

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	31/7/18
Planning Development Manager authorisation:	AN	31/7/18
Admin checks / despatch completed	AP	1/8/18

*me*

**Application:** 18/00658/FUL                      **Town / Parish:** Lawford Parish Council  
**Applicant:** Mrs A Trimby  
**Address:** 28 Hunter Drive Lawford Manningtree  
**Development** Proposed loft conversion with dormer extension.

### 1. Town / Parish Council

**Lawford Parish Council** Council has no objection to this application

### 2. Consultation Responses

n/a

### 3. Planning History

18/00658/FUL Proposed loft conversion with dormer extension. Current

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### **Site Description**

The application site is on the east side of Hunter Drive, Lawford. The site comprises a two storey semi-detached dwelling, with a shared driveway leading to a detached garage towards the rear. The rear of the property overlooks a development of bungalows to the east, Linden Close. The site is within the Development Boundary of Manningtree.

### **Proposal**

This application seeks planning permission for a loft conversion with rear dormer extension. The proposal in its current form is towards the north of the rear roof slope, measuring 2.08m in height and 3.26m in depth, and finished externally with cladding.

### **Appraisal**

The main considerations of this application are the visual impact and impact on neighbours.

### **Visual Impact**

The proposed dormer will be sited to the rear of the property - however, due to its size it will be partially visible from the highway in Hunter Drive. The width of the dormer has been reduced from the original submission, and there is now 2.65m between the dormer and southern edge of the roof slope - which means that the dormer will not be a prominent feature in the street scene.

The dimensions of the dormer would be allowed under permitted development, however planning permission is required because the external materials will not match those of the host dwelling. The use of cladding - rather than tiles to match the roof - will not be harmful to the visual amenity of the area in this case, as the bulk of the dormer will be screened from view of the highway. A similar rear dormer - finished in white cladding - is present at a nearby property, and so the proposal is not wholly out of character with surrounding properties.

### **Impact on Neighbours**

The proposed dormer features one window to the rear, which will allow direct views into the rear neighbours' properties and oblique views into adjacent properties. However, the risk of overlooking is no greater than that posed by the existing first floor windows - which also look directly into neighbouring properties to the rear. The room in the proposed loft conversion will be a bedroom - which is not a primary living space. Therefore, there will be no significant impact on neighbouring privacy as a result of the proposed dormer.

Although the proposal will be visible to neighbouring properties - particularly those to the rear - the 23.1m separation between the proposal and rear neighbour is sufficient to avoid loss of outlook and daylight.

### Other Considerations

Lawford Parish Council has no objection to the application.

Three letters of representation have been received - one from the attached neighbour (30 Hunter Driver) and two from the rear neighbour (12 Linden Close). Objections have been summarised below:

- Loss of privacy
- Proposal is too close to the boundary/party wall
- The party wall is not strong enough to support the proposed structure

The impact on the amenities of neighbouring properties has been assessed above, and it is considered that the impact will not be significant enough to warrant refusal of planning permission.

Issues regarding the party wall are not material planning considerations. However, Standard Informative 3 of the decision notice will refer the applicant to the Party Wall Act 1996 if the works will affect a party wall.

### Conclusion

In the absence of material harm as a result of the proposed development, this application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 18101/1 Revision C: 17/07/2018.

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

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.