

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	13/11/2018
Planning Development Manager authorisation:	AN AN	15/11/18
Admin checks / despatch completed		20/11/18

etc

Application: 18/01420/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mrs Lee Charlton

Address: 40 Maltings Road Brightlingsea Colchester

Development: Proposed dormer extension to front elevation, conservatory to rear elevation, timber framed lean to and demolition and construction of new garage.

1. Town / Parish Council

Brightlingsea Town Council Supports application

2. Consultation Responses

n/a

3. Planning History

80/00708/FUL	Porch and two bedrooms in roof space	Approved	17.06.1980
18/01420/FUL	Proposed dormer extension to front elevation, conservatory to rear elevation, timber framed lean to and demolition and construction of new garage.	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
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies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 and Proposal

The application site is north west facing and situated within the development boundary of Brightlingsea. The main property is a semi-detached bungalow constructed of red brick with a concrete tile roof. The bungalow has been previously extended; a single storey flat roof extension at the rear and a large dormer on the rear roof slope. Semi-detached bungalows are characteristic of this part of Maltings Road. The application site has off road car parking in the form of hardstanding leading to the detached prefabricated garage. The back garden is enclosed by fencing and is mainly laid to lawn with large trees at the south eastern end.

The application proposes the replacement of the existing garage, the erection of a rear conservatory, a timber framed lean to which will adjoin the new garage and conservatory, and a dormer on the front roof slope.

Assessment

The design and appearance and impact on neighbouring properties are the main considerations for this application.

Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed replacement garage, although twice the size of that it is replacing will not look out of place due to the use of brickwork that will match the host dwelling and which will improve the appearance on the northern side of the garden where the old garage currently sits and it is evident that it is at the end of its life. The rear conservatory will be made of traditional conservatory materials with a polycarbonate flat roof and white UPVC framed windows and doors. The low level nature of the proposed conservatory is also a popular choice with neighbours in the immediate vicinity and therefore this addition will also not look out of place. The timber framed lean to will join the conservatory and garage providing shelter between the buildings. The structure will remain open, not enclosed ensuring it will not stand out.

The position of the proposed garage, timber framed lean to and conservatory at the rear of the property ensures that they do not appear as features of the street scene and thereby ensure that the character of the existing dwelling and the local area are not significantly affected.

The proposed front dormer is considered to be of a poor design in an area of Maltings Road that is predominantly made up of low level semi-detached bungalows. In its current form, the existing bungalow is not prominent in the street scene. However the proposed works, notably the excessive width and bulk of the proposed dormer on the front roof slope along with the use of white cement fibre weatherboarding would be highly visible and would result in an incongruous form of development that would result in serious harm to the character of the area. The large dormer window positioned highly within the roof slope, close to the ridge is considered poor in design terms and only exacerbates the over-dominance of the roof.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roofspace not gain extra headroom over any great width and they should not be located close to verges or hips.

Impact on Residential Amenity

Saved Policy QL11 of the adopted Tendring District Local Plan (2007) states that development should not have a materially damaging impact on the amenities of occupiers of nearby properties.

The proposed garage will be a distance of 0.25 metres from the side boundary shared with 42 Maltings Road and the timber framed lean to will abut the same boundary. The proposed conservatory will be a distance of 0.12 metres from the side boundary shared with 38 Maltings Road. There are no openings on the north eastern side of the garage which faces 42 Maltings Road, there are also some sheds along the side boundary in the garden of 42 Maltings Road which will provide some degree of separation from the structure of the new garage. One window on the conservatory facing north east is a sufficient distance of 3.2 metres from the side boundary which ensures there will be no significant impact to the neighbour at 42 Maltings Road in respect of loss of light, loss of privacy or outlook.

Due to the close proximity to the south western side boundary the proposed conservatory has the potential to result in a loss of light to the neighbour at 38 Maltings Road and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would intercept less than half of the rear conservatory of number 38 and in elevation it would also intercept less than half of the rear conservatory of number 38. It is therefore considered that the loss of light is not so significant to justify refusing planning permission.

There are no openings on the south eastern side of the conservatory and due to the low level nature of the conservatory there will be no significant impact in terms of loss of outlook or privacy to the neighbour at 38 Maltings Road. The other elements, namely the replacement garage and the timber framed lean to are a sufficient distance from 38 Maltings Road to ensure no significant impact.

Due to the position of the proposed large dormer on the front roof slope there will be no loss of light, outlook or loss of privacy as a result of this addition.

The proposals do not impact on the existing off road car parking provision and sufficient amenity space will be retained following the construction of the proposals to the rear of the property.

Other Considerations

Brightlingsea Town Council supports the application.

No other letters of representation have been received.

Conclusion

It is clear that the proposed replacement garage, rear conservatory and timber framed lean to can go ahead independently of the proposed front dormer. This is a case where a split decision is appropriate otherwise the whole scheme would need to be refused. The split decision at least

allows the applicant to proceed with the acceptable elements of the scheme and potentially appeal the front dormer.

For the reasons set out above, the scale, size and position of the proposed dormer together with the design and appearance amounts to a form of development that is considered contrary to national and local policies being harmful to the character and appearance of the local area.

6. Recommendation

Split decision

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 replacement garage, timber framed lean to and rear conservatory hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 200 and 201.

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

- 3 The front dormer is hereby refused.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The National Planning Policy Framework 2018 (NPPF) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscaping setting. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roof space not gain extra headroom over any great width and they should not be located close to verges or hips.

The proposed front dormer is considered to be of a poor design in an area of Maltings Road that is strongly characterised by low level semi-detached bungalows with an absence of bulky front roof additions. In its current form, the existing bungalow is not prominent in the street scene. However the proposed works, notably the excessive width and bulk of the proposed dormer on the front roof slope along with the use of white cement fibre weatherboarding would be highly visible and would result in an incongruous form of development that would result in serious harm to the character of the area. The large dormer window positioned highly within the roof slope, close to the ridge is considered poor in design terms and only exacerbates the over-dominance of the roof.

For the reasons set out above, the poor design and scale of the proposed dormer and use of incompatible materials together with its over-dominant nature and siting on the front elevation will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity and the character of the area. The proposal is therefore contrary to the aims and aspirations of the afore-mentioned policies and guidance.

8. Informatives

Positive and Proactive Statement - Replacement garage, timber framed lean to and rear conservatory

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.

Positive and Proactive Statement - Dormer on front roof slope

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Split Decision Informative

THIS IS A SPLIT DECISION - This is a split decision and Reason 3 means that the front dormer is refused.

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