

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                                                |    | INITIALS | DATE       |
|--------------------------------------------------------------|----|----------|------------|
| Planning Officer recommendation:                             |    | JJ       | 09/08/24   |
| EIA Development - Notify Planning Casework Unit of Decision: | NO |          |            |
| Team Leader authorisation / sign off:                        |    | AN       | 09/08/24   |
| Assistant Planner final checks and despatch:                 |    | BB       | 12/08/2024 |

**Application:** 24/00873/LBC **Town / Parish:** Beaumont Parish Council

**Applicant:** Mr and Mrs Lowdell

**Address:** The Oak Harwich Road Beaumont

**Development:** Application for Listed Building Consent - Small lean-to extension to the existing kitchen to accommodate a larger dining space.

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

Beaumont Parish Council    No comments received

### **2. Consultation Responses**

Essex County Council    The application is for Listed Building Consent for a small lean-to extension to the existing kitchen to accommodate a larger dining space.  
Heritage  
15.07.2024

The site comprises a Grade II Listed Building known as The Oak (List Entry Number: 1147137), that originally dates from the sixteenth century, and has been extended and altered throughout the eighteenth and nineteenth centuries. This has resulted in rearward massing that has absorbed some of the original timber framing within a complex mix of roof forms consisting of hip, gabled with dormers, gambrel, and several lean-tos. As well as a varied palette of materials and window styles.

The Oak is a former farmhouse associated to the Grade II listed barn and attached complex of buildings at Oak Farm (List Entry Number: 1112131). Although the buildings are now in different ownerships, they are built in close proximity to one another approximately 15m, and so retain value as a group of designated heritage assets with a former functional relationship.

Having visited the site, I do not support the principle of this application. The heritage concern relates to the potential impact to the significance of The Oak as a designated heritage asset because the proposed extension would result in the loss of historic fabric. Where a portion of external brick walling from a nineteenth century-built utility/boot room extension that supports an eight-over-eight sash window, and a small twentieth century timber casement window. Whilst a later addition, the nineteenth century fabric is an important aspect in understanding the building's phasing and chronological development.

Although the extent of the historic walling to be removed is a relatively minor alteration in the context of the whole building's composition. It would amount to a substantial loss of historic fabric from a small sized nineteenth century built lean-to extension, and

therefore the proposal will have a significant impact to that single ancillary element of the building's evolution. The proposal is to essentially re-construct the historic extension at a slightly larger scale and would involve the reinstatement of the nineteenth century double hung 8-over-8 box framed sash window but with only the retention of its original top sash, as shown upon the drawing referenced 2324-IDA-XX-ZZ-DR-A-0205. This will confuse how the building has evolved through time and is not acceptable in principle.

The proposal will cause 'less than substantial' harm to the significance of the listed building and paragraph 208 of the NPPF is relevant.

The applicant's justification for the less than substantial harm suggests that the external wall proposed to be removed is in a poor condition caused by inappropriate repair methods using cement mixed mortar, brick spalling and damp issues. I do not agree with this assessment. The wall comprises of historic fabric which is not beyond repair and the loss of the fabric is not justified. This is considered to be insufficient justification in respect of the requirements of the NPPF paragraph 206, and the great weight that must be placed upon the conservation of the heritage asset by the NPPF paragraph 205, irrespective of the level of harm that is caused to its significance.

On this basis, I cannot support this proposal and consider that there is insufficient justification for the harm caused to the significance of the listed building from the loss of historic fabric that is required by this proposal. Moreover, the proposal fails to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. Planning History**

|              |                                                                                                                                                                                            |          |            |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
| 96/01298/LBC | Replacement of existing windows with tripartite double hung sash windows and casements                                                                                                     | Approved | 06.01.1997 |
| 06/00619/FUL | 4-Bay cart lodge with enclosed tractor shed and closed store. Single storey timber construction with man-made slate roof.                                                                  | Refused  | 16.06.2006 |
| 06/01390/FUL | Proposed cart lodge tractor shed and closed store.                                                                                                                                         | Approved | 05.10.2006 |
| 07/01185/LBC | Demolition of existing outbuildings and erection of swimming pool enclosure, including reconstruction of existing delapidated outbuilding for use as changing room, plant room and access. | Approved | 24.09.2007 |
| 07/01186/FUL | Demolition of existing outbuildings and erection of swimming pool enclosure, including reconstruction of existing dilapidated outbuilding for use as changing room, plant room and access. | Approved | 11.10.2007 |
| 08/00842/FUL | Erection of swimming pool building and                                                                                                                                                     | Approved | 22.09.2008 |

|                 |                                                                                                                                                                                                                                                                                                            |          |            |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
|                 | extension to existing roof to join new roof over pool.                                                                                                                                                                                                                                                     |          |            |
| 08/00843/LBC    | Erection of swimming pool building and extension to existing roof to join new roof over pool. Conversion of existing store / workshop into lounge area, plant room and changing rooms. New access into swimming pool building from existing store / workshop and new doors into existing store / workshop. | Approved | 22.09.2008 |
| 17/00578/LBC    | Proposed porch.                                                                                                                                                                                                                                                                                            | Approved | 18.05.2017 |
| 17/01539/DISCON | Discharge of condition 3 (materials) of listed building consent 17/00578/LBC.                                                                                                                                                                                                                              | Approved | 15.09.2017 |
| 21/00813/LBC    | Proposed erection of boat shed and ancillary store                                                                                                                                                                                                                                                         | Approved | 21.07.2021 |
| 21/00814/FUL    | Proposed erection of boat shed and ancillary store                                                                                                                                                                                                                                                         | Approved | 20.07.2021 |
| 24/00873/LBC    | Application for Listed Building Consent - Small lean-to extension to the existing kitchen to accommodate a larger dining space.                                                                                                                                                                            | Current  |            |
| 24/00874/FULHH  | Householder Planning Application - Small lean-to extension to the existing kitchen to accommodate a larger dining space.                                                                                                                                                                                   | Current  |            |

#### **4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

#### **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

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

NATIONAL:  
National Planning Policy Framework 2023 (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):  
PPL9 Listed Buildings

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

### **Application Site**

The application site comprises of a large two storey detached house located to the East of Harwich Road. The property is Grade II Listed and is located outside of the Settlement Development Boundary.

The listing is as follows:

TM 12 NE 3/17

BEAUMONT-CUM-MOZE WIX ROAD (south-west side) The Oak

GV II

House. Early C16, altered in C18 and early C19. Timber framed, plastered and weatherboarded, roofed with handmade red clay tiles. 5-bay continuous jetty house facing E, with 2 rear stacks and an external stack at the right end. Early C19 single-storey lean-to extension to left, roofed with slate. C18 extension to rear with gambrel roof, and complex series of extensions on each side of and beyond it, mostly early C19. 2 storeys. Ground floor, one early C19 sash of 16 lights, 2 C20 casements, and door altered to C20 fixed light. First floor, 5 early C19 2-light windows each with one wrought iron casement, the saddle bars removed. Early C19 flush 6-panel door, the top 2 panels glazed. Exposed full-length jetty with 5 plain brackets in situ. Roof hipped. Jowled posts. 'Suffolk' bracing trencled inside heavy studding, mostly plastered over. Edge-halved and bridled scarfs in wallplates, the rear wallplate made up of several short lengths of timber. On the ground floor the studding of the left end and the next partition have been removed; the soffits of all the beams have been hacked back, and some are boxed in. Crownpost roof with plain crownposts and axial bracing. Early C19 features include a stair with stick balusters, a reeded fire surround to left of the axial stack, and a pine fireplace carved with the arms of Lord Nelson, now in the left ground-floor room, but removed from the right ground-floor room, an exceptional survival. A report by Harry Forrester, 1969, in the possession of the owner states that the joists are 180mm wide (not now visible), and that the original screens passage is the short bay near the right end. Further examination may confirm this, but it may be a bay for an original timber-framed chimney; there are some indications that the service bay was at the left end. Formerly called Connies Oak or Flynters. Deeds from 1642 to 1677 in Essex Record Office, D/DGh T.4. The farm was acquired by Guy's Hospital in 1725, sold to Essex County Council in 1920, and the farmhouse was sold separately in 1949.

Listing NGR: TM1761225518

### **Proposal**

The application seeks listed building consent for a small lean-to extension to the existing kitchen to accommodate a larger dining space.

### **Assessment**

## Visual Impact and Heritage Impact

The main consideration is the impact of the proposal on features of special architectural or historic interest and that the special character and appearance 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.

Paragraph 208 of the National Planning Policy 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.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building 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.

It is noted that, as per Paragraph 206 of the NPPF, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The applicants have failed to provide sufficient justification as to the public benefits resulting from the proposed development. However, as a private dwelling there would be no public benefits from the proposal.

The extension although small in size would result in a substantial loss of historic fabric due to part of the external brick walling being removed, although the proposal includes the reinstatement of the nineteenth century sash window the loss of the brick walling will cause 'less than substantial harm' to the significance of the listed building.

The ECC Heritage Team have been consulted and provide strong objections to the proposed extension as detailed above.

## **Ecology and Biodiversity**

### **General duty on all authorities**

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative would be imposed on any approval strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the

development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

### **Biodiversity net gain**

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, this proposal is not therefore applicable for Biodiversity Net Gain.

### **Protected Species**

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### **Conclusion**

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Other Considerations

Beaumont Parish Council have not submitted comments for this application. No letters or representations have been received.

## **8. Recommendation**

Refusal - Full

## **9. Reasons for Refusal**

- 1 The Oak is a Grade II listed building. The proposed lean-to extension would result in the loss of historic fabric by removing a portion of external brick walling from a nineteenth century-built extension that supports an eight-over-eight sash window, and a small twentieth century timber casement window. The nineteenth century fabric is an important aspect in understanding the building's phasing and chronological development.

The proposal would result in less than substantial harm to the significance of the Grade II listed building, with no public benefits to outweigh this harm.

The proposal is therefore contrary to paragraphs 205, 206 and 208 of the National Planning Policy Framework 2023 and Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

## **10. Informatives**

### 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):

#### Drawing No.s

2324-IDA-XX-ZZ-DR-A-0202

2324-IDA-XX-ZZ-DR-A-0204

2324-IDA-XX-ZZ-DR-A-0205

2324-IDA-XX-ZZ-SU-A-0100

Heritage Statement

## 11. 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 |

## 12. Notification of Decision

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