

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	16/10/2018
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	SB	22/10/18

Application: 18/01437/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Ian Bransgrove

Address: 44 Colchester Road Lawford Manningtree

Development: Proposed side and rear extension, loft conversion, rear dormer, and internal alterations.

1. Town / Parish Council

Lawford Parish Council No comments received

2. Consultation Responses

Not Applicable

3. Planning History

18/00567/TCA	4 No Trees (species unknown) - fell	Approved	08.05.2018
18/00621/TCA	2 No. Conifer - fell, 1 No. Syringa - fell	Approved	14.05.2018
18/01437/FUL	Proposed side and rear extension, loft conversion, rear dormer, and internal 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
EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Application Site

The application site comprises of a west facing middle terraced dwelling known as "44 Colchester Road." The dwelling has been constructed from brick and is set back from the road with a render finished porch. The rear garden is accessed through a gate of the neighbouring property to the south. The proposal has a small single storey addition to the rear and a variety of planting and fencing along its neighbouring boundaries. This row of three terraced dwellings is sited on a corner plot resulting in their rear elevations being visible from Mill Hill to the north.

Proposal

This application seeks permission for the single storey side and rear extension along with rear dormer window.

Upon receipt of the application the plans showed a large dormer window which was considered not to be inkeeping with the host or neighbouring dwellings resulting in a harmful visual impact. Amended plans have since been provided showing an amended dormer window design which is considered more appropriate to the existing house.

Assessment

Design and Appearance

The proposed alterations will be sited to the rear and not visible from Colchester Road.

Sited to the north is "Mill Hill" which runs along the side boundary of the end terraced dwellings. There is a water works site to the rear of the host dwelling meaning that a large open space is formed between the row of terraced dwellings and neighbouring facilities. As a result of this large space the rear elevation is publicly visible and appears as a prominent feature within Mill Hill meaning that the proposal will be publicly visible from here.

The proposal will be set back from the Mill Hill and constructed from materials which match the host dwelling. As a result of the layout of the neighbouring dwelling to the north "42 Colchester Road" parts of the proposal will be screened reducing its prominence in the streetscene.

The proposed alterations are of a size which are appropriate to the existing dwelling and will be constructed from materials which match the existing house.

The proposal will therefore not result in a harmful impact to the character and appearance of the dwelling or area.

Saved Policy HG9 states that when a property comprises of 3 or more bedrooms that an area of 100m² private amenity space should be retained. The site already comprises of a private amenity space which does not meet this standards and will be reduced by the proposed extension. As the site already has a substandard private amenity space and as the area left which equates to 56m² still represents a usable space it is considered that loss of private amenity space would not be so significant to refuse planning permission upon.

Heritage Impact

The site is located within a conservation area. The Lawford and Manningtree Conservation Area Appraisals make no special reference to this row of terraced dwellings.

As a result of its small scale, use of matching materials and predominant screening by way of the neighbouring dwelling it is considered that the proposal would not result in a harmful impact to the character or appearance of the conservation area.

A Design and Heritage Statement has been provided in line with the NPPF requirements which provides a justification for the proposal and its impact to the area.

Impact on Neighbours

The single storey side extension will not be visible to neighbouring dwelling to the north "42 Colchester Road" as it will be screened by the host dwelling.

The rear extension will be visible to "46 Colchester Road" sited to the south and will result in a loss of light, outlook and privacy to this neighbour. This neighbouring dwelling has two openings to the rear the nearest one which is set further in to the property is a secondary window to the living room. This neighbouring dwellings living room is also served by another large window to the front.

The proposed extension is sited along the boundary and will reduce the level of outlook currently enjoyed by this neighbour. Due to this windows positioning this window already receives little outlook. The overall height of the proposal will be 3m which will reduce to 2m and have a sloping roof. As a result of the design and that the window most affected is a secondary window serving the living room it is considered that the loss of outlook in this case is not so significant to refuse planning permission upon.

As the proposal will result in a loss of light to this neighbour the loss of sunlight/ daylight calculations have been applied. The 45 degree line in plan would encompass this neighbouring dwellings rear window where as in elevation would only strike through the lower section of it. It is therefore considered that the loss of light in this instance is not so significant to refuse planning permission upon.

The proposed extension will incorporate three high levelled obscure glazed windows which will overlook into 46 Colchester Roads garden. As this neighbouring garden is already heavily overlooked by the adjacent dwellings and as the windows will be obscure glazed meaning that any views would be distorted it is considered the loss of privacy in this instance not so significant to refuse planning permission upon.

As a result of its siting the proposed dormer window will not result in a loss of light or outlook to the neighbouring properties.

The proposed dormer window includes one opening at second floor which will serve a bedroom which will result in overlooking to the neighbouring sites gardens. The existing dwelling and neighbouring dwellings are two storey and attached to each other meaning that their first floor windows have clear views into each other's rear gardens. It is also noted that a dormer window of this size would normally be allowed under permitted development and only requires permission as it is within a conservation area. As there is already significant overlooking into the neighbouring properties rear gardens it is considered that the loss of privacy in this instance would not be so significant to refuse planning permission upon.

Other Considerations

Lawford 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 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: 2018-166-002 Rev A, 2018-166-012 Rev A, 2018-166-011 Rev A and Amended Design and Heritage Statement Ref Rev A - 01.10.18.

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.