

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	18/04/2019
Planning Development Manager authorisation:	SCE	23.04.19
Admin checks / despatch completed	ms	23/4/19

Application: 19/00326/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Andries Smit

Address: Hacienda Church Hill Lawford

Development: Proposed first floor side extension.

1. Town / Parish Council

Lawford Parish Council Council has no objection to this application.

2. Consultation Responses

N/A

3. Planning History

05/00778/FUL	Demolish existing garage and replace with a new single storey side extension	Approved	24.06.2005
18/00839/FUL	Conversion of bungalow to two storey house with front and rear extensions and alterations.	Approved	20.09.2018
18/01670/DISCON	Discharge of condition 3 (Materials) to approved Planning Application 18/00839/FUL.	Approved	26.10.2018
19/00326/FUL	Proposed first floor side 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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 east of Church Hill, outside the development boundary of Lawford and adjacent to the Lawford Conservation Area, which is located to the north of the site. The application site is also located within the Dedham Vale Area of Outstanding Natural Beauty. The site is currently undergoing significant renovation works to convert from a single storey dwelling to a two storey dwelling, as approved under reference 18/00839/FUL.

A detached double garage, constructed of weatherboarding, is located forward of the main dwelling. The western and southern boundaries of the site adjoin the community hall known as Ogilvie Hall. To the east of the site is the only nearby residential dwelling known as Treetops.

Proposal

The application proposes a first floor side extension to the west side of the property, above the single storey flat roof section of the dwelling. The extension will incorporate a front and rear dormer window, with a half hipped roof, and will have an eaves height of 3.3m and a ridge height of 6.8m. It will be constructed of materials to match those already approved in connection with the 2018 application.

Background

The dwelling currently being renovated has altered the property from a single storey property to a two storey dwelling, in keeping with the adjacent neighbour, known as Treetops. The previous application, reference 18/00839/FUL, which granted approval for the works currently under construction also proposed the first floor extension currently seeking permission under this application, but officers requested that the design was amended to keep this side section as single storey because the dwelling fills the width of the plot and there were concerns over the additional first floor addition making the dwelling appear bulky and overly wide, resulting in a cramped appearance, contrary to Policy HG14. The Council's advice was followed and though amendment to the 2018 application the first floor side extension was removed and the application

subsequently approved. This application now seeks permission for the first floor side extension which the Council previously had concerns over.

There have been no significant changes at the site since concerns were previously raised over the first floor side extension, other than the implementation of the 2018 planning permission.

Assessment

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

Policy Considerations

The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling and would not represent overdevelopment of the site.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance.

Policy EN17 states that development will be refused for development located outside a Conservation Area if it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.

Design and Impact on Countryside

The proposed first floor side extension is considered to be of a scale and nature that is at odds with the application site. The site frontage has a width of approximately 22m, decreasing to 13m at the rear. The site, at the point at which the dwelling is located, has a width of 17 - 19m. The two storey element of the existing dwelling is 12m wide and the single storey side projection, which proposes the first floor addition, gives an overall width of 16.1m. The extension would be set forward from the existing two storey part of the dwelling, making it a more prominent feature. The lower eaves and lower ridge height do not help to improve the design or reduce the impact of the development.

The development would result in the dwelling filling the width of the plot, making the dwelling appear bulky and overly wide. Views of the extension would not be obscured by the existing garage due to its position and the orientation of the plot. Whilst it is appreciated that some views will be screened by the boundary treatment of Ogilvie Hall, views from the north, and therefore from within the adjacent conservation area, will be possible, as well as being visible from Wignall Street. The extension would appear cramped within the plot, and despite its set back from

Church Hill would still appear prominent from the street scene. The first floor extension combined with the existing development is considered to represent overdevelopment of the site. It is not considered to be in proportion with or well related to the site and would result in a poor design detrimental to the visual amenity and character of the application site and surrounding area.

Impact on Amenity

The first floor side extension is located on the west side of the property which overlooks Ogilvie Hall. The only adjacent neighbour, to the east of the site, would not be affected by the proposed development.

No windows are proposed in the side elevation facing onto the village hall and the rear window which would look into the grounds of the hall is proposed to serve an en-suite, so is likely to be obscure glazed (although not confirmed within the application documents). Whilst the south western part of the extension would be built abutting the western boundary no residential properties would be affected as a result of the development. For these reasons the development is not considered to have any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by residential property, nor the amenities of Ogilvie Hall.

Other Considerations

Lawford Parish Council has no objection to this application.

No letters of representation have been received.

Conclusion

For the reasons set out above the development is considered contrary to the aims and aspirations of the aforementioned local and national policies and is therefore recommended for refusal.

6. Recommendation

Refusal – Full

7. Reasons for Refusal

- 1 The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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