

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	25/04/2019
Planning Development Manager authorisation:	SCE	02 05 19
Admin checks / despatch completed	ER	02/05/19

YMC

Application: 19/00344/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Matt Gale

Address: Port View 21 New Road Mistley

Development: Proposed single storey rear extension and decking area.

1. Town / Parish Council

Mistley Parish Council Recommend approval this application

2. Consultation Responses

Tree & Landscape Officer There are no significant trees on the application site that are likely to be affected by the development proposal.

However there are two large trees; a Cedar and a Beech within the curtilage of the adjacent property, 23 New Road, that make a significant and positive contribution to both the character and appearance of the conservation area. The development proposal has the potential to have an adverse impact on the health and viability of these trees.

In order to determine the extent of the likely impact of the development proposal on the trees the applicant has shown the position of the proposed extension in relation to the Root protection Area (RPA) of the above trees.

The block plan shows that there will be a minor incursion into the RPA of the Beech tree but that foundations will be excavated by hand digging to avoid damage to tree roots.

It is noted that some parts of the existing dwelling appear to be within the RPAs of the trees and that these will clearly have foundations. As the development proposal would result in only a minor additional incursion; and taking into account the existing situation, it is considered that the development will not result in harm being caused to the roots of the trees on adjacent land.

3. Planning History

18/01309/FUL	Proposed single storey rear extension and decking area.	Approved	23.10.2018
19/00344/FUL	Proposed single storey rear extension and decking area.	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

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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)

Application Site

The application site comprises of an east facing two storey semi-detached dwelling known as "Port View 21 New Road." The dwelling is set back from the front of the site with a low front boundary wall and area for parking to the front. Sited to the rear the dwelling has an existing lean to structure and has previously been extended before with single storey additions. The site has a long narrow rear garden with planting along each boundary.

Proposal

This application seeks permission for the erection of a single storey rear extension and decking area.

Site History

This application is a resubmission of an earlier scheme approved under planning reference 18/01309/FUL. The drawings have been amended to show a change in roof design and materials.

Assessment

Design and Appearance

The proposal will be predominantly to the rear with parts of the proposal being publicly visible within the open space between the host dwelling and neighbour. As a result of its set back and partial screening by way of the host dwelling the proposal will not be prominent within the streetscene and would not result in a harmful impact to its character or appearance.

When viewing the existing dwelling from the rear it is noted that it already comprises of a number of varying roof designs. The amended angling of the roof will allow the proposal to be consistent with the existing two storey rear element as it will run parallel with it. It is also noted that its amended design will reduce the varying roof types on the site allowing the rear elevation to be more visually appeasing.

A separate planning application no. 19/00328/FUL has been submitted and approved for the adjoining dwelling for enlargements to the property. This proposal includes a single storey extension which will mirror the design of this proposal. This similar approach would assist in the existing dwelling and neighbouring dwelling appearing consistent with each other helping form a better relationship between dwellings.

The proposed extension will be of a single storey design and will be constructed from brick to match the existing dwelling.

The materials intended for the roof of the proposal have been changed from single ply membrane to natural slate to coincide with the existing dwelling. The use of these matching materials will allow the proposal to have a better relationship with the existing dwelling and create better views of the proposal from the side and rear.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

Heritage Impact

The proposal is located within the Mistley Conservation Area.

Whilst the dwelling itself is not mentioned within the Conservation Area Appraisal for Manningtree and Mistley the area is described as below

"New Road has the character of a spacious well-established street, where mature planting is if anything more significant than the varied buildings lining it."

As the proposal will be sited to the rear and screened from public view by the host dwelling it would not result in a significant impact to the appearance or character of the conservation area.

A Heritage Statement has been provided as part of the application detailing the minimal impact which the proposal will have on the conservation area.

Protected Trees

There are existing trees within the area which have the potential to be affected by the proposal and as the site is within a Conservation Area they are awarded special protection.

A block plan has been provided showing the trees RPAs in relation to the proposal confirming that the proposal would not have an adverse impact to these trees.

As part of the application the Tree and Landscape Officer has been consulted on the plans provided and has confirmed that the proposal will only result in a minor incursion to the root protection area and would therefore not result in a harmful impact to the roots of the existing tree.

Impact to Neighbours

The proposed decking will not result in a harmful impact to the neighbouring properties as it will be sited sufficiently away from the neighbouring boundaries and screened by way of the host dwelling and boundary planting.

The proposed extension will be sited sufficient distance away from the neighbour to the north and will not have a harmful impact to the residential amenities of this neighbour.

The proposed extension will be constructed along the boundary and will match the footprint of the approved extension at the neighbouring site. As the proposal would not protrude beyond this neighbour's planned extension it would not result in a significant impact to residential amenities of this neighbour.

Other considerations

Mistley Parish Council have recommended the application for approval. No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed 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: B5-ELE-01, B2-SIT-00, B3-PLN-01, B3-PLN-02, B5-ELE-00, B5-ELE-01 and Heritage Statement.

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.