

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	12/02/2019
Planning Development Manager authorisation:	AN	21/2/19
Admin checks / despatch completed	KME SB	22/02/19 22/02/19.

**Application:** 19/00013/FUL **Town / Parish:** Mistley Parish Council  
**Applicant:** Mr and Mrs Matthew Porter  
**Address:** Karenza 45 Harwich Road Mistley  
**Development:** Single storey rear and side extension and front porch. (Resubmission of 18/00789/FUL incorporating a change of materials).

### 1. Town / Parish Council

Mistley Parish Council      No comment

### 2. Consultation Responses

n/a

### 3. Planning History

18/00789/FUL	Single storey rear and side extension, and front porch.	Approved	12.07.2018
19/00013/FUL	Single storey rear and side extension and front porch. (Resubmission of 18/00789/FUL incorporating a change of materials).	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

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

## **5. Officer Appraisal**

### Proposal

This application seeks permission for a single storey rear and side extension, and a front porch to a house located within the settlement development boundary of Mistley.

### Site Description

The main property is a semi-detached brick and pebble dash finished house under a slate roof with a small single storey element at the rear. A sloping roofed pre-fabricated single garage lies north west of the main house at the end of the concrete driveway. The area immediately in front of the house is finished in gravel which offers extra off road car parking. To the rear, the garden is enclosed by fencing, is mainly laid to lawn with a summerhouse situated at the northern end.

### Background

A similar application, reference 18/00789/FUL was approved on 12 July 2018. The current application is the same; however it proposes a hot bonded felt roof finished with mineral chippings and a smooth render finish on all the external walls.

### Assessment

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

### Design and Appearance

The front porch and part of the rear and side extension will be visible from Harwich Road, although due to their single storey nature and their position set back from Harwich Road there will be no significant impact to the street scene. The external smooth render finish of the front porch will create a contrast against the red brick of the ground floor of the existing house and establish a focal point of the entrance. The front porch gable will match the one at first floor level on the front elevation tying the old in with the new. The matching smooth render will continue on the rear and side extension drawing these elements together. The proposed rear and side extension replaces an existing detached garage and existing single storey element at the rear thereby reducing the additional footprint that is created.

The northern side of Harwich Road in this area has a spacious feel and this will not be lost following the construction of the proposals. The character of the immediate area will not be significantly impacted.

#### Impact upon Residential Amenity

There will be no significant impact to the next door neighbour at 43 Harwich Road due to the position of the proposal being sited a distance of 1 metre from the side boundary as well as the garage of 43 Harwich Road creating a degree of separation between the dwellings.

The next door neighbour at 47 Harwich Road is attached and has a conservatory across the rear of the property which abuts the boundary to 45 Harwich Road. Due to its height and close proximity to the boundary the proposal could result in loss of light to the conservatory of 47 Harwich Road.

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, in this case the conservatory, 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 down from the single storey rear and side extension would catch the bottom of western side of the rear conservatory in elevation. The 45 degree line from the single storey rear and side extension would intercept half the conservatory at 47 Harwich Road in plan. The loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

There is no significant additional risk of overlooking or loss of privacy from the rear and side extension due to its single storey nature and the careful positioning of openings.

The removal of the existing single garage is acceptable as it did not meet the required garage parking standard where the internal dimensions should measure 7 metres x 3 metres and two cars are able to park off the road in tandem on the concrete driveway which meets the current parking standards where one parking space measures 5.5 metres x 2.9 metres. More than 100 square metres of private amenity space remains following the construction of the proposal which is considered more than adequate.

#### Other Considerations

Mistley Parish Council has considered this application and has no comment to make on it.

#### Conclusion

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

## **6. Recommendation**

Approval - Full

## **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 No. 20-2018-03PA, 20-2018-02PA and 20-2018-04P

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 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.

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