

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/12/18
Planning Development Manager authorisation:	AN	11/12/18.
Admin checks / despatch completed	SB	12/12/18.

*AKL*

**Application:** 18/01692/FUL **Town / Parish:** Great Oakley Parish Council

**Applicant:** Mr B Woods

**Address:** 3 Skighaugh Clacton Road Stones Green

**Development:** Additional front elevation dormer.

### 1. Town / Parish Council

Great Oakley Parish Council

Great Oakley Parish Council wish to object to this application due to the observations and concerns raised by the most directly affected party, along with these following concerns:

There is a discrepancy among the few basic drawings provided regarding the number of dormers (3no. or 2no.) proposed to be provided on the front elevation of the extended dwelling.

The proposed scheme does offend on a number of points regarding the appearance of the development in respect of its deleterious effect on the appearance and nature of the area which were strongly referred to in both the previous application and appeal notices.

It appears that the volume of the proposed new construction extending the dwelling may exceed 100% of that of the existing.

There is no description of the proposed additional structural works in terms of either methodology or materials of structural elements - will it follow precisely the techniques and materials used in the construction of the existing dwellings.

There is no indication of the nature of proposed additional foundations construction method(s) and material(s).

There is no indication of any precautions for the protection of the existing properties from adverse effects of long term settlement or differential movement between them and new construction.

There is no indication of any precautions to be taken during construction in order to ensure protection to the existing adjacent house and its curtilage.

### 2. Consultation Responses

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

Informative1: The public's rights and ease of passage over Public Footpath No.21 (Beaumont) shall be maintained free and

unobstructed at all times.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### **3. Planning History**

16/01346/FUL	Replacement dwelling, creation of garage, workshop and storage space and extension to curtilage.	Refused	17.03.2017
17/01686/FUL	Replacement dwelling, extension to remaining building to provide ancillary cycle store and storage, and change of use of agricultural land to residential.	Refused	04.12.2017

### **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

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

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 located to the south-west of Clacton Road, and falls within the Parish of Great Oakley. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies outside of any defined Settlement Development Boundary.

The site has an area of 0.10 hectares and forms the right side of a pair of semi-detached chalet style properties, constructed of black weatherboarding and pantile clay tile, whilst each property benefits from a front elevation cat slide style dormer. The site is well set back, with the character of the surrounding area being predominantly rural, although there are examples of some semi-detached residential properties nearby. Approximately 25 metres to the south is a Public Right of Way.

### Proposal

This application seeks planning permission for the erection of a dormer to the front elevation.

Initially there were plans to extend the curtilage of the property, and incorporate a two storey rear extension and a rear flat roof dormer; however following Officer concerns these have been withdrawn from the application.

### History

Under planning reference 16/01346/FUL, permission was refused for a replacement dwelling as it would appear unbalanced and incongruous within this location.

Under planning reference 17/01686/FUL, permission was again refused for a replacement dwelling, which had an amended design to that previously refused due to its unsympathetic appearance not in-keeping with the areas character. This decision was dismissed at appeal under appeal reference APP/P1560/W/18/3204200.

### Assessment

#### 1. 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 proposal will result in the inclusion of one additional cat-slide style dormer to the front elevation of the property. This style of dormer is in-keeping with both the existing front dormer and also a dormer located to the front elevation of the adjacent property to the west. Further, the materials proposed are also to match those existing. Therefore, there is no identified visual harm as a result of the proposed works.

## 2. Neighbour Impacts

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).

The proposed dormer window is minor and will result in an extension to the existing first floor bedroom. It will not result in any windows to the side or rear elevations that could result in additional overlooking, and will largely not be visible to the most prominent adjacent neighbour to the west.

Therefore there will be a neutral impact to neighbouring amenities as a result of the proposed development.

## Other Considerations

Great Oakley Parish Council object to the application due to the proposed design and potential impacts to neighbours.

There have also been three letters of objection received, highlighting the following concerns:

1. Not in-keeping with surrounding area;
2. Bulky design; and
3. Invasion of privacy.

However, all of the above objections were submitted in relation to the original plans. Following the submission of amended plans, neighbours were re-consulted and no further letters were 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 P02d and P01e.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.