

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	09/08/18
Planning Development Manager authorisation:	SCE	28.08.18
Admin checks / despatch completed	ER SR	30/8/18 30/08/18

**Application:** 18/01148/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Mr Chris Spencer

**Address:** 32 Rigby Avenue Mistley Manningtree

**Development:** Proposed double & single storey rear extension.

### 1. Town / Parish Council

Mistley Parish Council      No Comments recieved

### 2. Consultation Responses

Not applicable

### 3. Planning History

18/01148/FUL      Proposed double & single storey rear 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  
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL1 Managing Growth

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of a two storey semi detached dwelling "32 Rigby Avenue." The dwelling has been constructed from brick with an outbuilding to the rear. Sited to the north of the property (to the rear) is an existing car park with associated garaging.

### Proposal

This application seeks permission for the erection of a two storey and single storey rear extension.

The proposed two storey extension has since been reduced in depth by 1m to reduce the level of light and outlook which is lost to the neighbouring properties.

### Assessment

#### Design and Appearance

The proposal will be sited to the rear and therefore not publicly visible from Rigby Avenue.

There is a large car park with associated garaging to the rear of the site. The proposal will be publicly visible from this car park however as it will be sited 14m from the rear boundary would not result in harmful impact to the areas appearance and character. It is also noted that other properties within the vicinity have also erected enlargements at single storey and two storey level comprising of a variety of designs.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

The proposed enlargement is of a scale appropriate to the host dwelling and will be lower in height than the existing dwelling which will prevent it from over dominating the host dwelling. The proposal will also be finished in materials which match the existing dwelling.

#### Impact on Neighbours

As a result of its depth and close proximity to the boundaries the proposal will result in a loss of light to both neighbours and therefore the sunlight/ daylight calculations specified within the Essex Design Guide have been applied. The 45 degree lines in the elevation and plan drawings would not strike through the centre of any of the neighbouring dwellings rear openings. It is therefore considered that the loss of light in this instance is not so significant to justify refusing planning permission.

The proposal will result in a loss of outlook to each neighbour and therefore the depth has been reduced to 3m to reduce the level of outlook lost.

The proposed two storey extension will be sited 2.5m from the neighbouring dwelling of 34 Rigby Avenue and partially screened by existing planting and fencing. 34 Rigby Avenue is already positioned 2.3m off of its boundary meaning that the proposal would be sited a distance of 4.8m from this neighbour. It is therefore considered that the loss of outlook to this neighbour is not so significant to justify refusing planning permission.

The proposed two storey enlargement will be stepped in from the boundary of 30 Rigby Avenue sited to the west by 3.1m which will reduce its prominence to this neighbour. The single storey element will be predominantly screened by this neighbour's existing rear conservatory with the enlargement only protruding beyond it by 0.4m. The single storey element will have a low eaves height of 2.5m. It is therefore considered that as the two storey element will be sited sufficient distance from this neighbour and as a result of predominant screening of the single storey element that the loss of outlook in this instance is not so significant to justify refusing planning permission.

The existing dwelling currently has two windows at first floor level which serve a bedroom and landing area. As a result of the proposal the landing window will be removed and two windows will be positioned in the extension both of which will serve a new bedroom and look into each neighbouring property's rear garden. Whilst these windows will result in overlooking to the neighbouring property's rear gardens as there are existing windows on the house which already have clear views into these gardens it is considered that the level of overlooking is not so significant to justify refusing planning permission.

The proposal also incorporates two new side windows. A high level window which will serve the bedroom and an obscure glazed window will serve the ensuite. The new ensuite window will be obscure glazed and therefore views from this window into the neighbouring site will be limited and would not result in a significant amount of overlooking to this neighbour. The window serving the bedroom facing into 30 Rigby Avenue's Garden will be high level and will look out onto this neighbouring dwelling's rear conservatory roof and rear garden. As the window will serve a bedroom which is not a primary living area and overlook onto the opaque roof of the neighbouring dwelling's conservatory the introduction of this window would not be a significant reason to refuse planning permission upon. A condition has been imposed upon the planning permission stating that these windows should be obscure glazed to reduce the level of overlooking which is experienced.

#### Other Considerations

Mistley Parish Council have not commented on the application.  
No further letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for an 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: 206/PL/05 Rev A, 206/PL/04 Rev B and 206/PL/03 Rev A.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window to the first floor side elevation serving the ensuite and the high level window on other side elevation serving the bedroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

## 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.