

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	15/11/18
Planning Development Manager authorisation:	AN ERL	20/11/18 22/11/18
Admin checks / despatch completed		

Application: 18/01696/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Quentin Sage

Address: 1 New Road Mistley Manningtree

Development: Two storey and first floor extensions. Garage extension and new front porch.

1. Town / Parish Council

Mistley Parish Council

Mistley Parish Council objects to this planning application. This proposal is of a poor design in a sensitive location on the edge of the Mistley Conservation Area and in a prominent corner plot site at a crossroads. In the current form, the existing bungalow is not prominent in the street scene due to an existing hedgerow to most of the curtilage. However, the proposed works, notably the increase in roof height and bulk would ensure the overly large and prominent roof lights, excessive width and bulk at first floor level would result in an incongruous form of development and do serious harm to the character of the area.

2. Consultation Responses

Tree & Landscape Officer

The application site is situated within the Mistley and Manningtree Conservation Area and there are 2 established Oaks situated on the application site that are afforded formal legal protection by Tendring District Council Tree Preservation Order 10/03/TPO.

As the development proposal has the potential to cause harm to the above protected trees the applicant has provided a full tree survey and report, including a Tree Constraints Plan (TCP). The report shows that the development proposal could be implemented without causing harm to the trees. The report has been carried out in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations.

Although the tree report shows that part of the development is within the Root Protection Areas (RPA's) of the Oaks it should be recognised that the proposed extension will be no closer to T1 than the existing dwelling: and that part of the of the proposed extension already has a metalled surface.

If the measures set out in the tree report are adhered to, especially in relation to the design of the foundation for the extension, then the development could take place without causing harm to the protected trees.

For the avoidance of doubt the tree report states that the following is necessary to avoid harm to T1 Oak:-

Bespoke foundation design to minimise excavation and root loss. Consider an above ground support such as ring beam or cantilevered design. Structural engineer to advise on most suitable design. Excavation for support should be below 200mm, any excavation within RPA to be carried out using hand held tools only. All excavated debris to be stored outside RPA.

3. Planning History

00/00911/FUL	Extension to dwellinghouse	Refused	04.10.2000
02/00110/FUL	Retention of new Fence 1.8m high, proposed loft conversion and two dormer window	Approved	22.02.2002
04/00149/FUL	Conversion of existing garage into bedroom and erection of new single garage and conservatory	Approved	16.04.2004
12/01220/TPO	T1-T2 - Oak - 30% crown reduction.	Approved	03.12.2012
14/01913/TPO	1 No. Oak - reduce by 30%	Approved	20.01.2015
17/02128/FUL	Two storey and first floor extension and alterations, with two dormers to each side elevation and three dormers to both the front and rear elevations.	Refused	01.06.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

SPL3 Sustainable Design

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 1 New Road, Mistley, which is a south facing, single storey detached residential dwelling, constructed of facing brick and concrete tile. The site lies within the defined Settlement Development Boundary for Mistley in both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The character of the surrounding area is typically urbanised, with residential development to the north, east and west. To the south-east lies a large area of agricultural land. The site falls adjacent to the Mistley Conservation Area, whilst approximately 25 metres to the east is a Grade II Listed Building, known as 'Gate House, 2 New Road', which is sited to the south-west of Number 2 New Road.

Description of Proposal

This application seeks planning permission to increase the overall height of the existing dwelling from 5 metres to 6.2 metres, which will incorporate two storey extensions to both side elevations that will increase the overall width by approximately 4 metres, two dormers to the rear elevation, a front porch and an attached single storey garage

History

Under planning reference 17/02128/FUL, permission was refused for a similar scheme that saw an increase in height to 6.8 metres, two storey extensions to both side elevations and three dormers to the rear elevation. The reason for refusal focussed on the poor design within a prominent corner plot location, including a Juliet Balcony, excessive number of large and prominent rooflights, and an overall bulky appearance.

This application being determined has sought to amend the previously refused scheme, including reducing the overall height by 0.6 metres, removing one rear dormer, two side elevation roof lights, the Juliet Balcony and a re-design of the proposed garage.

Assessment

The main considerations of this application will be the visual impact, the impact to neighbouring amenities, the heritage impact and the impacts to trees.

Visual Impact

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 works will see an overall increase of 1.2 metres to the height of the existing dwelling, a 0.6m reduction to that previously refused under 17/02128/FUL. The proposal will also incorporate numerous amendments to all elevations, including two storey extensions to each side elevation and the inclusion of two rear elevation dormers. Therefore, the proposal will be highly visible, especially given its prominent corner plot location, and has the potential to impact upon the character of the surrounding area, particularly given its close proximity to both the Mistley Conservation Area and a Grade II Listed Building.

Whilst Officers previously had a number of issues with the design of the scheme under 17/02128/FUL, efforts have been made to overcome this; the plans show one less rear elevation dormer, two less side elevation roof lights, the removal of the Juliet Balcony, a re-design of the proposed garage and a reduction in the overall height by 0.6m. There are still some minor concerns that the gabled two storey elements are too great a width; however given the above changes will significantly reduce the overall impacts of the proposed works, on balance the harm of this is not considered to be sufficient or reasonable to warrant a reason for refusal.

Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst there are surrounding neighbouring properties to all sides, there is a separation distance of approximately 20 metres, which will ensure the proposed works will not result in significant loss of light or appear imposing. That notwithstanding, with respect to potential overlooking, the proposed two rear elevation dormers and first floor windows will directly face two neighbouring properties to the north; namely Number 3 New Road and the property known as 'Tilia'. However due to the good separation distance, that some windows will be obscure glazed and that both neighbours appear to be overlooked by their closer neighbours to the north, on balance there is not a significant degree of additional harm to warrant a reason for refusal.

Heritage Impact

Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting. The sentiments of this policy are carried forward within Policy PPL9 of the Emerging Local Plan.

Approximately 25 metres to the east sits a Grade II Listed Building, known as 'Gate House, 2 New Road'. Accordingly the applicant has submitted a Heritage Statement which has sought to demonstrate that the works involved will not significantly harm the setting of this listed building.

However, it is considered that due to the significant separation distance, long range views to the listed building will not be altered. Furthermore, the existing area includes numerous two storey properties which have set a precedent for extensions of this size. Therefore, there is considered to be a neutral impact to the setting of the listed building.

Impacts to Trees

The application site has two established Oak trees afforded legal protection by Tree Preservation Order 10/03/TPO. As the development has the potential to cause harm to these trees, a tree report and survey was supplied in order to demonstrate the extent of a constraint that the trees are on the development potential of the land, and also to show how the trees will be physically protected during the construction phase of any development.

Following the submission of a tree report and survey, it has been determined that whilst part of the development will encroach within one of the Root Protection Areas of the protected oak trees, this will be no more so than the existing dwelling. In summary, subject to the measures within the tree report being adhered to, particularly in relation to the design of the foundation for the extension, then the development can take place without causing harm to the protected trees.

Other Considerations

Mistley Parish Council objects to the application on the following grounds:

- o Poor design in a sensitive location on the edge of Mistley Conservation Area; and
- o Incongruous form of development that will harm the areas character.

In answer to this, the visual impact has been addressed within the main body of the report above.

There have been no other letters of representation received.

6. Recommendation

Approval.

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 numbers 95-2016-01P, 95-2016-02P, 95-2016-03PA, 95-2016-04PA, 95-2016-05PA, and the documents titled 'Typical Section Through Extension Foundation' and 'Heritage Statement'.

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

- 3 During the construction phase the development shall be in accordance with the measures as set out within Section 5.2 of the document titled 'Arboricultural Impact Assessment'.

Reason - In order to ensure the protection of existing trees on site.

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.