

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	06/02/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	07/02/2025
Assistant Planner final checks and despatch:	ER	07/02/2025

**Application:** 24/01908/FULHH **Town / Parish:** Bradfield Parish Council  
**Applicant:** Mr Mark Newson  
**Address:** Glendoveer Wix Road Bradfield  
**Development:** Householder Planning Application - Timber frame double garage cart lodge.

1. **Town / Parish Council**

Wix Parish Council No objections received.

2. **Consultation Responses**

ECC Highways Dept  
29.01.2025

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that the proposal does not alter the existing vehicle access and the garage will be set back from the existing boundary feature and will retain adequate parking and turning at the front of the property even with the introduction of the proposal, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and condition:

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

Built Heritage Advice pertaining to a Householder Planning Application for the erection of a new detached single storey outbuilding, upon land forward of the twentieth century built dwelling Glendoveer, an unlisted building. The new outbuilding will have a flat roof finished by an unspecified brown/grey surface material, a timber frame with two-open bays, and sides enclosed by dark grey timber cladding fixed horizontal. It is to be used as a cartlodge and will be positioned within the southeast corner of the dwelling's front garden, less than two meters away from the site boundary adjacent to Wix Road, and less than two meters away from the site boundary shared with The Thatched Cottage, a Grade II Listed Building (List Entry No. 1254113) that is the neighbour to the southeast.

There is a well-established hedgerow at these boundaries, which the proposed 3D perspectives show to be grown to the same height as the new outbuilding approximately 2.5m. A new fence is also shown to be erected along the site boundary adjacent to the highway. This appears to be beyond the height limit that is allowed by permitted development and requires clarification for whether this is part of the proposal. On the opposite side of the road to the development site is the Grade II Listed Building Brambles (List Entry No. 1254112), a cottage set close to the road with a small front garden enclosed by picket fencing and a low hedge.

Both Brambles and The Thatched Cottage derive their significance from their special historic interest being examples of traditional cottages, and their special architectural interest as well-crafted buildings of vernacular design. Some significance is drawn from their setting having retained their historic landholdings (plots 176 and 222 upon the Tithe Map) as modern gardens. Since Brambles and The Thatched Cottage occupy street facing plots that are almost opposing, they have a close built relationship and are considered to contribute positively to each other's setting.

It is noted that the previous applications 24/00155/FULHH and 24/00495/FULHH were for similar sized new outbuildings in this positioning but with gabled roofs. Those proposals were refused planning permission on the grounds that they would cause less than substantial harm to the significance of the neighbouring Grade II Listed Buildings (The Thatched Cottage and Brambles), as a result of the negative impact that the new development would have upon their setting, which was not outweighed by the public benefits that would flow from the proposed development.

The decision of the last application (24/00495/FULHH) for an outbuilding with a shallow pitched gable roof was appealed under reference APP/P1560/D/24/3348465, however, the Planning Inspector dismissed the appeal on consideration that the new outbuilding would be harmful to the significance of the Listed Buildings, in not preserving their setting and particularly the sense of spaciousness that the open frontages afford to their surroundings.

This proposal is considered to give rise to the same level of less than substantial harm to the significance of these Listed Buildings (The Thatched Cottage and Brambles), due to the negative impacts that the new outbuilding would still have upon their setting. The impacts of the proposed new development within the Listed Buildings setting are considered below.

### Impacts to Views of the Listed Buildings

There is a clearly established building line for the streetscape to the north side of Wix Road, where the new dwellings with attached garages have been built in alignment with The Thatched Cottage, and so have preserved an appreciation of its closely built relationship to Brambles. The siting of the proposed new outbuilding does not follow the established building line, and as such it would appear to be an incongruous intervening feature that imposes upon and detracts from the views of the Listed Buildings. Its visual impact is worsened by the new outbuilding's overly prominent position immediately adjacent to the public highway, where its solid massing will diminish the intervisibility of Brambles and The Thatched Cottage, and compete with them for hierarchy in the streetscene views.

Currently the Listed Buildings can be viewed together in the streetscene when looking southeast and northwest from the public highway. Although these views are already somewhat obscured by garden planting, this screening lessens during the winter months, when the deciduous trees in the front garden of The Thatched Cottage have dropped their leaves. Therefore, the foliage cannot be relied upon as a permanent form of visual mitigation for the new outbuilding, and consideration should be given to how the seasonal differences allow for deeper and wider views through the site to be gained in winter, looking southeast at The Thatched Cottage and Brambles. The lack of tree cover in winter will also expose the new outbuilding more in the views looking northwest at Brambles and The Thatched Cottage, and in the views of just The Thatched Cottage looking northeast at its principal elevation.

### Impacts to the Listed Buildings Surroundings

The ornamental hedging planted along the site boundaries contributes to a verdant and open streetscape, which gives the cottages an almost semi-rural context, however, in the previous appeal decision the Inspector noted that the hedging had an overall negative impact resulting from the loss of openness. The vertical hit and miss fencing that is shown to be erected adjacent to the public highway in the 3D images is too high, and would have a negative urbanising effect upon the setting of the Listed Buildings that would detract from the otherwise pleasant and open surroundings they are experienced in. As noted previously, it is unclear whether this forms part of the proposal.

Furthermore, it should be considered that the foliage shown to be planted in front and behind the fencing cannot be relied upon as a long-term, and effective form of visual mitigation for obscuring the additional height of the fencing, and the mass of the new outbuilding. As the planting will only last as long as its lifetime allows, and could fail or be removed before it reaches maturity. It is noted that the Planning Inspector had considered in their decision-making that the planting itself can have a negative impact upon the open surroundings that the Listed Buildings are set in, and so it is not recommended that the existing planting that is grown as high hedging be reinforced to screen the new development.

### Conclusion

Overall, the new outbuilding has a negative visual impact upon the setting of the Grade II Listed Buildings (Brambles and The Thatched

Cottage), caused by its competing prominence in the streetscene and intervening position between the Listed Buildings, which has a detrimental impact upon how they are experienced and appreciated both individually and together in views from the public highway. This impact will be to a greater degree during winter when the foliage has died back.

Therefore, the proposal fails to preserve the setting of the Listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF), the level of harm to the significance of the Listed Buildings is considered to be 'less than substantial'. As such Paragraph 215 is relevant and the Local Planning Authority should weigh this harm against any public benefits that flow from the development. Whilst the scale of harm may be 'less than substantial' great weight should be given to the Listed Buildings conservation in line with Paragraph 212, and Paragraph 213 requires clear and convincing justification to be provided for any level of harm to the designated heritage assets.

If it comes to light that this development is part of the proposal, please note that the tall boundary fencing shown adjacent to the highway is not supported. This is because it will have a negative urbanising effect upon the setting of the Listed Buildings that are currently experienced in a verdant and open streetscape.

There is considered to be opportunity for the issues to be resolved by amendment, were the new outbuilding to be repositioned along the northwest boundary of the site closer to the dwelling. This would maintain the ability to experience and appreciate the Listed Buildings prominence and their closely built relationship in the views gained from the street, and therefore preserve their setting.

### 3. Planning History

TRE/12/93	T.1 - Willow	Current	04.06.1993
TRE/16/93	Willow	Current	15.07.1993
TRE/97/6	Reduce Willow by 40%	Current	19.03.1997
01/01596/FUL	Renewal of planning permission for use of garden shed as office	Approved	22.10.2001
01/01783/FUL	To erect garden shed to accommodate garden tools, children's toys etc.	Approved	20.12.2001
95/01105/FUL	(Glendoveer, Wix Road, Bradfield) Change of use from garden shed/summer house to business office for telephone sales	Approved	31.10.1995
98/01120/FUL	Change of use from garden shed/summer house to business office for telephone sales (Renewal of consent TEN/95/1105)	Approved	01.10.1998

02/01743/FUL	First floor front extension and porch	Approved	29.10.2002
02/01815/TPO	Cut down one Poplar tree	Approved	31.10.2002
06/01683/FUL	Variation of Condition 01 of 01/01596/FUL to continue use of outbuilding as an office in perpetuity.	Approved	04.12.2006
21/00132/FUL	Proposed two storey rear extension with remodelling of front elevation.	Approved	08.03.2021
24/00155/FULHH	Proposed garage.	Refused	11.03.2024
24/00495/FULHH	Householder Planning Application - new garage structure with double pitch roof.	Refused	28.05.2024

#### 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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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

##### NATIONAL:

National Planning Policy Framework 2024 (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

Local Planning Guidance:  
Essex County Council Car Parking Standards - Design and Good Practice

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

### Site Context

The application site comprises of a two-storey detached dwelling located within the development boundary of Bradfield. The house is set back from the main highway with a large area to the front space used for parking with vehicular access. There is also a fence and gate positioned along the front with planting between this and the site's boundary to the highway.

The houses to the north mirror the design of the application dwelling and are mainly two storeys with large open frontages.

Sited to the south is "Thatched Cottage" which is a grade II Listed Building and sited to the southwest is "The Brambles" which also benefits from a Grade II Listing.

### Relevant History

A previous application was submitted and refused for the proposed garage under planning reference **24/00155/FULHH**.

The proposed plans showed that the garage would have measured 7.4m in width, 7.8m in depth, 4.5m in height and would have been finished in boarding.

That application was refused due to the impact of the garage upon the visual amenity of the site and streetscene as well as the harmful impact to the setting of the nearby Listed Building "Thatched Cottage."

A second application was then submitted under planning reference **24/00495/FULHH** which measured 6.5m in width, 6m in depth and 3.5m in height and, again, was refused due to the impact upon visual amenity of the street scene and harmful impact to the nearby listed building "Thatched Cottage." This application was refused and then later dismissed at appeal.

### Assessment

#### Visual Impact

Paragraph 135 of the NPPF (2024) 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 application site is located within the development boundary of Bradfield with the neighbouring dwellings comprising of two storey detached dwellings which are set on large plots with their houses positioned significantly back from the front boundaries. These sites have large open frontages with a small few benefiting from front fences and gates accesses. The sites which do not conform to this general rule are the neighbour to the south east and south west which comprise of Grade II listed cottages which are one and a half storey in size. Despite these being slightly different to the application site, "Thatched Cottage" retains a similar set back position and large open frontage.

Whilst many of the nearby sites do not contain forwardly positioned outbuildings/ structures it is noted that Orchard House to the north west of the site does benefit from an annexe to the side which is

positioned in front of the house. Whilst this differs to the surrounding area this house is located on a corner plot setting and therefore the orientation of the buildings here is considered suitable for the site. It is also noted that this site is located sufficiently away from the application dwelling. This building was also referred to within the appeal decision by the planning inspector as follows *"I find that due to the corner position, scale, context and relationship with the frontage buildings at Orchard Cottage, the cartlodge does not create the harm to the open frontage further along Wix Road that would be caused by the appeal proposal."*

The proposal will comprise of a new double garage sited approximately 1.2m back from the front boundary. The structure has been reduced in height since the earlier submissions to 2.45m and will consist of two open bays which will face the host dwelling meaning vehicles will need to drive onto the site and round to enter the garage. The plans also show a mono-pitch roof with a slight increase in height back towards to the host dwelling. As a result of its close proximity to the front of the site and as there are no other outbuildings within the immediate vicinity sited to the front the proposal would appear as an incongruous and prominent feature within the streetscene resulting in a harmful impact to the character of the locale and is likely to set a precedent for future development within the area.

It is noted from the block plan and officer's site visit that the existing front planting and fencing will offer some screening of the new garage; however, as the building will be over 2m in height this is considered not enough to suitably soften the prominence of the building from Wix Road in this case.

The proposal is considered to have a detrimental impact on the visual amenity of the area due to its prominence and therefore is considered not to comply with the aforementioned policies.

#### Heritage Impact

Paragraph 210 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 proposal site is next to "The Thatched Cottage" and opposite "The Brambles", both of which are Grade II Listed. While the area has now been developed, new buildings along the north side of Wix Road are sufficiently set back and have deep front gardens, allowing for views of the historic buildings while travelling along Wix Road.

The proposed garage would be set in a prominent location to the front of the site occupying views towards the Thatched Cottage and the Brambles. These views will detract from the positive contribution that these protected buildings present within Wix Road therefore having a significant impact to their appearance and setting.

The previous planning and appeal decisions showed a shallow pitched gable roof; however, the Planning Inspector dismissed the appeal on consideration that the new outbuilding would be harmful to the significance of the Listed Buildings, in not preserving their setting and particularly the sense of spaciousness that the open frontages afford to their surroundings.

Whilst the proposal has been amended in terms of design and size it is considered to give rise to the same level of less than substantial harm to the significance of these Listed Buildings (The Thatched Cottage and Brambles), due to the negative impacts that the new outbuilding would still have upon their setting.

The ECC Heritage Team have been consulted and have objected to the proposal confirming that the level of harm resulting from the proposal is considered to be "less than substantial" in this instance and its impact should be weighed against the public benefits resulting from the proposal.

As the proposal is for a new garage which will be for storage for the applicant's sole use there are no public benefits resulting from the scheme in this instance.

### Highway Safety

Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. They also state that new garages should have an internal measurement of 7m by 3m.

The proposed garage will meet these standards attributing to one off street parking space and the remainder of the front of the site is amply sized to allow parking for at least one further vehicle in line with the above.

The ECC Highways team have been consulted and have provided no objections to the scheme. The proposal will therefore not contravene highway safety.

### Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2024) 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 set forward of the house and the nearby neighbouring properties and will therefore not result in a harmful loss of amenities to nearby occupants.

### Ecology and Biodiversity

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. Should the application be approved then an informative will be 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 (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.

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.

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.

### Representations Received

There have been two letters of support received stating that a precedent has already been set for outbuildings within the area due to existing development and given the reduction in size that the proposal would not result in a significant impact to the visual amenity of the area.

*Officer Response: Whilst it is appreciated that the proposed development has been significantly reduced in size and would be largely screened by the boundary planting and fencing in situ it would still be clearly visible within Wix Road. Officers do note that there is an outbuilding located at another site nearby, and that this was also highlighted by the appeal inspector. However, this building is located a significant distance away from the application site and, therefore, not considered relevant to this proposal.*

The applicant has also provided a detailed assessment of the proposal and rebuttal of the ECC Heritage comments. Their comments are summarised below:

- Fence referred to within the ECC Heritage Comments has been in situ for many years and does not form part of the proposal.

*Officer Response – Agreed. The proposal is just for the erection of a garage.*

- Similar surrounding development nearby

*Officers Response - Officers do note that there is an outbuilding located at another site nearby, and that this was also highlighted by the appeal inspector. However, this building referred to is located a significant distance away from the application site and, therefore, not considered relevant to this proposal.*

- ECC Heritage state within their comments that screening by way of planting will be reduced in the winter months, this is not the case. Photographs provided.

*Officer Response – Officers are grateful of the photographs provided in this instance. Whilst the planting will aid in screening some of the development this is not awarded special protecting meaning it could easily be removed or deteriorate allowing for even more open views of the listed building.*

- Relocation is not viable and will not allow for suitable access.

*Officer Response – The 3D images of how this would look are noted. Whilst officers can provide suggestions to overcome the impact of developments, it is not possible to confirm if these would be acceptable until we have received a plan that we can assess. In this instance, the alternative location together with the large size of the building as shown on the 3D images would still incur prominent views resulting in a detrimental impact to the character of the street scene as well as occupying views onto the listed building, thereby significantly impacting the setting of such. A smaller scheme sited away from the listed building and set back from the front boundary (with a possible orientation*

change) should be considered. The LPA does offer a pre application service to discuss potential proposals and details of which can be located on the Tendring District Council Website.

- Lack of engagement with officers.

*Officer Response – The LPA offers pre application discussions for proposals, the process for which can be found on the Tendring District Council website. This service also allows for input from ECC Heritage. The applicants/ agents have not used this service and the issues resulting from the proposed development are considered so fundamental that they could not be overcome during the time frame of a planning application.*

#### Other Considerations

Bradfield Parish Council has no objections to the proposal.

#### Conclusion

The proposal would be sited a sufficient distance away from the shared boundaries of the site and away from the main highway, thereby preventing a significant loss of neighbouring amenities and harmful impact to highway safety.

Notwithstanding this impact the proposed building will be sited forward of the existing house in a prominent location which will allow for prominent views which would be detrimental to the character and appearance of the site and street scene. The building will also occupy views to neighbouring listed buildings resulting in a significant impact to their character and setting. As there are little public benefits to outweigh this harm the proposal is considered contrary to the above policies and therefore is recommended for refusal.

### **8. Recommendation**

Refuse

### **9. Reasons for Refusal**

1. Paragraph 135 of the National Planning Policy Framework 2024 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy SP7 seeks high standards of design that responds positively to local character and context. Policy SPL3 states that development must relate well to its site and surroundings particularly in relation to its siting, height, scale and massing. Furthermore, the development must respect or enhance existing street patterns.

The application site comprises of a two-storey detached dwelling located within the development boundary of Bradfield. The house is set back from the main highway with a large area to the front used for parking with vehicular access and gate, fencing and planting. The surrounding houses to the north are similar in terms of size and design also benefiting from a large open space to the front.

The proposal will comprise of a new double garage set forward of the main house and sited approximately 1.2m back from the front boundary. The garage will exceed 2m in height and due to its height and size will appear as noticeable and prominent feature within Wix Road. The site does benefit from existing planting and fencing to the front which will offer some screening of the garage; however, this is not considered significant enough to suitably reduce the impact of the proposal on the character and appearance of the site and locale.

The proposed development therefore represents an incongruous and prominent feature which would be detrimental to the visual amenity of the site and locale.

The proposed new outbuilding is therefore considered to be contrary to the above-mentioned policies as it does not reflect the character of the locality and causes significant harm to the appearance of

the streetscene within Wix Road. The proposal would have a significant adverse effect on visual amenity and the character of the surrounding area contrary to the above policies and NPPF.

2. Paragraph 212 of the NPPF (2024) 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 215 states that where a 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.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric, although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

The site is located in close proximity to two listed buildings "Thatched Cottage" and "The Brambles" which are positioned to the south. The proposed garage would be set in a prominent location forward of the host dwelling and therefore occupying views towards these listed buildings. These views will detract from the positive contribution that these protected buildings present within Wix Road, therefore having a significant impact upon their appearance and setting.

The current proposal would therefore result in significant harm the setting of the nearby listed buildings, resulting in a low degree of less than substantial harm to their significance, as per paragraph 212 of the NPPF. There are insufficient public benefits to outweigh this harm, and the proposal is therefore contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

## **10. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

### 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):

050 - Site Plan

Drawing No 101 – Existing Elevations

Drawing No 102 – Existing First Floor Plan and 3D Elevations

Drawing No 103 - Proposed Ground Floor Plan

Drawing No 104 - Proposed elevations

Drawing No 105 – Proposed First Floor Plan

Drawing No 106 - Proposed Garage Elevations

Drawing No 107 - Proposed 3D Ariel View

Drawing No 108 - Proposed Garage 3D View

Drawing No – Proposed 3D Street View

### 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
<b>Has there been a declaration of interest made on this application?</b>		NO

