

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	21/08/2018
Planning Development Manager authorisation:	SCE	22.08.18
Admin checks / despatch completed	AP	22/8/18

*AP*

**Application:** 18/01067/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs Harris

**Address:** Mulberry Cottage Waterhouse Lane Ardleigh

**Development:** Proposed two storey front extension to form porch, and extension to existing study.

### **1. Town / Parish Council**

Ardleigh Parish Council      No Comments Received

### **2. Consultation Responses**

Tree & Landscape Officer      The application site is affected by Tendring District Council Tree Preservation Order 91/06/TPO which affords formal legal protection to two trees on the boundary with the adjacent highway. The protected trees are an Ash and a Walnut.

The distance between the proposed porch and the protected trees is sufficient to avoid causing damage or harm to the protected trees

### **3. Planning History**

08/00878/FUL	Erection of single storey side extensions and two storey rear extension.	Approved	21.08.2008
18/01067/FUL	Proposed two storey front extension to form porch, and extension to existing study.	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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### Application Site

The application site comprises of a south east facing two storey detached dwelling known as "Mulberry Cottage." The dwelling is set back from the highway with planting along its front boundary and vehicular access and gates adjacent to the dwelling. The dwelling has been constructed from brick with a side extension finished in black timber.

### Proposal

This application seeks permission for the erection of a two storey front extension.

### Background

Upon receipt of the application the plans showed that the proposal would be finished in render with a front gable roof design. It was considered that this design was too out of keeping with the main dwelling resulting in a significant change to its overall character and appearance and amendments to the scheme were advised. The proposal has been amended to now incorporate a hipped roof design and to be constructed in brick to match the existing dwelling.

### Assessment

#### Design and Appearance

The dwelling is of a hipped roof design with previous additions to the side and rear. This dwelling is of a standalone design in the area with other properties being smaller semi-detached and detached rendered dwellings. The application dwelling is sited on a large plot with a vast array of planting along its boundaries.

The proposal will be sited to the front and will be a noticeable addition to the existing dwellings character and appearance. The enlargement will be constructed from brickwork in line with the existing house and comprise of a hipped roof design to ensure that it does not appear as an adverse or prominent addition to the host dwelling.

The proposal will be 0.8m lower than the existing house which will prevent it from over dominating the existing dwelling.

The proposal will be set back from the front of the site by 11m which will reduce its prominence within the streetscene. The planting sited along each boundary will offer some screening of the proposal to soften its appearance when approaching it from either direction.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

#### Protected Trees

Sited along the eastern boundary of the site are two protected trees covered by Tree Preservation Order 91/06/TPO. As part of the application process the Councils Tree and Landscape Officer has been consulted and has confirmed that the proposal will be sited sufficient distance away from these trees to avoid causing damage or harm to them.

#### Impact on Neighbours

The proposal will be visible to the neighbouring dwelling however as it will be sited ample distance from the boundary it is considered that the proposal would not result in a harmful impact to neighbouring amenities.

#### Other Considerations

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

#### Conclusion

In the absence of material harm resulting from the proposed development the 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: MCA/18/1A.

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.