

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	17/12/2018
Planning Development Manager authorisation:	SCE	18.12.18
Admin checks / despatch completed	ps	18/12/18

*ER*

**Application:** 18/01827/FUL **Town / Parish:** Little Bromley Parish Council  
**Applicant:** Mr Jason and Mrs Eleth Mageehan  
**Address:** The Chapel Chequers Road Little Bromley  
**Development:** Front and rear ground floor extensions.

**Town / Parish Council**

Little Bromley Parish Council

Council express concern over sewerage arrangements on the site

**1. Consultation Responses**

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposed development would not affect the existing on-site parking arrangements, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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

on behalf of the Director for Highways & Transportation  
Enquiries to Caroline Tracey  
Telephone: 03330 130119  
Email: caroline.tracey@essex.gov.uk

## 2. Planning History

03/00630/FUL	Conversion to form dwelling	Refused	30.07.2003
03/02170/FUL	Conversion of chapel to dwelling	Refused	20.12.2003
04/01622/FUL	Demolition of redundant Chapel and proposed replacement 1 bedroomed house	Refused	12.10.2004
04/02253/FUL	Conversion of redundant chapel to residential use	Approved	17.02.2005
18/01827/FUL	Front and rear ground floor extensions.	Current	

## 3. 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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG9 Private Amenity Space

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

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### 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.

#### **4. Officer Appraisal (including Site Description and Proposal)**

##### Proposal

This application seeks permission for the erection of single storey front extensions to a detached dwelling outside of the development boundary of Little Bromley.

The existing dwelling obtained planning permission in 2004 to be converted from the existing chapel into a new house.

##### Assessment

##### Design and appearance

The proposed rear extension will not be publicly visible and would not result in any visual harm to the character of the area.

The proposed front extension will be publicly visible however has been designed to respect the existing dwelling incorporating such elements as matching fascia, roof design and materials which are similar to the host dwelling. The plans have also been amended to show a portrait window to the front which is considered to be better inkeeping with other openings on the existing house. The proposal will be set back from the front of the site by 1m which will further reduce its prominence within the streetscene and boundary planting will screen the enlargement from when approaching the site from the west.

As a result of an appropriate design to the existing dwelling and its set back reducing its prominence it is considered that the proposal would not have a harmful impact to the appearance or character of the existing area or dwelling.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

##### Private Amenity Space

Sited to the rear is an existing small area of private amenity space measuring 22m<sup>2</sup> in private amenity space which is currently under the requirement of Saved Policy HG9. This area of private amenity space is currently unused as a result of its impractical size. As a result of the proposal this space will reduce further to 12m<sup>2</sup>. Whilst this is again under the requirements of Policy HG9 as the site does not currently have sufficient private amenity space in line with the aforementioned policy and as there is other space surrounding the dwelling to the side and front it is considered that the loss of private amenity space in this instance would not be so significant to refuse planning permission upon.

##### Highway Safety



The proposal will encroach upon existing land to the front of the site currently used for parking however as sufficient space will be retained in line with the Essex County Council Parking Standards for the parking of two vehicles this proposal would not result in a harmful impact to highway safety.

Essex County Council Highways have been consulted as part of the application have not objected to the scheme subject to a condition stating that the storage of building materials shall be identified clear of the highway.

#### Impact to Neighbours

The proposal will be sited sufficient distance away from its neighbour to the east and would not result in a loss of residential amenities to this adjacent site.

The proposal will be visible to the neighbour to the west and would result in an impact to the residential amenities of this neighbour.

As the proposal will result in a loss of light to this neighbour the sunlight/ daylight calculations have been used against the proposal. The 45 degree line in plan in elevation and plan would only just intercept this adjacent dwelling and would not encompass or strike through any rear openings. Whilst the proposal would result in a loss of light to this neighbour it would therefore not be so significant to refuse planning permission upon.

The proposal will be visible to the neighbours over the existing boundary fence and will have a matching roof to that of the existing house which will reduce in height towards this neighbour and will have a low eaves height of 2.5m with the proposal being predominantly screened by existing planting and fencing currently at the site. It is therefore considered that the loss of outlook in this instance is not so significant to refuse planning permission upon.

The proposal shows new roof lights to be inserted to the roof of the proposed extension which will be placed in the roof 1.9m from ground level. As there are existing rooflights within the properties roof structure and as a result of the height in the roof which they will be placed it is considered that there would not be a significant reduction of privacy to this neighbour.

#### Other Considerations

Little Bromley Parish Council have no objections to the proposal however have expressed concerns over the sewerage arrangements which is not a material planning consideration and will be formally assessed and inspected under a Building Regulations Application.

One Letter of objection has been received and the comments contained within can be summarised and addressed below;

- Measurements have not been shown on the plans provided.

The plans provided have been submitted at recognised scales in line with the national validation requirements for planning applications and are considered to form a valid application.

- Concerns over drainage and Soakaway.

This is not a material planning consideration and will be formally assessed and inspected under a Building Regulations Application.

- Removal of commemorative plaque.

There are two plaques located on the front elevation of the dwelling. The central plaque which includes a date will not be affected by the proposal. The amended plans provided show that the second plaque which will be removed to facilitate the extension will be retained and repositioned on the front elevation of the extension.

- Insufficient parking available.

Please see above report which addresses this concern.

- Insufficient private amenity space retained.

Please see above report which addresses this concern.

- Concerns over materials.

The plans and application form state that the proposal will be constructed from materials which are in keeping with the host dwelling to ensure it relates well to the existing house.

#### Conclusion



In the absence of material harm resulting from the proposed development the application is recommended for approval.

## **5. Recommendation**

Approval - Full

## **6. 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: E.3.1 A and E.3.2 A.

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

- 3 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

## **7. Informatives**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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

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.