

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	14/09/2018
Planning Development Manager authorisation:	SE	19.09.18
Admin checks / despatch completed	EX SB	20/9/18 20/09/18

**Application:** 18/00839/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Andries Smit

**Address:** Hacienda Church Hill Lawford

**Development:** Conversion of bungalow to two storey house with front and rear extensions and alterations.

### 1. Town / Parish Council

Lawford Parish Council      Original Plans: Council has no objection to this application.  
Amended Plans: No comments received.

### 2. Consultation Responses

N/A

### 3. Planning History

05/00778/FUL	Demolish existing garage and replace with a new single storey side extension	Approved	24.06.2005
18/00839/FUL	Conversion of bungalow to two storey house with front and rear extensions and alterations.	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

HG14 Side Isolation

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Site Description**

The application site is located to the east of Church Hill, outside the development boundary of Lawford and adjacent to the Mistley and Manningtree Conservation Area, which is located to the north of the site. The application site is also located within the Dedham Vale Area of Outstanding Natural Beauty. The site serves a wide detached single storey dwelling, which fits the width of the plot, constructed of brick with a tile roof. The front of the site is paved with a small area of grass by the front boundary. A detached double garage, constructed of weatherboarding, is located forward of the main dwelling. Side gates give access to the rear garden of the property. The western and southern boundaries of the site adjoin the community hall known as Ogilvie Hall. To the east of the site is the only nearby residential dwelling known as Treetops.

### **Proposal**

The application proposes the conversion of the existing bungalow to a two storey house with rear extension, alterations and the inclusion of a small front extension.

The proposed two storey rear extension will be 3.8m deep by 8.7m wide with a large rear facing gable end. The conversion from bungalow to two storey dwelling will result in the dwelling, and rear extension, having an eaves height of 4.5m and a ridge height of 7m. The conversion will incorporate 3 no. pitched roof dormers on the front elevation and one on the rear. The side element of the existing dwelling that projects forward of the front elevation will be altered by removing the pitched roof and creating a flat roof with lantern.

The front extension will measure 0.75m deep by 3.95m wide and will have a flat roof, with maximum height of 3m.

The proposed materials to be used throughout will consist of white render and stained timber boarding to some windows including the dormers, and slate (or similar) on the roof.

### **Assessment**

The main considerations of this application are the design, impact on the countryside and impact on residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and

protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling and would not represent overdevelopment of the site.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance.

Policy EN17 states that development will be refused for development located outside a Conservation Area if it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.

### Design and Impact on Countryside and Conservation Area

The application as originally submitted consisted of a bulky and incongruous design with a two storey extension that spanned the whole width of the dwelling, as well as a single storey extension to the rear. The size and bulk of the proposal resulted in a 16.1m wide two storey dwelling that was located only 1.4m from the eastern boundary and 0.4m from western boundary. The original proposal was a poor design that appeared overly wide and cramped within the plot and was considered to be overbearing, creating a negative visual impact on the dwelling and the street scene when viewed from the adjacent conservation area.

The adjacent property, known as Treetops, received approval in 2017 for extensions and alterations to change the chalet bungalow to a 1 ½ storey dwelling (reference 17/00468/FUL). This permission has since been implemented. It is therefore acknowledged that a precedent has been set for some form of development to convert the bungalow to house. However, in comparison to the original proposals the design of Treetops was considered to fit more acceptably with the plot and the surrounding area. Additionally, views of the application site are more prominent from Church Hill so it was critical to make sure that the design of the development was acceptable, particularly as the site is situated outside of the development boundary at the start of a country lane, and as the front boundary of the site is adjacent to the conservation area.

Through revisions to the application the first floor addition over the existing forward projection has been removed and a two storey rear extension introduced (in place of the proposed single storey extension). The existing forward projection remains single storey but is being altered from a pitched roof to a flat roof to further reduce the bulk. The application now results in the conversion of a bungalow to a two storey dwelling that is more in keeping with the site, the adjacent neighbour and the wider area. The removal of part of the two storey addition closest to the boundary and visible from the front elevation results in a development that does not appear cramped within the plot. The development is now considered to be in proportion with the existing dwelling, and due to the size of the rear garden would not represent overdevelopment of the site. It is considered that the development now has a neutral impact on the adjacent conservation area in this countryside location.

The use of render, stained timber and slate are considered acceptable and will match the adjacent property, Treetops. The stained timber around some of the windows and in the gables of the dormers will add interest to the property. The proposed front extension is a modest addition that blends with the design of the dwelling and is considered acceptable in design terms.

The 3 no. proposed front dormers are not positioned evenly on the front elevation. However, they align with the ground floor windows whose positions remain unaltered. If the dormer windows were to be spaced at equal distances they would not align with the ground floor windows and this would appear contrived. Moreover, the dwelling is angled away from Church Hill so views of the property

will not be viewed 'square on' and this aspect of the design would not look poor when viewed from the street scene.

Whilst the rear gable of the two storey extension does appear overly wide it matches the eaves and ridge height of the rest of the dwelling. Its position to the rear of the property means that this aspect of development will not be visible from Church Hill and the only vantage points would be from within the boundaries of either neighbour. Whilst this part of the development is not of any particular design merit the issues are not significant enough to warrant the refusal of planning permission.

### Impact on Residential Amenity

The only residential neighbour to the site is Treetops, to the east. To the west of the site is a community hall - Ogilvie Hall. The extension does not propose any windows to either side elevation at first floor level, and views from the ground floor openings will be obscured by the boundary treatment. The development is therefore not considered to cause any issues of overlooking for the adjacent property.

The two storey element of development is located over 4m from the boundary with Ogilvie Hall and faces onto the grounds; not the hall itself. Although the development will be partially visible from the grounds it will not have any adverse impact of the amenities enjoyed by users of the hall. Furthermore, any existing impact of the front projection, which is situated 0.4m from the boundary, will be minimised as it is being reduced from a pitched roof to a flat roof. The development is considered acceptable in terms of the amenity of Ogilvie Hall.

The proposed development will be located 1.4m from the boundary with Treetops, and a further 3m from the dwelling itself, totalling 4.4m. This neighbour has windows on the side elevation that serve the lounge and kitchen at ground floor level and bedroom 2 at first floor level, but these are all secondary windows with main windows being on the front and rear elevations. The Essex Design Guide states that the "obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone". The 45 degree rule has been applied to the proposal. The development is not considered to cause any significant loss of light to these windows that would warrant the refusal of planning permission and no letters of objection have been received from this neighbour raising concerns. The development is considered acceptable in terms of the daylight, privacy and other amenities enjoyed by neighbouring property.

Sufficient private amenity space will be retained for the occupiers of the property in accordance with Policy HG9.

### Highways

The development results in the creation of an extra bedroom. The front of the site benefits from a double garage and a large driveway that could adequately accommodate parking and turning for at least 2 no. cars. There is no objection to the level of off street parking available at the site.

### Other Considerations

Lawford Parish Council has no objection to the originally submitted plans and no comments have been received in connection with the amended plans.

No letters of representation have been received throughout the course of the application.

### Conclusion

It is considered that the revisions to the proposed development are consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the 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: Drawing No. 02 Rev. A and Drawing No. 03 Rev. A received 20th August 2018.

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

- 3 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - Insufficient information has been included within the application for consideration of these details and to ensure materials are of a high quality to respect the building and its setting.

**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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO