

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	25/02/2019
Planning Development Manager authorisation:	SCE	26.02.19
Admin checks / despatch completed	AP	27/2/19

*XME*

**Application:** 18/01705/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs Stefan Imhof

**Address:** Lavender House Spring Valley Lane Ardleigh

**Development:** Single storey rear garden room extension. Single storey 'link' extension. Detached double cartlodge and garden store. Willow Fencing, sliding timber gate and piers with pedestrian gate. New low level fencing to front boundary.

### **1. Town / Parish Council**

Ardleigh Parish Council Have not commented on this application.

### **2. Consultation Responses**

Tree & Landscape Officer The proposed link between the existing dwelling and garage will not affect any trees or other vegetation on the application site.

In terms of the new cart lodge it is important to note the proximity of the mature Oaks situated on the western boundary of the application site. However it appears that there is sufficient separation between the trees and the proposed structure to avoid harm being caused to these trees.

Nevertheless if planning permission is likely to be granted then a condition should be attached to secure details of the measures that will be put in place to avoid works within the Root Protection Areas (RPA's) of the trees for the duration of the construction phase of the development.

In terms of the impact of the development on the local landscape character it should be noted that the application site is situated within the Bromley Heaths Landscape Character Area (LCA). The Councils Landscape Character Assessment recognises the strengths of the LCA's as well as identifying those elements that are particularly sensitive to change. In this respect the document describes the importance of the road side verges to the character of the area and and their sensitivity to change.

In this regard it is considered that the construction of the proposed new wing wall and piers with entrance gates would be an incongruous feature in this location and out of keeping with the general appearance of residential development in the area. Spring Valley Lane is an attractive rural lane with roadside hedgerows and attractive narrow grass verges. The erection of the new walls, piers and gates would contribute to the urbanisation of the countryside and would cause harm to the local landscape character

Tree and Landscaping  
Officer (Amended Plans)

Overcome original concerns.

ECC Highways Dept

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

1 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 All development shall be entirely clear of the limits of the highway.

Reason: To preserve the integrity of the highway in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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**

13/01208/FUL	Change of use from agricultural use to garden.	Approved	05.12.2013
14/00172/FUL	Replacement 4 bedroom detached two storey house and garage/carport.	Approved	02.04.2014
14/00574/DISCON	Discharge of conditions 05 (Plan of Protection) and 12 (Temp Parking and Turning) of planning permission 14/00172/FUL.	Approved	16.06.2014
14/00627/FUL	Variation of Condition 2 of planning permission 14/00172/FUL to substitute drawing nos 10885 - 12 P2 , 10885 - 13 P2 and 10885 - 14 P1 with drawing nos 10885 - 12 P3, 10885 - 13 P3 and 10885 - 14 P2 which show the change to the tiles to double camber multi red plain tiles and change to the bricks to old essex red facing bricks.	Approved	02.07.2014
18/01705/FUL	Single storey rear garden room extension. Single storey 'link' extension. Detached double cartlodge and garden store. Willow Fencing, sliding timber gate and piers with pedestrian gate. New low level fencing to front boundary.	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

EN1 Rural Landscape

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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 (including Site Description and Proposal)**

### Site description

The application site is Lavender House, a two storey large dwelling located outside the settlement development boundary of Ardleigh. The host dwelling with detached garage is sited in a spacious plot.

### Proposal

The application seeks planning permission for the erection of a single storey rear garden extension measuring 9 metres in width, 5.9 metres in depth with an overall height of 3.5 metres (5.85 metres including the roof lanterns), a single storey link extension measuring 9.3 metres in width, 4.15 metres in depth, 4.25 metres in height, a detached double cart lodge measuring 7.2 metres in width, 4.7 metres in depth with an overall height of 5.4 metres in height, the garden store will measure 3.6 metres in width, 4.7 metres in depth with an overall height of 3.45 metres in height, willow fencing, sliding timber gate and piers with pedestrian gates.

The application site was previously granted planning permission for the erection of a replacement 4 bedroom detached two storey house and garage/carport under planning application 14/00172/FUL.

### Assessment

#### 1. Principle of Development

The proposal involves significant extensions and alterations to a dwelling sited outside of a Settlement Development Boundary. It is acceptable in principle subject to detailed consideration against saved policy HG12, which states the proposed works will be permitted provided it:

- (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting

Although the extensions and alterations would increase the footprint of the dwelling, the existing property is considered to be small in relation to the plot size. The site could comfortably accommodate extensions of this scale without them appearing cramped or having an adverse impact upon the rural character of the area.

The proposed garden room extension, link extension, cartlodge and garden store are all single storey in nature. The garden room, cart lodge and garden store and link will be constructed from Terka Brickwork with smooth render to match the host dwelling. The garden room will be constructed from grey fibreglass flat roof whereas the link roof and cartlodge will be constructed from multi red plain tiles top match the host dwelling. The proposed windows and doors will be white UPVC will also match the host dwelling. The doors serving the cartlodge and garden store will be constructed from black softwood to match the existing. The proposed front gate will be constructed from a sliding timber gate with matching pedestrian gate and high woven willow fencing to the front of the site. It is considered that the use of materials are in keeping with the rural character of the area.

The site is within a relatively isolated position with neighbouring dwellings being located within large plots of land. Therefore it is considered that the design and materials are in keeping with the character of the locality.

- (ii) is well related and in proportion to the original dwelling;

It is accepted that the proposed extensions and alterations would increase the size of the host dwelling however that notwithstanding, the plot is of a significant size that can accommodate such a proposal, due to the single storey nature of the proposals, therefore on balance the identified harm is not significant enough to warrant a reason for refusal.

- (iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

Although the host dwelling is surrounded by countryside, the use of matching materials and the single storey nature of the extensions will ensure that there is no significant impact upon the surrounding area. The cart lodge is situated forward of the host dwelling however due to the single storey nature of the proposal as well as the use of matching materials to those used within the host dwelling, it is considered that the proposal will not be visually intrusive. The willow fencing is considered to be in keeping with the rural character of the area and therefore the proposal will not be visually intrusive to the skyline.

- (iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The dwelling would retain good side isolation to its boundaries, thereby preserving the character of the locality.

- (v) would not represent over-development of the site;

Whilst there are a number of proposed works, the site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.

- (vi) would not be detrimental to highway safety;

Although the proposal will introduce new willow fencing, sliding timber gate and piers with a pedestrian gate, the access remains unchanged. The application site comprises of a single and double garage, both complying with Essex Parking Standards requirements of 7 metres by 3 metres. The application site can also accommodate a minimum of two parking spaces measuring 5.5 metres by 2.9 metres in line with Essex Parking Standards. Essex Highways has been

consulted on this application and have no objection subject to the following conditions; any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6 metres from the highway boundary and no unbound materials. The proposed boundary hedge condition has not been imposed as the plans demonstrate that this is in accordance with this condition.

- (vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

There are no neighbouring dwellings to the application site and therefore the proposal will not cause any impact upon neighbouring amenities.

- (viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

The proposal is for numerous extensions and therefore this criterion is not applicable to this application.

- (ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criterion is met.

- (x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

#### Other Considerations

Ardleigh Parish Council have not commented on this application.

There have been no letters of representation received.

#### Conclusion

In the absence of any significant 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. 10885-33 P2, 10885-34 P2, 10885-35 P2, 10885-36 P2, 10885-37 P2, 10885-38 P3,

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

- 3 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.  
Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety
- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.  
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety
- 5 All development shall be entirely clear of the limits of the highway.  
Reason: To preserve the integrity of the highway in the interests of highway safety
- 6 No development shall take place until the existing trees on the site, agreed with the Local Planning Authority, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

## 8. Informatives

Application Approved Following Revisions

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.

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653 The Crescent,  
Colchester  
CO4 9YQ

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

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