

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



LISTED BUILDING CONSENT

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1992

Correspondence Address:

Ms Ruth Paternoster
Church Farm Barn
The Street
Thorndon
IP23 7JR

Applicant:

Mr & Mrs Lindsay-Smith
Tower House, Freston Park
Freston
IP9 1AD

Date Application Received: 21-Oct-21

Application Reference: DC/21/05797

Date Registered: 22-Oct-21

Proposal & Location of Development:

Application for Listed Building Consent - Erection of single storey extension with glazed link (following demolition of garden room). Replacement windows and insertion of rooflight to existing south facing roofslope. Erection of retaining wall to South boundary and associated landscaping. Internal works as described within Design & Access Statement.

Tower House, Freston Park, Freston, Suffolk IP9 1AD

Section A – Plans & Documents:

This decision refers to drawing no./entitled 571_01 received 21/10/2021 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 571_01 - Received 21/10/2021
Plans - Proposed 253_THF_R_01 - Received 21/10/2021
Heritage Impact Assessment Heritage Impact Statement - Received 21/10/2021
Design and Access Statement Design and Access Statement - Received 21/10/2021
Block Plan - Proposed 571_21A - Received 21/10/2021
Proposed Site Plan 571_20A - Received 21/10/2021
Plans - Proposed 571_13B - Received 21/10/2021
Floor Plan - Proposed 571_12B - Received 21/10/2021
Floor Plan - Proposed 571_11B - Received 21/10/2021
Plans - Existing 571_04 - Received 21/10/2021
Plans - Existing 571_03 - Received 21/10/2021
Plans - Existing 571_02 - Received 21/10/2021

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **LISTED BUILDING CONSENT HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

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

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above 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. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, 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.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED: EXTERNAL HARD SURFACING

Prior to the commencement of any works above slab level, the manufacturers literature of the external hard surfacing shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

4. ACTION REQUIRED: METHODOLOGY OF REPAIRS

Prior to the commencement of any works above slab level, a methodology of repairs and alterations, including large scale drawings to the well, annotated photographs and materials specification shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

5. ACTION REQUIRED: RETAINING WALLS, BOUNDARIES AND GATES

Prior to the commencement of any works above slab level, details of the retaining walls, boundaries and gates shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

6. ACTION REQUIRED: INTERNAL DOORS

Prior to the commencement of any works above slab level, large scale elevation and section drawings of the internal doors shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

7. SPECIFIC RESTRICTION ON DEVELOPMENT: TIMBER FRAME

Following the removal of the staircase, the infill timber frame to the ground floor ceiling shall be completed in matching materials and timber dimension.

Reason - In the interests of protecting the character and setting of the heritage assets.

8. ACTION REQUIRED: STAIRCASE AND GLASS BALUSTRADE

Prior to the commencement of any works above slab level, large scale elevation and section drawings of the staircase and glass balustrade, including materials and finishes shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

9. ACTION REQUIRED: ROOF LIGHT

Prior to the commencement of any works above slab level, the manufacturers literature of the roof light shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

10. ACTION REQUIRED: WINDOWS, DOORS AND GLAZING

Prior to the commencement of any works above slab level, large scale elevation and section drawings of all windows, doors and glazed panels shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

11. ACTION REQUIRED: BRICKWORK

Prior to the commencement of any works above slab level, a panel of brickwork, no less than 1 metre square shall be constructed on site and an opportunity shall be given to inspect; or context and detail photos shall be submitted to and approved, in writing, by the

Local Planning Authority. Following agreement of a suitable panel, the agreed panel shall remain on site for the duration of the building.

Reason - In the interests of protect the character and setting of the heritage assets.

12. ACTION REQUIRED: FLUE

Prior to the commencement of any works above slab level, the manufacturers literature of the flue, including finish colours shall be submitted to and approved, in writing, by the Local Planning Authority, and then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

13. ACTION REQUIRED: GLAZED LINK

Prior to the commencement of any works above slab level, large scale section drawings through the glazed link shall be submitted to and approved, in writing, by the Local Planning Authority, and then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

14. ACTION REQUIRED: RAINWATER GOODS

Prior to the commencement of any works above slab level, the manufacturers literature of the rainwater goods shall be submitted to and approved, in writing, by the Local Planning Authority, and then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

15. ACTION REQUIRED: EAVES AND VERGES

Prior to the commencement of any works above slab level, large scale section drawings of the eaves and verges shall be submitted to and approved, in writing, by the Local Planning Authority, and then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

16. ACTION REQUIRED: FACING AND ROOFING MATERIALS

Prior to the commencement of any works above slab level, the manufacturers literature of the facing and roofing materials, including colours shall be submitted to and approved, in writing, by the Local Planning Authority, and then carried out in its entirety as approved.

Reason - In the interests of protecting the character and setting of the heritage assets.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR02 - AONB Landscape
HS33 - Extensions to Existing Dwellings
NPPF - National Planning Policy Framework

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/21/05797

Signed: Philip Isbell

Dated: 16th December 2021

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.