



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
30 NOVEMBER 2022**

<b>Application Number</b>	<b>22/00336/LBC</b>
<b>Location</b>	Eastcroft Cottage, Fambridge Road, Mundon, CM9 6PH
<b>Proposal</b>	Section 73A application for Internal amendments
<b>Applicant</b>	Viking Estate Management Ltd
<b>Agent</b>	Mr Craig Woods of Purcell
<b>Target Decision Date</b>	17.11.2022
<b>Case Officer</b>	Jonathan Doe
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor Miss S White with regard to Policy D1

**1. RECOMMENDATION**


**GRANT LISTED BUILDING CONSENT** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.

**Eastcroft Cottage - Fambridge Road - Mundon**  
22/00336/LBC



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Area Committee
	Date:	27/10/2022
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 The proposed works relate solely to the interior of the house.

3.1.2 The house has been refurbished and extended following a Listed Building Consent granted in 2018 (ref. LBC/MAL/17/01469). Whilst making a routine site visit the Conservation Officer noticed that there had been a minor deviation from the approved plans internally. A slightly wider opening had been created between the kitchen and utility room when compared to that approved in 2018. While this was a breach of Listed Building Consent, it has resulted in only a small loss of 19th-century timber structure. The Conservation Officer therefore advised the owner that they submit a retrospective application to regularise the situation.

#### **3.2 Conclusion**

3.2.1 That Listed Building consent to regularise this matter is considered to be acceptable and in accordance with the Council's adopted Policies.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 189 – 208 Conserving and enhancing the historic environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- D3 Conservation and Historic Assets

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to this case. Except as provided in sections 12 to 15 of that Act, an application for Listed Building Consent shall be made to and dealt with by the Local Planning Authority.

5.1.2 Policy D3 of the Local Plan states that Development proposals that affect a heritage asset will be required to preserve or enhance its special character and any features and fabric of architectural or historic interest. Development proposals which affect a

heritage asset will also have to be in accordance with respective national policies and guidance in the National Planning Policy Framework.

- 5.1.3 The subject of the application is for a detailed matter relating to the renovation of a Listed Building. The detail has been evaluated by a specialist advisor as discussed below; the proposal is acceptable in principle.

## **5.2 Impact to a heritage asset**

- 5.2.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.2.2 The Conservation and Listed Buildings Officer has commented as follows:

*Eastcroft is a two-storey timber-framed house built in 1799. The front-range is original, the rear two-storey range was added in the early-19th century and a two-storey link-attached extension was added a few years ago. The house retains original lead-glazed windows on the front elevation. The building is a good example of Georgian vernacular architecture. Its significance derives mainly from its age, history, quality materials and detailing, well-preserved condition, picturesque character and presence in the street-scene and landscape.*

*This house has been refurbished and extended following a listed building consent granted in 2018 (ref. LBC/MAL/17/01469). When making a routine site visit, I noticed that there had been a minor deviation from the approved plans internally. A slightly wider opening had been created between the Kitchen and Utility. While this was a breach of listed building consent, it has resulted in only a small loss of 19th-century timber structure. I therefore advised the owner that they submit a retrospective application to regularise the situation. Hence the present application. Overall, I advise that this small internal alteration has resulted in no harm to the building's special character as one of architectural and historic interest. As such the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*For these reasons I raise no objection to this application. I have no conditions to recommend in this instance.*

- 5.2.3 Having regard to the comments of the Conservation and Listed Buildings Officer, and there being no other material considerations, officers are supportive of this retrospective Listed Building Consent application. The application has enabled the works to be formally identified, confirmed as acceptable. recorded for future reference and the statutory records.

## 6. **ANY RELEVANT SITE HISTORY**

- **17/01468/HOUSE** - Two storey extension and demolition of mid-20th century single storey extension, including repair works to the listed building, Approved – 5 March 2018.
- **17/01469/LBC** - Two storey extension and demolition of mid-20th century single storey extension, including repair works to the listed building, Listed Building Consent - 5 March 2018.
- **21/05202/DET** - LBC/MAL/17/01469 (Two storey extension and demolition of mid-20th century single storey extension, including repair works to the listed building.) Condition 3 - Roof Tile Sample. Condition 4 - Brick Work Layout. Condition 5 - Samples of Timber Cladding. Condition 6 - Sample of roof glazed link. Condition 7 - Large scale drawings of windows and doors and the glazed link. Decision issued 22 February 2022
- **22/00586/HOUSE** - Alterations to boundary treatments. Pending consideration.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	My Council believes that the proposed development is sustainable, complies with planning legislation relating to listed buildings and does not conflict with policies contained within the Local Development Plan and guidance contained within the National Planning Policy Framework.	Noted

### 7.2 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation and Listed Buildings Officer	No objection	Noted (see comments at 5.2.2 of this report)

### 7.3 Representations received from Interested Parties

7.3.1 No letter of representation has been received.

## 8. **PROPOSED CONDITION**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
237235-05-PUR-00-SL-DR-A-1000 Rev P02 Site and location plan

237235-05-PUR-00-SL-DR-A-2000 Rev P03 Block plan  
237235-05-PUR-00-GF-DR-A-1001 Rev P02 Existing ground floor plan  
237235-05-PUR-01-XX-DR-A-1002 Rev P02 Existing first floor  
237235-05-PUR-00-XX-DR-A-1100 Rev P02 Existing elevations  
237235-05-PUR-00-GF-DR-A-2001 Rev P03 Proposed ground floor plan  
237235-05-PUR-00-01-DR-A-2002 Rev P02 Proposed first floor plan  
237235-05-PUR-00-XX-DR-A-2100 Rev P01 Proposed elevations  
Design and Access Statement  
REASON To ensure that the development is carried out in accordance with  
the details as approved.