

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/09/18
Planning Development Manager authorisation:	SCE	21.09.18
Admin checks / despatch completed	AS	21/9/18

AM2

Application: 18/01124/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr and Mrs J Vaughan

Address: 3 Hatchcroft Gardens Elmstead Colchester

Development: First floor extension.

1. Town / Parish Council

Elmstead Parish Council Have not commented on this application

2. Consultation Responses

Not Applicable

3. Planning History

63/00315/A	Residential development	Approved	04.08.1964
03/00799/FUL	Single storey rear addition and front entrance canopy	Approved	06.06.2003
18/01124/FUL	First floor extension.	Current	

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

NPPF National Planning Policy Framework July 2018

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 3 Hatchcroft Gardens, Elmstead which is a two storey detached dwelling located within the settlement boundary of Elmstead Market. The application site is located to the west of a cul de sac within a residential area.

Proposal

The application seeks planning permission for the erection of a first floor extension to the rear of the host dwelling. The proposal is split into two elements, the first element will extend out from the side and rear of the rear elevation and measure 2.9 metres in width, 2.5 metres in depth with an overall height of 5.9 metres in height from ground floor (3.5 metres in height from first floor). The second element will measure 3.65 metres in width, 4.2 metres in depth with an overall height of 6.2 metres (3.7 metres in height from first floor). The proposal will accommodate a playroom.

Assessment

The main considerations for this application are the design and appearance and the impact upon the neighbouring amenities.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposal will be situated to the rear of the host dwelling and will be positioned above the existing single storey element, therefore it will not be visible from Hatchcroft Gardens. However, the host dwelling is visible and can be accessed via Old School Lane and therefore the proposal will be visible to the street scene. Due to the extension being set back from the highway by approximately 6 metres and due to the proposal being constructed of matching materials to those used within the host dwelling and having a ridge height set lower in order to clearly distinguish as an extension, it is considered that the proposal would not create a cramped appearance and it is acceptable in terms of design.

Impact upon neighbouring dwellings

The proposed extension is positioned on the northern elevation of the property and will therefore have no impact on the adjoining property to the south.

To the north of the dwelling is a substation and although the proposal will not maintain 1 metre all the way along the boundary fence in line with Policy HG14 of the Tendring District Local Plan 2007, it is considered that due to the separation distance between the dwelling and the neighbouring dwellings garages, it is considered that the proposal will not cause any significant impact. There are also no windows proposed on the northern boundary to prevent any overlooking on neighbouring amenities. There is a first floor balcony window located on the south elevation. Although there are some views to the neighbouring dwellings private amenity space, the host dwellings existing outbuildings will help to screen this. A condition will be imposed to retain the host dwellings existing outbuildings to reduce any impact of overlooking onto neighbouring amenities.

Other considerations

Elmstead Parish council have not commented on this application.

One letter of representation has been received stating that the neighbour has no objection subject to the extension being built on the existing structure and there are no windows or roof lights/velux windows on the right side of the extension.

In relation to the concern above, this has been addressed within the report.

Conclusion

In the absence of any significant material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: site layout: 1:500, Drawing Number:1827/4, Drawing Number:1827/3, Drawing Number: 1827/5

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

- 3 In accordance with drawing no. JV/1, the hot tub, covered way and home gym shall be retained in their current form unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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