

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	01/03/2019
Planning Development Manager authorisation:	SCE	04.03.19
Admin checks / despatch completed	RW	5/3/19

**Application:** 19/00025/FUL **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mr & Mrs Daniel Jolin

**Address:** Pendee Weeley Road Aingers Green

**Development:** Replacement of existing conservatory with single storey rear extension.  
Proposed single storey side and first floor rear extensions.

### 1. Town / Parish Council

Great Bentley Parish Council At Great Bentley Parish Council Planning Committee meeting held on 7th February 2019, the Parish Council resolved to make no comment.

### 2. Consultation Responses

N/A

### 3. Planning History

19/00025/FUL Replacement of existing conservatory with single storey rear extension. Proposed single storey side and first floor rear extensions. Current

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
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  
HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL3 Sustainable Design

Local Planning Guidance  
Essex Design Guide

### 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 located to the north of Weeley Road, inside the development boundary of Aingers Green. It serves a semi detached chalet style dwelling with front and rear flat roof dormer windows and a single storey flat roof projection and conservatory to the rear. The dwelling is constructed of brick with a tile roof, with hanging tiles on the side gable. The front of the site has a concrete driveway extending down the side of the house, with parking for a least 2 no. cars. The rear of the site is currently entirely soil with close boarded fencing on all boundaries.

### **Proposal**

The application proposes the replacement of the existing conservatory with single storey rear extension, a proposed single storey side extension and first floor rear extension.

The proposed rear extension will be on the same footprint as the conservatory it will replace, and will measure 5.8m deep by 3.8m wide, with a flat roof with maximum height of 2.9m. The side extension will also extend beyond the rear elevation and will measure 1.9m wide by 8.8m deep, with a flat roof with maximum height of 2.9m. Both single storey extensions will use buff brickwork to match the existing dwelling.

The first floor rear extension will sit on top of the existing rear projection and will measure 3.5m from the rear elevation of the dwelling and will be 3.15m wide. It will have a pitched roof with eaves height of 5.4m and ridge height of 7m. This will be constructed using roof tiles to match the existing dwelling and cladding.

The development also includes extending the length of the rear dormer from 3.3m to 3.75m and incorporating cladding to the front and rear dormers and to the side gable of the dwelling.

### **Representations**

Great Bentley Parish Council resolved to make no comment on the application.

One letter of objection has been received from a solicitor on behalf of the attached neighbour, known as Randale. Objections were raised relating to noise from the proposed works.

(Officer Comments: Whilst some noise will be created as a result of the development, this will only be at the time of construction and the level of noise generated is not considered significant enough to warrant the refusal of planning permission. To assist with the neighbours' concerns an informative has been included on the decision notice suggesting working hours at the site.)

### **Assessment**

The main considerations of this application are the design and the impact on residential amenity.



The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Saved Policy HG14 of the Tendring District Local Plan (2007) requires that extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance as well as to safeguard the amenities and aspect of adjoining properties. As a guideline a minimum distance of 1 metre will be sought.

### Design

The proposed development is considered to be of a scale and nature appropriate to the site and the surrounding area. The proposed first floor extension will be partially visible from the road when viewed on approach from the east but is considered acceptable in terms of design and impact on visual amenity. The use of composite cladding across the extension will contrast with the existing brickwork, however, it is considered acceptable as it will blend acceptably with the cladding that is proposed on the side gable (which could be done as permitted development). Plus, there are other examples of cladding on nearby properties, which therefore blends the development with the surrounding area. Further, the cladding to the front dormer is considered acceptable due to the other cladding proposed and as other front dormers in the area are clad with brown boarding.

The side extension will be publicly visible but will be set back from the road by approximately 20m. Due to its flat roof design, matching brickwork and modest nature it is considered as a subservient addition that will not have any adverse impact on the street scene. It will be built 1m from the boundary shared with the neighbour to the east. Due to this separation, and as the two storey addition is located 2.8m from the eastern side boundary, the development is not considered to create a cramped appearance, in accordance with Policy HG14.

The rear garden room extension will replace an existing structure on the same footprint. It will be an improvement to the dwelling and will not be visible from the road. Its design and use of matching brickwork is considered acceptable.

The extension of the rear dormer and use of composite cladding across the entire rear dormer is considered acceptable. It will not be visible from the road and is considered to fit appropriately with the other proposed development at the site.

### Impact on Residential Amenity

The single storey side addition will be mostly screened from the property to the east by the neighbours existing garage. The rear garden room extension will sit on the same footprint as the existing and will be the same height. The window size within the rear dormer extension will remain the same. These elements of the proposal are not considered to cause any significant adverse impact on neighbouring property.

The two storey addition will be located approximately 2.8m from the closest neighbour to the east, known as Pandora, and approximately 3.9m from the neighbour to the west, known as Randale. No windows are proposed in either side elevation so the development is considered to be acceptable in terms of outlook and privacy.

The 45 degree rule for sunlight/daylight contained within the Essex Design Guide has been applied to the two storey extension and due to the separation between dwellings and as a result of the north facing rear garden the proposed extension is not considered to result in any significant loss of light that would warrant the refusal of a planning application.



The development would not be considered to cause any significant adverse impact on the daylight, privacy and other amenities currently enjoyed by neighbouring property, and the neighbours concern regarding noise has been addressed previously in this report.

### Conclusion

It is considered that the revisions to the proposed development are consistent with the National and Local Plan Policies identified above, and 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 plan: Drawing No. Gbe1001/02 Rev A.

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.

#### Working Hours Informative

No vehicle connected with the construction works of the extensions are to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Working hours should be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

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