

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | ML | 06/08/2018 |
| Planning Development Manager authorisation: | AN | 7/8/18 |
| Admin checks / despatch completed | ER | 9/8/18 |

Application: 18/00718/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs Smalley

Address: 2 Hunters Chase Ardleigh Colchester

Development: Proposed rear extension to existing dwelling and changes to existing facade, proposed conversion of existing barn into private annexe for main dwelling and change of use for rear land to residential use from agricultural.

1. Town / Parish Council

Ardleigh Parish Council No comments received

2. Consultation Responses

n/a

3. Planning History

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| 03/01694/FUL | 2 Storey extension, single storey entrance hall and conservatory. | Approved | 30.09.2003 |
| 18/00718/FUL | Proposed rear extension to existing dwelling and changes to existing facade, proposed conversion of existing barn into private annexe for main dwelling and change of use for rear land to residential use from agricultural. | 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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing deliver over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

This is a semi-detached dwelling on the north side of Hunters Chase, a predominantly rural location in the parish of Ardleigh. It is located on a substantial plot of some 0.14ha. There is a barn on the east side of the site with mature vegetation present on most of the borders.

The property has been extended to the side by virtue of a two-storey side extension and at the rear through the addition of a conservatory. At the rear of the current garden is an area utilised as informal garden land which includes an area of grassed meadow land and several recently planted trees. The rear boundary of this area of land is enclosed by post and rail fencing.

Proposals

This application comprises of four separate elements;

- Part two-storey, part-single storey rear extension extending out 5.2m from the original rear wall of the property
- A new timber open porch and replacement window to the front elevation
- Conversion of existing single storey barn to a 2 bedroom annexe
- Change of use of area of land to the rear from agricultural to domestic garden.

Appraisal

Rear Extensions

The rear extensions are of comparable depth to the existing property and cannot be viewed from surrounding vantage points due to dense vegetation present on the perimeters of the site. The extensions would also sit below the ridge height of the existing property and comprise of matching materials. Consequently, the visual impact of the extensions upon the surrounding area would be minimal.

Porch/Windows

The alterations to the front elevation of the property including the provision of an open timber porch and new grey aluminium windows would be entirely acceptable and enhance views of the property from the highway.

Conversion of Barn to Annexe

The footprint of the barn is not being altered. The current black timber to the exterior of the building will be re-painted and slates are to be applied to the roof. As such the barn will retain its current traditional rural outbuilding appearance.

In terms of its use it is intended to be used as a two bedroom annexe initially for the applicant and his young family whilst work to the dwelling is being undertaken. Once work is complete on the house it is then intended to be used as overspill accommodation and by the applicant's elderly parents. With its future use in mind the annexe would be single storey, designed with level access throughout. While active provision of care may not be required at present, the close relationship of the proposed building with the existing house would undoubtedly facilitate it in the event of it being required in the future. Furthermore, the building would not have a clear separate entrance, as it would turn its back to the highway and lack any obvious 'front door'. Access would be gained via the existing property's garden through sliding patio-style doors to the main rooms to the rear.

As such it is concluded that the converted barn would be occupied in an ancillary manner. The imposition of a restrictive condition would still be reasonable and necessary in this case, in order to confirm the ancillary relationship with the existing dwelling.

Change of Use of Land to Garden

The land to the rear to be changed into domestic garden sits aside equestrian land to the west and garden land to the east. The land is already accessed via the existing garden and has been used as an informal garden area. Therefore the area of land is well enclosed by existing mature vegetation on its side boundaries and would represent an intrusive out into open agricultural land. The impact upon the rural character of the locality would therefore be minimal. A condition removing permitted development rights relating to fencing and outbuildings will be applied to ensure no inappropriate development takes on this land.

Residential Amenities

The extensions to the rear of the property are the only part of the proposals that fall to impact upon the adjoining neighbours at no. 1. In this case due to the single storey element being sited in closest proximity to the neighbour any impact upon the neighbour's ground floor kitchen window in terms of loss of light would be minimal. In applying the guidance of the Essex Design Guide, which states that the obstruction of light and outlook from an existing window is avoided if the development does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone, the windows on the adjacent property do not fall to be adversely affected.

The main useable part of the neighbour's garden at no. 1 would not be affected by the proposed extension in terms of outlook or loss of privacy.

Other Considerations

Ardleigh Parish Council has not commented upon the application. No further letters of representation have been received.

6. Recommendation

Approval

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 annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Hunters Chase, Ardleigh.

Reason - The site is unsuitable for an additional independent residential unit.

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2016 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, fences, walls or other enclosures, swimming or other pool shall be erected within the area of land changing into domestic curtilage except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the landscape quality of the surrounding countryside.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Scale 1:1250), Site Block Plan (Scale 1:500), drawing

no. 108, drawing no. 107 (received 13th July 2018), drawing no. 104 B, drawing no. 103 A and drawing no. 102 A.

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.

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| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | YES | <input checked="" type="radio"/> NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | <input checked="" type="radio"/> NO |