

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	05/12/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	09/12/24
Assistant Planner final checks and despatch:	BB	09/12/2024

Application: 24/01251/LBC **Town / Parish:** Manningtree Town Council

Applicant: Dr John Kelly

Address: 50A High Street Manningtree Essex

Development: Application for Listed Building Consent - Conversion of outbuilding into an annexe.

1. Town / Parish Council

Manningtree Town Council No Comments or objections

2. Consultation Responses

Essex County Council Built Heritage Advice pertaining to an application for Listed Building Consent to convert an outbuilding into annexe accommodation. It is acknowledged that there is a concurrent planning application submitted for this proposal under the reference 24/01252/FULHH.
Heritage
13.09.2024

The site is located within the Manningtree and Mistley Conservation Area, and the curtilage listed outbuilding that is the subject of this application is considered to contribute positively to the character and appearance of the conservation area, given that the large outbuilding fronts onto Stour Street.

Planning history recorded for the site confirms that the property 50A the High Street was created through the subdivision of accommodation and curtilage from the Grade II Listed Building 'The Surgery', 50 the High Street (List Entry Number: 1254313). Which was approved planning permission and listed building consent by the applications referenced as 01/01734/LBC, and 01/01684/FUL.

Within the historic curtilage of the subdivided property is a detached Coach House that is protected by the listing. This large outbuilding has also been split between the different ownerships to be used as garaging. However, no. 50A benefits by the ownership of the historic rear extension to the Coach House that is used as ancillary living accommodation with French doors. This gable roofed extension complements the character of the Coach House built in red brick and is finished with slate. It is considered to contribute to the architectural and historic interest of the curtilage listed outbuilding.

Attached to the rear of the red brick-built Coach House with a hipped roof finished by slate is a workshop. The workshop is a lean-to extension that spans onto the garden boundary wall and a small outbuilding which is understood to have been used as a tack room. These later built additions are not show upon the 1892-1914 25-inch OS Map and have squared-off the planform of the Coach House. are

constructed by timber framing and concrete with corrugated metal and plastic sheet roofing. As such, the workshop and tack room extension are of lesser significance.

Therefore, the main considerations for this application are whether the proposal will impact the significance of the Grade II Listed Building known as The Surgery, through alterations to curtilage listed buildings that contribute to its architectural and historic interest. And, if there are any impacts upon the character and appearance of the Mistley and Manningtree Conservation Area.

A Heritage, Design and Access Statement is submitted for the proposal and is considered to provide a sufficient level of information to meet the minimum requirements of the NPPF paragraph 200.

However, I am concerned that paragraph 3.5 of that Design and Access Statement suggests that there is an intention to install solar panels upon the south facing mono-pitched roof of the annexe, but this development is not specified by the proposal description as being part of the conversion works, and the application lacks detail in this respect.

Therefore, the scope of the proposed works is not clear, and it is not possible to fully assess the impacts of the proposal upon the heritage assets in respect of the installation of solar panels on the outbuilding. Clarification should be sought regarding this element of works, by for example a drawing showing the location and information regarding fixings, cable routes and any battery storage. It is recommended that if solar panels are to be installed that they are limited to only the south facing slope of the gable roofed extension of the Coach House, and not installed upon the lean-to roof of workshop extension which faces north and would require the panels to be reverse mounted south.

As it is not understood what the visual impacts would be and if the extension's structure will need to be altered to carry the additional load of the solar panels. For the avoidance of doubt and in order to avoid potential for 'less than substantial' harm to the listed building, arising from the lack of details for installation of the solar panels. It is recommended that paragraph 3.5 from the Heritage, Design and Assessment Statement be omitted, or additional information supplied for clarification of this matter.

In respect of the part-conversion of the Coach House to annexe accommodation, I have no objection in principle. In consideration that the alterations required to facilitate the residential use of the Coach House are understood to be limited to the installation of wall and roof insulation, and on the basis that the annexe accommodation preserves the legibility of the phased extensions to the Coach House.

But I am concerned that the submitted drawings appear to show an inaccurate roof arrangement where the lean-to roof of the workshop over sails the entire width of the gable roofed extension of the Coach House in plan, and then doesn't seem to correspond with the elevation. This was not observed to be the circumstance onsite and needs to be clarified for both the installation of the proposed external insulation and the positioning of the proposed solar panels. Noting that paragraph 3.5 states that the solar panels will be above the annexe's bedroom and kitchen which is thought to be contained within gable roofed extension.

For clarification in respect of the concern for the placement of external insulation, it is recommended that a sectional drawing through the Coach House at a scale between 1:20 and 1:50 be provided prior to determination of the application. This should show where the proposed roof and wall insulation is to be installed in relation to historic fabric and how it will interact. If it then comes to light that the plans show an inaccurate roof layout, they should be amended to ensure that there is certainty upon the design outcome for the development in accordance with paragraph 140 of the NPPF. As no precise details are given for the insulation, I recommend the following condition is attached should the proposal be approved:

- Details of the proposed type and method of insulation shall be agreed in writing with the Local Planning Authority prior to its first use on site, and once agreed the development shall be carried out in accordance with such details.

In respect of the NPPF, the Local Planning Authority should consider that paragraph 203 a) is relevant. Given that the part-conversion of the Coach House to a residential annexe use is desirable for sustaining the curtilage listed outbuilding conservation as a positive element of the listed building's setting, and as such, the application should be treated favourably in accordance with paragraph 212.

If the installation of solar panels upon the extension of the Coach House is excluded from the proposal, the proposal will preserve the special architectural and historic interest of the listed building, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and will preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

However, if it is confirmed that the installation of solar panels is part of the conversion works, please could the Place Services - Historic Environment Team be re-consulted upon any additional information submitted to clarify this matter.

Essex County Council
Heritage
01.11.2024

Built Heritage Advice pertaining to an application for Listed Building Consent to convert an outbuilding into annexe accommodation. It is acknowledged that there is a concurrent planning application submitted for this proposal under the reference 24/01252/FULHH.

This proposal effects the Coach House that is curtilage listed to 'The Surgery', 50 the High Street (List Entry Number: 1254313) and is located within the Manningtree and Mistley Conservation Area.

These comments follow on from those dated the 12th of September 2024. Since then, amended drawings (Dwg. Nos. 0494/PL/01 A and 0494/PL/02 B) and a revised Heritage, Design and Access Statement have been submitted.

The amended drawings clarified what the existing roof arrangement of the curtilage listed Coach House is, and how the historic and modern built fabric would interact with one another.

The revised Statement has clarified the scope of the proposed works to the curtilage listed Coach House by the omission of previous Paragraph 3.5 that specified the installation of solar panels.

In principle, I do not object to the conversion of part of the curtilage listed Coach House to form a self-contained residential annexe.

There are no concerns in respect of the proposed installation of internal roof insulation as this will be constructed under the lowest existing purlins using a supporting timber frame on joist hangers, which will allow the loft space created above to still be ventilated.

However, I cannot support this application in its amended form because the manner of conversion proposed will require inappropriate interventions to be made to the historic party wall fabric that would result in less than substantial harm to the significance of the curtilage listed Coach House.

It has been proposed to create a 50mm ventilated cavity within the new wall build-up using low level and high-level air brick in order to install the impermeable closed cell insulation to the interior and allow the permeable external masonry walling to breath. Whilst this could be an acceptable approach, I am concerned about the impact to the historic exterior walling from a need to install a cavity tray because fitting a tray may involve racking out of mortar and the creation of weep holes.

This modern construction method seems at odds and potentially unnecessary if the historic walling has breathable lime mortar. It would not be acceptable to replace traditionally mixed mortar with an impermeable cement-based mortar that would necessitate weep holes to drain moisture from the cavity tray.

Therefore, it is suggested that either a form of permeable insulation, or an alternative arrangement to the build-up of new wall fabric be used where a cavity tray is not required. Guidance upon retrofitting insulation to solid walling published by Historic England is linked below for reference:

<https://historicengland.org.uk/images-books/publications/eehb-insulating-solid-walls/heag081-solid-walls/>

Further information about the construction of the historic external walling would also be helpful.

Due to the inappropriate intervention to the historic fabric required to accommodate modern construction practices, the proposal does not preserve the special architectural and historic interest of the Coach House, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (last updated December 2023), the level of harm to the significance of the curtilage listed Coach House is considered to be 'less than substantial' and Paragraph 208 is relevant. The Local Planning Authority should weigh this harm against any public benefits that flow from the proposal including, where appropriate, securing its optimum viable use as per Paragraph 203.

Whilst the scale of harm may be 'less than substantial' great weight should be given to the heritage asset's conservation in line with Paragraph 205 and clear and convincing justification must be provided for any level of harm to the heritage asset as per Paragraph 206.

Essex County Council
Heritage
18.11.2024

Built Heritage Advice pertaining to an application for Listed Building Consent to convert an outbuilding into annexe accommodation. It is acknowledged that there is a concurrent planning application submitted for this proposal under the reference 24/01252/FULHH.

This proposal effects the Coach House that is curtilage listed to 'The Surgery', 50 the High Street (List Entry Number: 1254313) and is located within the Manningtree and Mistley Conservation Area.

These comments follow on from those dated the 1st of November 2024. Since then, an amended drawing (Dwg. Nos. 0494/PL/02 C) has been submitted.

The specification for wall insulation has been changed to wood fibre board panels. As this material is moisture permeable, it is considered to be a compatible with the surrounding historic fabric. It also removes the need to ventilate the cavity and install a cavity tray for the discharge of trapped moisture.

Therefore, my previous concerns have been addressed and there is no objection to the conversion of the outbuilding (a historic Coach House) to form a self-contained residential annexe.

Overall, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would preserve the special interest of the listed building ('The Surgery'), in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In line with the direction of Paragraph 212 of the National Planning Policy Framework, it should be taken into account that this proposal will preserve the curtilage listed outbuilding (a former Coach House) as an element that makes a positive contribution to the listed building's setting, as such the application should be treated favourably when being determined.

3. Planning History

24/01251/LBC	Application for Listed Building Consent - Current Conversion of outbuilding into an annexe.
24/01252/FULHH	Householder Planning Application - Current Conversion of outbuilding into an annexe.

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>.

There are currently no neighbourhood plans for this area.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

PPL9 Listed Buildings

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of the High Street and consists of a two storey dwelling nestled between 50 High Street (The Surgery) to the west and 52 High Street (Brantham House) to the east. The site originally formed part of 50 High Street before it was divided in 2001. The main access point into the site is through the yellow front door which is located directly adjacent the highway. The rear of the site, which is a mix of hard and soft landscaping, houses the Coach House along the site's western boundary, with access into the outbuilding possible from Stour Street. The site is located within the Conservation Area for Manningtree and Mistley

Description of Proposal

This application seeks LBC to convert the existing outbuilding into an annexe.

Assessment

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

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.

Paragraph 205 of the NPPF confirms 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 confirms 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, where appropriate, securing its optimum viable use.

The proposal seeks to alter the existing outbuilding into an annexe. To facilitate this, insulation will be installed to the interior of the walls and roof with the external fabric of the building. Due to the location of the outbuilding, Essex County Council Heritage Team (Place Services) have been consulted for their advice, full details of which can be found above.

The proposal originally sought to install solar panels to the roof, whilst alterations to the external fabric of the outbuilding were planned which would allow the installation of a more modern insulation. Following Places Services original comments, the applicant/agent has amended the proposal based on the advice given. As such, the proposal is now considered to have little to no significant impact on the Listed Building but rather will help preserve the historical and architectural features.

In line with the direction of Paragraph 212 of the National Planning Policy Framework, it should be taken into account that this proposal will preserve the curtilage listed outbuilding (a former Coach House) as an element that makes a positive contribution to the listed building's setting, as such the application is treated favourably. The proposal is considered to preserve the character and appearance of the Conservation Area and would preserve the special interest of the listed building.

Other Considerations

Manningtree Town Council makes no objections to this application.

1 letter of representation has been received which expressed the following concerns (for completeness planning issues are also addressed below as also detailed within the associated planning application):

- Change of Use: We believe the proposal represents a significant change of use from an occasional utility space to a self-contained annex intended for daily living. This alteration will change the property's usage and could reasonably lead to further developments that are out of character with the existing structure. This concern is heightened as we own part of the building, which now has a "flying freehold." The coach house has traditionally been used as an outbuilding, garage, etc. Although Dr. Kelly may have adapted parts of his section into a garden room, toilet, and utility room, it was never intended for more permanent residential use. This is also the only rear access point for both buildings. ***(The proposal is to convert the existing outbuilding into an annexe. A condition will be placed on the planning permission which limits the use of the annexe to be incidental and ancillary to 50A High Street. The annexe cannot be used as a separate dwelling.)***
- Interconnected Usage: Our portion of the coach house serves as a workshop for maintenance work necessary to the listed main house. It is in regular use. We are concerned that converting part of the building into self-contained accommodation will create potential conflicts in the shared space, given its close interconnection with our workshop. ***(This is a common relationship between neighbouring residential uses which is not considered to amount to material noise disturbance, any statutory noise nuisance could be addressed by separate legislation.)***
- Impact on Historic Character and Precedent: The proposed solar panels would alter the external character of the listed building and could set a precedent for future modifications that negatively impact both the building and the high street character. We worry that granting this permission could be foreseen to lead to further unauthorised changes over time, which

might not comply with listed building requirements, which we believe has occurred in the past and been left unaddressed and uncorrected. It could be foreseen that once in regular use additions will be needed to make this more comfortable and useable. ***(Following advice from Place Services, the proposed solar panels have been removed from this application. Any future proposal would require planning permission, where the merits of each proposal would be assessed. If any works have occurred that have not first been granted approval by the Local Planning Authority, these breaches would need to be brought to the attention of our Planning Enforcement Team.)***

- Privacy Concerns: The garage block is a prominent feature of our small garden. If future alterations include features such as extractor fan vents, solar panels, or skylights, could significantly affect our privacy and the use of our garden & master bedroom.
(All future alterations would require listed building consent/planning permission, where the merits of each proposal would be assessed to determine if they pose a significant degree of harm to the amenities of the neighbouring properties.)

Conclusion

In the absence of any significant material harm as a result of the proposed development, the proposal aligns with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval - Listed Building Consent

9. Conditions / Reasons for Refusal

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.

Document titled; Location Plan with the site outlined in red at a scale of 1:1250 – Received 19/08/2024.

Drawing No. 0494/PL/01 Revision A

Drawing No. 0494/PL/02 Revision C.

Document titled; Heritage Design & Access Statement for: 50A High Street, Manningtree, CO11 1AJ – Received 24/09/2024.

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.

10. Informatives

N/A

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
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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**

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<u>NO</u>
Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>
Has there been a declaration of interest made on this application?	YES	<u>NO</u>