or repair where required, timber repairs and windows repairs, shall be submitted to and approved in writing by the Local Planning Authority. The work shall then be undertaken in full accordance with the approved schedule of works.

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

4 ACTION REQUIRED - HERITAGE

Prior to commencement of any work, reports of further investigations to the existing fabric, particularly structural information of the side extension which has evident cracks and movements requiring attention and the existing timber floor structure at ground level, if required, shall be submitted to, and approved in writing by the Local Planning Authority.

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

5 ACTION REQUIRED - HERITAGE

Prior to commencement of above ground works/installation, specifications and samples of all external finish materials, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

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

6 ACTION REQUIRED - HERITAGE

Prior to the commencement of work, construction details of the proposed rear bulkhead/dormer and garden room at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The work shall then be undertaken in accordance with those approved details.

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

7 ACTION REQUIRED - HERITAGE

Before work begins, the position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt this includes communications and information technology servicing), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with such approval.

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

8 ACTION REQUIRED - HERITAGE

Prior to installation, a schedule of drawings that show details of all proposed windows, doors and rooflights, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, 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: In the interests of protecting and reducing harm to the designated heritage asset.

8. Informatives

Not required

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B.

Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral