



AGENT: Mrs Angela Smith - Anglian
Home Improvements
Anglian Home Improvements
National Administration Centre
PO Box 65
Norwich
NR6 6EJ

APPLICANT: Mr Smith
6 Eastcliff House
East Terrace
Walton On The Naze
Essex
CO14 8JX

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

APPLICATION NO: 24/00945/LBC

DATE REGISTERED: 25th June 2024

Proposed Development and Location of Land:

**Application for Listed Building Consent - 2 replacement timber single glazed windows to 2nd floor flat.
6 Penrice Court East Terrace Walton On The Naze Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE LISTED BUILDING CONSENT** in accordance with the application form, supporting documents and plans submitted, for the following reason(s):

- 1 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 195 of the National Planning Policy Framework identifies that heritage 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.

Paragraph 200 of the National Planning Policy Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

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 states that 'Proposals for...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'.

The proposal for replacement windows fails to describe the significance of the heritage assets affected and provides no substantive justification for the alterations in conflict with paragraph 200 of the NPPF.

The proposal will cause less than substantial harm to the designated heritage asset, the Grade 2 listed building of 1-6 Penrice Court and 2-7 East Terrace and as such paragraph 208 of the NPPF is relevant where the building is already in a very viable use in its existing situation as a residential dwelling. This level of harm is considered in the context of the 'great weight' noted in paragraph 205 of the National Planning Policy Framework.

Consequently, the proposal fails to accord with paragraphs 200 and 208 of the National Planning Policy Framework and the aforementioned local and national planning policies.

DATED: 20th August 2024

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework December 2023 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL3 Sustainable Design
PPL4 Biodiversity and Geodiversity
PPL9 Listed Buildings

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):

Site plan 1:1250

Block plan 1:500 indicating location of windows to be replaced

Drawing titled 'Proposed Elevation' 1:50

Drawing titled 'Existing Elevation' 1:50

Contract No: 30403435 Sheet 1 of 2

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Design and Access Statement

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

ABOUT LISTED BUILDING AND CONSERVATION AREA APPLICATIONS

1. If the applicant is aggrieved by the decision of the local planning authority to refuse Listed Building Consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. Appeals must be made on a **Listed Building Appeal Form** which is obtainable from the Planning Inspector, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State has power to allow a longer period for the giving of a notice appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. **Please note, only the applicant has the right of appeal.**
2. If Listed Building Consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district, a purchase notice requiring that the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (listed Building and conservation areas) Act 1990.
3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation areas) act 1990.
4. Identical rights of appeal exist if an applicant is aggrieved by the decision of the local planning authority in relation to an application made on that behalf:-
 - a) To refuse, to vary or to discharge the conditions attached to a Listed Building Consent.
 - or
 - b) To add new conditions consequential upon any such variation or discharge.