



PLANNING APPLICATIONS WEEKLY LIST NO.1745
Week Ending 21st February 2025

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 27th March 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **26th February 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

1. 24/00806/LBC – 53 West Street Rochford PAGES 2-9

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| Application No : | 24/00806/LBC Zoning : Town Centre and Conservation Area |
| Case Officer | Mr Richard Kilbourne |
| Parish : | Rochford Parish Council |
| Ward : | Roche South |
| Location : | 53 West Street Rochford Essex |
| Proposal : | Proposed change of use from use as ground floor shop with first floor flat over to use as a single dwellinghouse within the C3 Use Class. Erect ground floor rear extension with screened balcony on roof over accessed via French doors. Demolish lean-to to enlarge rear patio garden. Replace shopfront including new first floor sash window. Widen rear ground floor wall opening. Refurbish & repair internal fireplace(s). Remove part of first floor partition and internal widen access opening. |

SITE AND PROPOSAL

1. The application site is situated on the south side of West Street, Rochford and is located wholly within the Rochford Conservation Area. The application relates to 53 West Street is one of a pair of Grade II listed shops (51 and 53, West Street). The listed buildings are of nineteenth century or possibly earlier origins and consist of one storey with attics. The shops display a plastered frontage with a red plain tiled gambrel roof and two catslide dormer windows.
2. The proposal is for a change of use from use as ground floor shop with first floor flat over to use as a single dwellinghouse within the C3 Use Class. It is also proposed to erect a ground floor rear extension with screened balcony on the roof over accessed via French doors. The proposal would also demolish the existing lean-to to enlarge the rear patio garden. The proposal also seeks to replace the shopfront including new first floor sash window, widen the rear ground floor wall opening and refurbish & repair internal fireplace(s). Finally the proposal seeks to remove part of first floor partition and internally widen the access opening.

RELEVANT PLANNING HISTORY

3. Application No. 24/00805/FUL - Proposed change of use from use as ground floor shop with first floor flat over to use as a single dwellinghouse within the C3 Use Class. Erect ground floor rear extension with screened balcony on roof over accessed via French doors. Demolish lean-to to enlarge rear patio garden. Replace shopfront including new first floor sash window. Widen rear ground floor

wall opening. Refurbish & repair internal fireplace(s). Remove part of first floor partition and internal widen access opening. – Refused.

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Assessment

6. The application property is a Grade II listed building and this application for Listed Building Consent is made in respect of section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This legislation imposes a duty on the local planning authority in the determination of such an application to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, according to the Councils GIS database the application site is located wholly within the Rochford Conservation Area.
7. As a Grade II Listed Building, the host property is a designated heritage asset as defined in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The main consideration in the determination of this application is whether the proposed extensions and alterations would preserve the character and appearance of the building and any of the features of special architectural or historic interest that it possesses. Furthermore, Section 72 of the Planning Act (Listed Buildings and Conservation Areas) imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. As previously stated, the building to which the proposal relates is 53 West Street, which is one of a pair of Grade II listed shops (51 and 53, West Street). The List Entry No. is 1112570 and the list description states: -

“ROCHFORD WEST STREET TQ 8790 NE/SE (south side) 15/272 & 16/272 Nos. 51 and 53 23.7.73 GV II 2 shops. C19 or possibly earlier origin. Plastered front. Red plain tiled gambrel roof. Right red brick chimney stack. One storey and attics. 2 large catslide dormers; vertically sliding sashes with horns. No. 51. Shop window to left, pilasters with capitals, fascia over with pentice strip, C20

door to right, original fanlight over, moulded surround, pentice strip over. No. 53. Pilasters to right and left with capitals and bases, fascia with moulded cornice enclosing left C20 door with pilaster and window to right”.

9. Paragraph 210 of the NPPF states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.
10. Paragraphs 212 onwards provide guidance for considering the potential impacts. Furthermore, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This should be proportionate to its significance: the more important the asset, the greater the weight should be. This is irrespective of whether the harm is substantial, total loss, or less than substantial.
11. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset, including through development within its setting, should require clear and convincing justification.
12. Paragraph 214 deals with instances of substantial harm to a designated heritage asset. Development causing substantial harm should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or other criteria are met. Paragraph 215 guides that where a development would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
13. The Council's Policy DM1 requires that proposals should promote visual amenity and have a positive relationship with nearby buildings and a scale and form appropriate to the locality. The policy also notes that specific points of consideration must be addressed through design and layout, including impact on the historic environment including Conservation Areas and Listed Buildings, archaeological sites and the wider historic landscape.

Impact upon the character and appearance of the Listed Building

14. As previously stated, the application is for the proposed change of use from use as a ground floor shop with first floor flat over to use as a single dwellinghouse within the C3 Use Class. The erection of a ground

floor rear extension with screened balcony on roof over accessed via French doors; the demolition of the lean to to enlarge the rear patio garden; the replacement of the shopfront including new first floor sash window; the widening of the rear ground floor wall opening; the refurbishment & repair of the internal fireplace(s); the removal of part of the first-floor partition and internal widening of the access opening.

15. The listed buildings are of nineteenth century or possibly earlier origins and consist of one storey with attics. The shops display a plastered frontage with a red plain tiled gambrel roof and two catslide dormer windows. The listed buildings are situated on the south side of West Street and are located within Rochford Conservation Area, within Character Zone 7, which is characterised as the more commercial area of the historic town centre.
16. The County Council's Historic Buildings Officer's position on this proposal, as outlined with the consultation response regarding this application, is that the proposal includes alterations to both the internal and external fabric of the building which would likely result in the loss of its historical value and architectural significance. Moreover, the proposal involves the replacement of various windows/doors. In light of the above, the Conservation Officer considers that the proposals would fail to preserve the special interest of the Grade II listed 51 West Street, contrary to Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would fail to preserve the character and appearance of Rochford Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would result in less than substantial harm to the significance of these designated heritage assets, therefore Paragraph 215 of the National Planning Policy Framework (NPPF, 2024) is relevant.
17. In addition to the above in principle concerns, they have also expressed the following concerns regarding the proposal externally, it is proposed to replace the front door and window within the shopfront. The submitted drawings indicate that the masonry stallriser and the timber pilasters, fascia and cornice are to be retained and redecorated. Although the shopfront has been altered over time and dates from the twentieth century, it is a traditional feature which contributes positively to the significance of the listed building and the conservation area. Historic England guidance states that where historic windows, whether original or later insertions, make a positive contribution to the significance of the listed building, these should be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies only. The Conservation Officer states that *"no condition survey has been submitted for the existing windows. This is required to support the application, and it would need to be demonstrated that the window and door to the front elevation are beyond viable repair"*.

18. In addition to the above, the Conservation Officer expresses the following concerns *“the proposals to install double glazing and to alter the fenestration pattern, incorporating top openers, would not be appropriate. These features would not be in keeping with the traditional character of the listed building or the conservation area, resulting in harm to their significance”*.
19. Furthermore, concerns have been raised relating to the historic sash window within the dormer at first floor level, which the applicant proposes to be replaced with a double-glazed hardwood sliding sash window. As outlined above, the principles in relation to repair and replacement are still applicable, and a condition survey would need to be submitted which justifies any need for replacement.
20. In addition to the above, the applicant is proposing to replace the first-floor window with a set of timber double glazed doors and to insert a balcony clad in shiplap at the rear of the property. Whilst, at ground floor level, it is proposed to demolish the existing flat roofed lean to structure and construct a single storey extension with timber double glazed bi-folding doors. The Conservation Officer has no objection in principle to the removal of the lean-to structure, given that this is a later addition, and replacement with a single storey extension (to a shallower footprint as proposed). However, the removal and enlargement of the first-floor window opening and the installation of a balcony, double doors and bi-fold doors would not be appropriate. These features are modern, incongruous additions, which would not be sympathetic to the modest character of the listed building or in keeping with the character and appearance of the conservation area. As such, these elements of the proposals would cause harm to the significance of the identified heritage assets. The case officer agrees with the Conservation Officer consultation response.
21. Furthermore, the proposals to the interior of the listed building comprise the insertion of a kitchen to the ground floor front room and a lounge to the back room. The proposed widening of the doorway between the back room and the existing lean to would involve the removal of a large amount of the original rear wall of the building. This would cause harm to the significance of the listed building due to a loss of historic fabric, which would also erode the legibility of the historic plan form. Furthermore, it is also proposed to remove the wall between the lean to and the rear lobby, which appears to date from the mid twentieth century. Although of later date, this wall contributes to the architectural and historic interest of the listed building.
22. At first floor level, it is proposed to remove the partition wall to room 2 and widen the opening between the landing and room 3. It is considered that this would be harmful to the significance of the listed building, as it would involve the removal of historic fabric.

Impact on the Conservation Area

23. Paragraph 212 states that Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
24. Due to the reasons cited earlier in this report, it is considered that the development as proposed within the remit of the submitted plans would result in material harm to the significance of the Conservation Area and its character and appearance would not be preserved.

Archaeology

25. Colleagues in Essex County Council Historic Environment have been consulted regarding the proposal and they state: -

“The building has the potential to contain fixtures, fittings or fabric that relate to its previous uses, origin, evolution and development, and other evidence such as re-used timbers or other structural elements. Given the programme of alterations proposed to the structure, particularly the changes made to the rear wall, which may be of original origin, a Historic Building Recording (HBMR) should be carried out during the proposed works at 53 West Street, Rochford”.

26. As stated above, the County Council’s archaeologist states that they have no objection to the proposal subject to the imposition of a condition relating to historic building monitoring record, which will be attached to the decision notice in the event that planning permission is approved.
27. In conclusion, upon review of the submitted plans and assessment from visiting the site, it is clear that the conversion would represent less than substantial harm, as stated by the Historic Buildings Officer. As Paragraph 215 of the NPPF states, for development proposals that would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The submitted supporting documents do not identify any public benefits from the proposed development, and no evidence has been provided to identify use as a C3 use as the optimum viable use.

Equalities and Diversity Implications

28. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

29. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

30. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

31. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No reply received.

Essex County Council Place Services Historic Environment Team:

The proposals would fail to preserve the special interest of the Grade II listed 51 West Street, contrary to Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would fail to preserve the character and appearance of Rochford Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would result in less than substantial harm to the significance of these designated heritage assets, therefore Paragraph 215 of the National Planning Policy Framework (NPPF, 2024) is relevant.

Essex County Council Historic Environment Archaeological Advice:

No objection subject to a condition relating to Historic Building Recording (HBMR) being carried out during the proposed works

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policy CP1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policy DM1.

Supplementary Planning Document 4 (January 2007) - Shop Fronts Security and Design.

Supplementary Planning Document 6 (January 2007) – Design Guidelines for Conservation Areas.

Rochford Conservation Area Appraisal (Amended 2010).

Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION: REFUSE

1. In the opinion of the Local Planning Authority the proposed development includes numerous external and internal alterations relating to the proposed change of use of the application building, which would likely result in the loss of historic fabric, which are integral to its character and value as a listed building. Furthermore, no clear and convincing justification has been submitted with the application as to evidence why replacement doors/windows are required instead of a repair. Moreover, the replacement fenestration appears obtrusive and incongruous undermining the overall historic value of the listed building.

It is considered that the proposed alterations would incur a level of less than substantial harm to the significance of the listed building. It is not considered that public benefits or optimum viable use of the building have been identified which would be considered to outweigh the less than substantial levels of harm upon the significance of the listed building. It is considered that the proposed development would have a significant impact on the heritage asset; additionally, the proposed alterations fail to preserve or enhance the Rochford Conservation Area, and as such the proposal is contrary to Section 66(1) and 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 206 and 215 of the National Planning Policy Framework (2024) and Policy DM1 of the Council's Development Management Plan.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams.