

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application site is 110 Harwich Road, Mistley, Manningtree, a two storey semi-detached dwelling located within the development boundary of Mistley.

Proposal

The application seeks planning permission for the erection of a two storey side extension and single storey rear extension. The two storey side extension will measure 4.6 metres in width by 7.9 metres with a height of 8.6 metres. It will accommodate a garage/store, utility and w.c to the ground floor and it will accommodate bedroom 1 and 2 to the first floor.

The rear extension comprises of two elements. The element to the south west will accommodate the garden room and it will measure 4.7 metres in width, 6.3 metres in depth with an overall height of 2.7 metres (3.3 metres in height including the roof lantern). The element to the south east will accommodate the kitchen and it will measure 5.1 metres in height, 6 metres in depth with an overall height of 3.85 metres.

Assessment

The main considerations for this application are the design and appearance, the impact upon neighbouring amenities and parking.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance

the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The two storey extension will be visible from the street scene of Harwich Road, however the proposal will be set back from the highway by approximately 11.5 metres as well as the ridge height being set lower in order to clearly distinguish the proposal as an extension. The materials proposed; facing brick work with a concrete arch/cill to doors and windows, concrete roof tiles, white UPVC double glazed windows and doors are matching materials to those used within the host dwelling and will ensure the character of the host dwelling and the immediate area will not be significantly harmed. It is considered that the proposal would not create a cramped appearance and it is acceptable in terms of design.

The single storey extension will be located to the rear of the host dwelling and therefore it will not be visible from the street scene of Harwich Road. The rear extension comprises of two elements. The element to the south west will serve the kitchen and it will be single storey, have a flat roof with a roof lantern. The element to the south east will serve the garden room and it will be single storey with a dual pitched roof comprising of six roof lights. Both elements will use matching materials to those used within the host dwelling. It is considered that the rear extension is in keeping with the character of the dwelling.

Impact upon neighbouring amenities

The two storey extension will not be visible to the neighbouring dwelling to the north west number 108 Harwich Road as the proposal is situated to the north easterly elevation. The proposal will however be visible to the neighbouring dwelling to the north east. Policy HG14 of the Tendring District Local Plan (2007) states extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries, with a minimum distance of 1m to ensure that new development is appropriate in its setting, does not create a cramped appearance and to safeguard the amenities and aspect of adjoining residents.

The proposal demonstrates a 1.7 metre gap between the proposal and the neighbouring boundary to the north east and therefore it is considered that the extension does meet the aims of Policy HG14. There are no windows proposed on the first floor side elevation of the proposal to ensure that there is no overlooking onto neighbouring properties.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide, the 45 degree line would not intercept the windows in elevation or the windows in plan at 112 Harwich Road and therefore it is considered that the proposal will not cause any loss of light to neighbouring amenities.

The single storey extension will be visible to both neighbouring dwellings. The extension will follow the existing building line to the south west and it will extend a further 1.1 metres in depth from the existing rear building line. Due to the single storey nature of the proposal and the flat roof, it is considered that the proposal will not cause any significant impact upon neighbouring amenities. The proposal will be visible to the neighbouring dwelling to the north east however due to the approximate distance of 1.85 metres to the boundary as well as the pitched roof which will slope away from the neighbouring dwelling to minimise any loss of light, it is considered that the proposal will not cause any significant impact upon neighbouring amenities. The roof lights and roof lantern are high level meaning that there will be no overlooking or loss of privacy to neighbouring properties from these windows and are for light purposes only. Views between the rear garden areas of numbers 108 and 112 Harwich Road are currently possible over the existing boundary fence.

Highway Safety

The application involves the demolition of the existing garage and it proposes a garage/store to the ground floor of the two storey extension. The proposed garage falls short of the Essex Parking

Standards requirement of 7 metres by 3 metres. However, there is sufficient parking to the front of the site to accommodate two parking spaces which measure 5.5 metres by 2.9 metres in line with Essex Parking Standards.

Other considerations

Mistley Parish Council have no objection to this application.

No letters of representation have been received.

Conclusion

In the absence of material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

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 development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 41-2018-03PA and Drawing No. 41-2018-04

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.

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