

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/03/2019
Planning Development Manager authorisation:	CB	08.03.2019
Admin checks / despatch completed	ER SB	08/3/19 08/03/19.

Application: 18/02026/FUL

Town / Parish: Ardleigh Parish Council

Applicant: Mr Day

Address: Devon House Malting Farm Lane Ardleigh

Development: Extension to existing outbuilding.

1. Town / Parish Council

No comments received.

2. Consultation Responses

Tree & Landscape Officer The proposed extension to the existing outbuilding will not affect any trees or other significant vegetation.

A short section of hedgerow may need to be removed but this will not have an adverse impact on the appearance of the garden or the wider countryside.

3. Planning History

01/01484/FUL	2 No. side extensions	Refused	11.10.2001
02/00292/FUL	Side extension (re-submission)	Approved	10.04.2002
92/00642/FUL	Erection of one detached dwelling [Amending planning permission TEN/1478/89]	Approved	15.07.1992
94/01192/FUL	Demolition of existing cottage and garage, erection of new house and garage (renewal of permission TEN/1478/89)	Approved	22.11.1994
95/00832/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Front extension and change of use of highway land to form part of residential curtilage	Approved	18.10.1995
96/00397/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Proposed extension to the side and rear of Devon Cottage to provide increased living accommodation	Approved	28.05.1996

	and a new double garage (Detached)		
96/00589/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Garden wall and timber gates (approx 1.8m high)	Approved	19.06.1996
98/01235/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Approved	27.10.1998
98/01640/FUL	Proposed demolition of existing dwelling and erection of new dwelling (Amended scheme)	Approved	20.01.1999
99/01011/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Refused	01.09.1999
99/01640/FUL	Proposed land change of use from agricultural to residential and re-positioning of proposed dwelling	Approved	27.01.2000
03/01672/FUL	Extension to existing garage	Approved	10.10.2003
05/01010/FUL	Alterations and extensions to garage to form gym, games room, office and guest room	Approved	03.10.2005
89/01155/FUL	Demolition of existing cottage and erection of two dwellings	Refused	05.09.1989
89/01478/FUL	Demolition of existing cottage and garage erection of new house and garage	Approved	07.11.1989
17/01774/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building.	Approved	14.12.2017
18/01685/FUL	Change of use from equestrian to domestic garden.	Approved	03.12.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG9 Private Amenity Space

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

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 south facing and outside of any defined development boundary. The main property is a detached house which replaced an original cottage through planning permission 98/01640/FUL. The house is constructed of yellow brick with stone detailing and a slate roof. In front of the house is a gravelled driveway which leads to the extended double garage which lies to the south. The replacement dwelling and the garage were both further extended between 2002 and 2006 to provide additional accommodation. Most recently the residential curtilage for the dwelling has been extended with permitted development rights for outbuildings removed. Mature trees are evident on and around the application site and some are protected by means of a Tree Protection Order. The large back garden is mainly laid to lawn. A public right of way runs adjacent to the eastern boundary of the application site.

Description of Proposal

This application follows a previous approval for extensions and alternations to the outbuilding and main house including a link extension under application 17/01774/FUL.

This application (having been amended due to concerns with the height and bulk of the extension as originally proposed) seeks the erection of a single storey extension to the existing outbuilding only, no longer adding a link extension.

The materials used in the construction of the extension will match those on the existing building.

Assessment

The main considerations in this instance are;

- Design, Appearance and Landscape Impact;
- Residential Amenities;
- Trees and Landscaping; and,
- Representations.

Design, Appearance and Landscape Impact

As the application site lies outside of the defined Ardleigh Settlement Development Boundary, Saved Policy HG12 of the Tendring District Local Plan 2007 is of primary relevance. This permits extensions to an existing dwelling outside of defined settlement boundaries provided it satisfies specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal clearly meets the criteria set out in Policy HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

Devon House is located at the end of the lane where no motor vehicles pass limiting public visual amenity impact. However, a public footpath runs along the eastern boundary and so the house is visible, mainly from the front through the boundary gates, being well screened from the side and rear by hedging and mature trees. Therefore views of the proposed extension itself are not prominent or harmful.

The proposed extension is large and results in an extensive and elongated outbuilding. However, the host dwelling is large and imposing and the outbuilding therefore does not appear out of proportion. The extension remains within the original curtilage for the property, does not extend into the newly extended curtilage and will not therefore result in any material landscape harm. The reduced height and size ensures that the extension appears more in keeping and remains truly subservient in appearance in relation to the host property. The extension is to be finished in matching materials again ensuring that the development blends well with the existing site and surroundings.

The design and appearance of the proposed extension is considered acceptable and will not result in any wider landscape impact.

Impact upon Residential Amenity

The nearest property is Pycotts to the south of Devon House with a track leading to a field to the west dividing the boundaries of the two properties. The additions to Devon House are sited north of the existing outbuilding which forms the garage and games room. The reduced height of the proposed extension and distance to the neighbouring dwelling ensures that no material harm to residential amenities will result.

The area currently used for car parking will not be affected and ample private amenity space (extended curtilage) will be retained for the extended dwelling.

Trees and Landscaping

This application amends the previously approved scheme to an extent that the protected trees on site will not be affected. The Council's Tree and Landscape Officer has been consulted and raises no objections in terms of the impact on the trees or landscape impact. Due to the spacing around the proposed extension, the protective fencing required under the previous application is no longer required.

Other Considerations

No comments have been received from Ardleigh Parish Council.

No other letters of representation have been received.

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: Block Plan 1:500 @ A1 Portrait Rev B and DRAWING NUMBER 1.2 REV B.

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 Agent, 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.