

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	03/04/2019
Planning Development Manager authorisation:	SCE	18.04.19
Admin checks / despatch completed	JNE	18/04/19.

Application: 19/00133/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr and Mrs J Newman

Address: 14 Glebe Close Wix Manningtree

Development Single storey rear extension.

gr

1. Town / Parish Council

Wix Parish Council

Original Plans:
No comments received.

Amended Plans:
Wix Parish Council submits a Recommend Refusal, having raised concerns regarding over development of the site, loss of light, design not being in keeping with the other predominantly retirement properties, and potential drainage issues in the area.

2. Consultation Responses

N/A

3. Planning History

19/00133/FUL Single storey rear extension. 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
HG9 Private Amenity Space

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 west of Glebe Close, inside the development boundary of Wix. It serves a semi detached bungalow, constructed of brick with a tile roof with the entrance door located on the side of the property and a conservatory to the rear. The site has a long driveway to the side of the dwelling leading to a garage, allowing off road parking for at least two cars. The rear of the site is laid to lawn with a patio area and paving leading to the shed. Close boarding fencing is located on all boundaries, and the garden has a slight change in levels.

Proposal

The application proposes a single storey rear extension. It will consist of a double pitched roof extension with rear facing gables, to replace the existing conservatory, measuring 2.57m deep by 6.6m wide, with eaves height of 2.7m and ridge height of 3.5m; and a further flat roof rear projection measuring 4m deep by 4.45m wide, with a maximum height of 2.7m. The extension replacing the conservatory will be constructed with tiles and brickwork to match the existing dwelling. The other rear projection will consist of light grey rendered panels and grey painted brickwork piers.

The original application proposed a deeper extension built closer to the boundary with the attached neighbour, but amendments have been made as a result of the objections received (outlined below).

Representations

Original Plans

No comments have been received from Wix Parish Council.

4 letters of objection have been received. The concerns raised include:

- Too large (see officer report)
- Appearance is out of keeping (see officer report)
- Structural damage to adjoining bungalow (the applicants should refer to the Party Wall Act - not a planning issue)
- Drainage issues (Building Regulations issue)
- Loss of light and overshadowing (see officer report)
- Privacy issues with attached neighbour (see officer report)

Amended Plans

Wix Parish Council recommend refusal for the application and raise concerns regarding:

- Overdevelopment (see officer report)
- Loss of light (see officer report)
- Design not in keeping with retirement properties (design is addressed in officer report - concerns over changing from a retirement property is not a material consideration)
- Drainage issues (Building Regulations issue)

2 letters of objection have been received following amended plans; these raised the same issues as detailed above and noted that there have been no major changes to the plans.

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.

Design

The proposed extensions are considered to be of a scale and nature appropriate to the site and the surrounding area. The pitched roof extension will replace the existing conservatory and will be constructed of materials to match the existing dwelling. The other rear projection will be of a more modern appearance but will not be publicly visible. It will not alter the appearance of the dwelling from the road and will therefore not have any adverse impact upon the street scene. It will contrast with the existing dwelling, but is considered acceptable. Furthermore, the garden is considered large enough to accommodate an extension of this scale, with adequate private amenity space being retained and without it appearing as overdevelopment of the site. The issues raised in the objections received for the development are not considered fundamental enough to justify a refusal of planning permission on design grounds.

Impact on Residential Amenity

The first 2.5m of the rear extension replaces the existing conservatory. It has eaves of a similar height to the existing structure and will be located 0.4m from the neighbour's conservatory wall. Through amendments to the application the remainder of the extension, serving the garden room, will be located 1m from the boundary shared with the attached neighbour to the north, and the depth of the extension has been reduced by 0.6m.

The extensions are single storey in nature with the eaves of the extensions being of a similar height to the attached neighbours existing conservatory. A 1.8m fence is located on the boundary with this neighbour, and no windows are proposed on the north side elevation that would give concern over loss of privacy to this neighbour. Furthermore, due to the shallow pitch of the extension closest to the main dwelling the proposed roof lights will give views skywards and do not raise concerns regarding overlooking to this neighbour. The insertion of the window to the south side elevation of the extension is also considered acceptable as it is located over 5m from the neighbour at No. 16 and would face onto their boundary fence.

In terms of loss of light and overshadowing, I have applied the 45 degree rule contained within the Essex Design Guide. The guidance states that "the 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". The 45 degree angle fails on the floor plan, but not on the elevation plan of the neighbour's conservatory, which spans the entire length of the rear elevation. Whilst it is recognised that some loss of light may occur as a result of the development due to the orientation of the properties, the amendments that have been

made to the application, particularly stepping in the extension from the boundary, have helped to overcome some of the impact, and having applied the necessary rules, any impact that remains is not considered to be significant enough to warrant the refusal of planning permission.

Conclusion

It is considered that the proposed development is 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 Number 1812/882-102 Revision C.

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO