

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	11/09/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	ML	11/09/2024
Assistant Planner final checks and despatch:	ER	12/09/2024

**Application:** 24/00914/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Webster

**Address:** Street House 7 Walton Road Kirby Le Soken

**Development:** Householder Planning Application - Outbuilding to rear of garden.

**1. Town / Parish Council**

Frinton And Walton Town Council No objections

**2. Consultation Responses**

Tree & Landscape Officer There are no trees or other vegetation in the position of the proposed new outbuilding.

To the north of the position of the outbuilding there is a row of mature Oaks that are mature healthy specimens. The trees are 'lapsed pollards' and are typical of trees in a rural setting.

The positions of the trees are such that they do not feature prominently in the public realm and consequently they have low amenity value. Nevertheless, they are attractive features in their setting.

Considering the low amenity value of the trees and the separation distance between the outbuilding and the closest tree (approximately 5m) it is considered that the construction of the proposed outbuilding will not adversely affect the tree.

Therefore, it is not considered necessary or otherwise expedient to make a new tree preservation order in respect of any of the trees on the land.

Taking into account the proposed position of the outbuilding there is little, if any, public benefit to be gained by securing new soft landscaping under a planning condition.

Essex County Council Built Heritage Advice pertaining to a householder planning application for the proposed erection of a new detached outbuilding within the rear garden.  
Heritage  
15.08.2024

The proposed development is situated within the residential curtilage of the dwelling known as Street House which is a Grade II listed building (See List Entry Number: 1111539), that dates from the seventeenth century with later alterations, and was formerly The Royal Oak Public House. Therefore, the proposal has potential to cause changes to the setting of the listed building, which could impact the way the significance of the designated heritage asset is

experienced and appreciated.

The Design and Access Statement is considered to contain sufficient historical information to describe the significance of the asset in accordance with the requirements of the NPPF paragraph 200.

The planning history recorded for this site address is not of any particular relevance to the proposal.

There is no objection to the new ancillary outbuilding within the curtilage of the listed building, in consideration of its proposed design and layout. The appearance of the new outbuilding that has a likeness to a small barn/large summerhouse will assimilate well with the surrounding landscape, given the long length of the garden and significant distance between the dwelling and new outbuilding. As there are several other instances of outbuildings set away at similar distances to the neighbouring dwellings, following this established pattern of development will not appear incongruous in the setting of the listed building, providing that the materials used are of high quality and appropriate detailing.

The proposal uses a traditional materials palette finished by black painted timber weatherboarding, but no precise specification is given for the rooflights that are not shown to be conservation style, or the rainwater goods, garage doors, windows, and the solar panels to be used for the new outbuilding.

In respect of the proposed 14 solar PV panels mounted upon the south facing roof slope of the new outbuilding. They are not considered to be harmful to the setting and significance of the listed building owing to the visual mitigation the distance will provide, this could be improved by intervening planting.

Therefore, the below conditions (or similar) are recommended:

- Prior to works above slab level, precise details for the type, finish and colour of external wall facing and roofing materials, including manufacture's literature and/or photographs of samples as appropriate for specification to be used for the development shall be submitted to the Local Planning Authority and agreed in writing. Then thereafter retained and maintain as such.

- Prior to the installation of rainwater goods to be used for the development, precise details for the type, finish, and colour of rainwater goods, including manufacture's literature as appropriate for specification to be used for the development shall be submitted to the Local Planning Authority and agreed in writing. Then thereafter retained and maintain as such.

- Prior to the installation of the window, external doors, and rooflights to be used for the development, drawings of appropriate scale (between 1:20 and 1:1) to show the precise details of the type, finish and colour of the window, external doors, and rooflights to be used, including manufacture's literature as appropriate for specification, shall be submitted to the Local Planning Authority and agreed in writing. Then thereafter retained and maintain as such.

- Prior to the installation of solar PV panels upon the roof of the development, precise details of the type, finish and colour of the

solar PV panels and means of mounting to be used, including manufacture's literature as appropriate for specification, shall be submitted to the Local Planning Authority and agreed in writing. Then thereafter retained and maintain as such.

- Within six months of the permanent cessation of the solar PV panels for the generation of renewable energy, the solar PV panels shall be decommissioned and removed from the site.

- Prior to the installation of solar PV panels upon the roof of the development, a site plan detailing a soft and hard landscaping scheme for the development, shall be submitted to the Local Planning Authority and agreed in writing. The landscaping as may be agreed shall thereafter be implemented before the beneficial use of the solar panels and maintain as such.

Overall, I support this application subject to the recommended conditions.

The proposal is considered to preserve the special interest of the listed building, and those elements that contribute positively to the setting of the identified heritage asset, and no harm is caused to its significance in accordance with the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

### 3. Planning History

00/00006/LBC	Front R/H Bay (Sitting Room)	Refused	20.04.2000
00/00007/LBC	Central bay(entrance hall) Rear L/H Bay (kitchen) Rear R/H bay (utility room) L/H bay (bedroom)	Approved	20.04.2000
02/01131/LBC	Re-instatement of wall panelling and associated works to living room	Approved	23.07.2002
94/01326/LBC	To reinstate front fence	Approved	13.02.1995
99/00755/LBC	Alterations to listed building	Refused	24.11.1999
15/01355/LBC	Removal of cement render and replacement with lime render, replacement of windows and external doors and door cases, repairs to eaves and roof coverings including relaying tiles and slate to rear extension, external redecoration, replacement of front fence and reinstatement of gable roofs to dormers	Approved	23.10.2015
16/01492/LBC	Reinstatement of beaded featherboard external cladding.	Approved	16.11.2016
17/01939/FUL	Proposed alterations to rear extension	Approved	22.12.2017

inc. new slate roof, new painted timber, windows & doors. Also erection of new workshop/store.

17/01941/LBC	Proposed alterations to rear extension inc. new slate roof, new painted timber, windows & doors.	Approved	22.12.2017
24/00914/FULHH	Householder Planning Application - Current Outbuilding to rear of garden.		

#### **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>

Kirby le Soken does not benefit from an emerging or adopted neighbourhood plan.

#### **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):

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

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

SPL1 Managing Growth  
SPL3 Sustainable Design  
LP3 Housing Density and Standards  
LP4 Housing Layout  
PPL9 Listed Buildings

Supplementary Planning Guidance:  
Essex Design Guide

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

### Application Site

The application site comprises of a Grade II Listed Building known as Street House that dates from the seventeenth century with later alterations and was formerly The Royal Oak Public House.

### Proposal

This application seeks planning permission for the erection of an outbuilding within the rear garden.

The building will be used in conjunction with the applicant's bee keeping hobby as well as ancillary storage in conjunction with the host dwelling.

### Visual Impact

Paragraph 135 of the NPPF (2023) 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposal is for a traditional timber frame outbuilding on a red brick plinth with featherboard cladding finished in black barn paint, with timber windows and doors. The roof will be slate with skylights to the north elevation and solar PV panels to the south. There are two sets of double timber garage doors to the east elevation and re-used timber windows and a single timber door to the south elevation.

The proposal will be sited within the rear garden of the site and screened by the application dwelling and neighbouring dwellings preventing any views from the public realm.

The site benefits from a suitably size garden which is sufficient in size to accommodate the proposal and still retain an appropriate level of private amenity space.

The size and design of the building is appropriate to the existing site and will be finished in materials which compliment the listed building.

The proposal is therefore considered a suitable addition to the site which would not result in a harmful impact to the character/ appearance of the house or local area.

### Heritage Impact

Paragraph 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) 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 appearance of the new outbuilding that has a likeness to a small barn/large summerhouse will assimilate well with the surrounding landscape, given the long length of the garden and significant distance between the dwelling and new outbuilding. As there are several other instances of outbuildings set away at similar distances to the neighbouring dwellings, following this established pattern of development will not appear incongruous in the setting of the listed building, providing that the materials used are of high quality and appropriate detailing.

The proposal uses a traditional materials palette finished by black painted timber weatherboarding, but no precise specification is given for the rooflights that are not shown to be conservation style,

or the rainwater goods, garage doors, windows, and the solar panels to be used for the new outbuilding.

In respect of the proposed 14 solar PV panels mounted upon the south facing roof slope of the new outbuilding. They are not considered to be harmful to the setting and significance of the listed building owing to the visual mitigation the distance will provide, this could be improved by intervening planting.

As the proposal is located to the rear and screened by the protected building it will not be seen in context with the main house from the public realm which will further lesson its impact and prevent it from resulting in significant harm to the character/ setting of the listed building.

The ECC Heritage Team have provided no objections to the proposal subject to the implementation of conditions requesting further information on materials, rainwater goods, windows and doors and more information on the solar panels.

The ECC Heritage Team have also requested further details on the landscaping however this is considered not necessary as the new outbuilding will be sited significantly away from the Listed Building.

#### Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposal will be sited to the rear end of the garden. Whilst there will be some views of the new outbuilding achieved from neighbouring sites these will be minimal given the distance away from nearby houses and partial screening by way of existing boundary planting and fencing. The proposed rooflights will be positioned in the rear elevation and will not achieve views into neighbouring sites gardens or houses.

The proposal is therefore considered not to result in an adverse impact to the amenities of neighbouring sites.

#### Impact to Trees

There are no trees or other vegetation in the position of the proposed new outbuilding.

To the north of the position of the outbuilding there is a row of mature Oaks that are mature healthy specimens. The trees are 'lapsed pollards' and are typical of trees in a rural setting.

The positions of the trees are such that they do not feature prominently in the public realm and consequently they have low amenity value. Nevertheless, they are attractive features in their setting.

Considering the low amenity value of the trees and the separation distance between the outbuilding and the closest tree (approximately 5m) it is considered that the construction of the proposed outbuilding will not adversely affect the tree.

Therefore, it is not considered necessary or otherwise expedient to make a new tree preservation order in respect of any of the trees on the land.

Taking into account the proposed position of the outbuilding there is little, if any, public benefit to be gained by securing new soft landscaping under a planning condition.

## **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 has been imposed 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 householder development. 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**

Frinton and Walton Town Council have no objections to the proposal.

There have been no letters of representation received.

### **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.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

### **1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT**

**CONDITION:** The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

**REASON:** To comply with the requirements of Section 91 of the Town and Country Planning 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

2004WSG-02A  
2004WSG-03A  
2004WSG-04A  
2004WSG/01A  
2004WSG/05A

HERITAGE, DESIGN AND ACCESS STATEMENT REC 23/07/2024

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 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as Street House 7 Walton Road Kirby Le Soken Essex CO13 0DU (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

#### NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

### 4 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

#### NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

### 5 FURTHER APPROVAL: AGREEMENT OF RAINWATER GOODS

CONDITION: Prior to the installation of rainwater goods to be used for the development, precise information in regards to their type, finish, and colour, including manufacture's literature shall be submitted to the Local Planning Authority and agreed in writing. Such rain water goods as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

## 6 FURTHER APPROVAL: FENSTRATION DETAILS

CONDITION: Prior to the commencement of any works to alter or install new or existing fenestration of the hereby approved development, detailed large appropriately scale drawings which shall include details of materials, finishes, method of opening, glazing and colour of all new and/or replacement windows, roof lights and doors and their surrounds to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved

REASON: In the interests of the character, integrity and preservation of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

NOTE/S FOR CONDITION:

The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance.

## 7 FURTHER APPROVAL: AGREEMENT OF SOLAR PV PANELS

CONDITION: Prior to the installation of solar PV panels upon the roof of the development, precise details of the type, finish and colour of the solar PV panels and means of mounting to be used, including manufacture's literature as appropriate for specification, shall be submitted to the Local Planning Authority and agreed in writing. Such solar PV Panels as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Within six months of the permanent cessation of the solar PV panels for the generation of renewable energy, the solar PV panels shall be decommissioned and removed from the site

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

## 10. Informatives

### Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

### 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.

## 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