

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	27/09/18
Planning Development Manager authorisation:	AN	27/9/18
Admin checks / despatch completed	XNE	28/09/18.

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Application: 18/01226/FUL **Town / Parish:** Mistley Parish Council

Applicant: Messrs K & C Misselbrook & Hume

Address: 2 Millers Reach Mistley Manningtree

Development Proposed single storey rear extension.

1. Town / Parish Council

Mistley Parish Council No objections to this application.

2. Consultation Responses

Tree & Landscape Officer The information provided by the applicant in support of the application shows that the proposed extension to the existing dwelling is situated within the Root Protection Area (RPA) of an established tree situated within the curtilage of an adjacent property.

The tree is a *Sequoiadendron giganteum* (Wellingtonia) and is afforded protection by way of Tendring District Council Tree Preservation Order 94/18/TPO.

In order to show extent of the encroachment into the RPA and the potential impact of the development proposal on the tree the applicant has provided a plan ' Drawing number 1806/871-103 showing the RPA overlaid with the position of the extension survey and report. This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction: Recommendations.

The plan is annotated with details of the intended method for the construction of the foundations of the extension. The preferred method is 'drilled concrete piles and shallow minimum concrete ground beams and having a suspended ground floor slab'. If this methodology is adhered to then the development proposal can be implemented without causing significant harm to the protected tree.

No other trees, important, trees are likely to be affected by the development proposal and there is little scope or need for new soft landscaping

3. Planning History

14/00551/TCA	Sycamore - pollard to around 14 feet.	Approved	20.05.2014
18/00515/TCA	1 No. Beech sapling behind garden hedge - fell. 1 No. Twisted Willow - near garage and boundary - pollard back to approximately 12 ft. high.	Approved	30.04.2018

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

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

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

Site Description

The application site is at the southern end of Millers Reach, a small cul-de-sac within the Manningtree and Mistley Conservation Area. The site comprises a two storey detached dwelling with parking area to the front and private garden to the rear. The site is within the Development Boundary of Mistley.

Proposal

This application seeks planning permission for a single storey rear extension, measuring 4m in depth and with an overall height of 3.94m. The eastern element of the proposal extends beyond the rear wall of the existing attached garage, and continues its pitched roofline; whereas the western element extends beyond the rear wall of the dwellinghouse and features a flat roof with timber roof lantern. External materials will match the host dwelling.

Appraisal

The main considerations of this application are the visual impact, impact on the conservation area, impact on neighbours, private amenity space and impact on a protected tree.

Visual Impact and Impact on the Conservation Area

The proposed extension is site to the rear of the property, and will not be visible from Millers Reach. A tall concrete wall and mature hedging at the southern boundary will screen the proposal from Barley Close. The proposal is of a scale and design which is in keeping with the host dwelling, and will preserve the character of the conservation area.

A listed building is located to the south west of the site. There is sufficient screening along the southern boundary of the site that there will be no impact on the settling of this listed building.

Impact on Neighbours

The proposal is sited 2m from the boundary with the eastern neighbour - but due to the neighbouring dwelling being set significantly further forward the proposed extension will have no impact on the neighbour's daylight or outlook. Similarly, there is significant separation from the boundary with the western neighbour - and there will be no loss of daylight or outlook as a result of the development. All windows are at ground floor level, so will not impact neighbouring privacy.

Private Amenity Space

Policy HG9 of the Local Plan requires that new dwellings with 3 or more bedrooms be provided with at least 100 square meters of private amenity space. Following the erection of the proposal, 260 square metres will be retained in the back garden - which satisfies this policy.

Protected Tree

The proposed extension is situation within the Root Protection Area of a protected tree, located in the curtilage of the adjacent property. The Council's Tree Officer has been consulted, and is satisfied that the proposal can be implemented without causing significant harm to the protected tree if the method indicated on the Site & Tree Survey Plan (drawing number 1806/871-103) is adhered to.

Other Considerations

Mistley Parish Council has no objection to the application.

One letter of representation has been received, raising concerns regarding the protected tree. The impact of the proposal on the protected tree has been assessed by the Council's Tree Officer, who's comments have been summarised above.

Conclusion

In the absence of material harm as a result of the proposed development, this 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's. 1806/871-104, 1806/871-103 and 1806/871-102.

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 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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO