

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	pw	23/10/18

ER

Application: 18/01309/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Matt Gale

Address: Port View 21 New Road Mistley

Development: Proposed single storey rear extension and decking area.

1. Town / Parish Council

Ms Kate Palmer Mistley Parish Council has no objections to this application.

2. Consultation Responses

Tree & Landscape Officer There are no significant trees on the application site that are likely to be affected by the development proposal.

However there are two large trees; a Cedar and a Beech within the curtilage of the adjacent property, 23 New Road, that make a significant and positive contribution to both the character and appearance of the conservation area. The development proposal has the potential to have an adverse impact on the health and viability of these trees.

In order to determine the extent of the likely impact of the development proposal on the trees the applicant will need to provide details of the spread of the roots of the trees.

Whilst it may not be necessary for the applicant to provide a full tree survey and report they will need to provide a plan showing the Root Protection Areas (RPAs) of both trees. This will inform the design of foundations for the proposed extension. Information provided should be in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations.

It is noted that some parts of the existing dwelling appear to be within the RPAs of the trees and that these will clearly have foundations. As the development proposal would result in only a minor additional incursion; and taking into account the existing situation, it is considered that the development should be possible but that specialist foundations may be required to avoid causing damage to the roots of the trees on adjacent land.

Following receipt of additional information
Tree & Landscape Officer

The additional information provided by the applicant adequately demonstrate that the extension can be constructed without having an adverse impact on the Cedar and the Beech situated within the curtilage of the adjacent property, 23 New Road

3. Planning History

TPC/7/93	Beech & Sycamore	Current	03.02.1993
06/01720/TCA	1 No. Copper beech - crown reduce by 25%	Approved	23.11.2006
11/01156/TCA	1 No. Copper Beech - front garden - 30% crown reduction	Approved	25.10.2011
16/02082/TCA	Beech tree reduce to previous cuts and shape	Approved	17.01.2017
18/01309/FUL	Proposed single storey rear extension and decking area.	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

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 an east facing two storey semi detached dwelling known as "Port View 21 New Road." The dwelling is set back from the front of the site with a low front boundary wall and area for parking to the front. Sited to the rear the dwelling has an existing lean to structure and has previously been extended before with single storey additions. The site has a long narrow rear garden with planting along each boundary.

Proposal

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

Assessment

Design and Appearance

The proposal will be predominantly to the rear with parts of the proposal being publicly visible within the open space between the host dwelling and neighbour. As a result of its set back and partial screening by way of the host dwelling the proposal will not be prominent within the streetscene and would not result in a harmful impact to its character or appearance.

The proposed extension will be of a single storey design and will be constructed from brick to match the existing dwelling.

The roof of the proposal will be constructed from single ply membrane which is not consistent with the existing house however as the proposed enlargement will not be publicly visible is not considered to have a detrimental impact to the dwellings overall character and appearance.

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

Heritage Impact

The proposal is located within the Mistley Conservation Area.

Whilst the dwelling itself is not mentioned within the Conservation Area Appraisal for Manningtree and Mistley the area is described as below

"New Road has the character of a spacious well-established street, where mature planting is if anything more significant than the varied buildings lining it."

As the proposal will be sited to the rear and screened from public view by the host dwelling it would not result in a significant impact to the appearance or character of the conservation area.

A Heritage Statement has been provided as part of the application detailing the minimal impact which the proposal will have on the conservation area.

Protected Trees

There are existing trees within the area which have the potential to be affected by the proposal and as the site is within a Conservation Area they are awarded special protection. As part of the application the Tree and Landscape Officer has been consulted and in his initial consultee requested further information to establish if the proposal would affect the trees. This information has been provided by way of a new block plan indicating the trees RPAs and proving that the proposal would not have an adverse impact onto the existing trees. A further consultation has been carried out on this information with the tree and landscape officer who has confirmed that the information is sufficient to overcome initial concerns and prove that the proposal would not have a harmful impact to the existing trees.

Impact to Neighbours

The proposed extension and decking will not result in a significant impact to the neighbouring dwellings as it will be sited sufficient distance from the neighbouring boundaries and largely screened by the host dwelling and boundary planting.

Other considerations

Mistley Parish Council has no objections to the proposal.
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: B2-SIT-00 (08 October 2018) , B3-PLN-01, B5-ELE-00, B5-ELE-01, B4-SEC-00 and B6-VIS-01.

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.