

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	23/4/19
Planning Development Manager authorisation:	SCE	24.04.19
Admin checks / despatch completed	AP	24/4/19

*SLC*

**Application:** 19/00328/FUL **Town / Parish:** Mistley Parish Council  
**Applicant:** Mr & Mrs Vernon  
**Address:** Acacias 19 New Road Mistley  
**Development:** Proposed demolition of existing single storey extension and addition of new part single and part two storey rear extension.

### 1. Town / Parish Council

**Mistley Parish Council** At its Meeting on the 21st March 2019 the Planning Committee of the Parish Council considered that the application should be Approved provided the red brick is retained as the application and plans indicate.

### 2. Consultation Responses

**Tree & Landscape Officer** There are no trees or other significant vegetation on the application site that are likely to be affected by the development proposal.  
  
Additionally there appears to be little need for; or benefit to be gained by new soft landscaping associated with the development proposal.

### 3. Planning History

19/00127/TCA	1 No. Pear Tree - Remove	Approved	22.02.2019
19/00328/FUL	Proposed demolition of existing single storey extension and addition of new part single and part two 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

### **Proposal**

This application seeks planning permission for a part two-storey and part single storey rear extension to a semi-detached dwelling within the Development Boundary of Manningtree, the Manningtree and Mistley Conservation Area, and the Proposed Extension to the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB).

### **Design and Impact on the Conservation Area**

The proposed extension is sited to the rear of the dwelling, and will be largely screened from the main road. However it will be prominent when viewed from within the chase, which is also within the Conservation Area.

The proposed extensions are well designed, and relate well to the host dwelling. Although large, the scale is appropriate to the host dwelling and the site, and adequate private amenity space will be retained. The use of materials which match the host dwelling will promote a sense of cohesive development, and both the single-storey and two-storey elements of the proposal are lower in height than the host dwelling so appear subservient. Adequate separation is retained from the side boundary to satisfy policy HG14.

There are no trees or other significant vegetation on the application site that are likely to be affected by the development proposal.

The design and appearance is considered to be in keeping with the host dwelling, and will protect the character of the conservation area, and the proposed extension to the AONB.

### Impact on Neighbours

The proposed two-storey element of the proposal extends sideways beyond the existing two storey project to the rear of the house, and will be separated from the neighbouring property. The single storey element adjoins the neighbour's existing rear protrusion, and will not extend beyond the rear wall of that existing structure. There will therefore be no impact on neighbouring daylight or outlook.

Two first floor windows are proposed - one facing the rear which will have no greater impact on neighbouring privacy than the existing first floor bedroom window, and one facing the side which (due to the adjacent dwelling's set back) will overlook the public area to the front of the neighbouring dwelling. Proposed ground floor windows will not impact neighbouring dwellings due to the adequate screening around the boundary of the site.

### Other Considerations

Mistley Parish Council consider that the application should be Approved provided the red brick is retained as the application and plans indicate.

No other letters of representation have been received.

### Conclusion

In the absence of material harm as a result of the proposed development, this 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: Drawing no's. 01 and 03E.

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.

<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