

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	09/05/19
Planning Development Manager authorisation:	PAN	9/5/19
Admin checks / despatch completed	PAN	9/5/19

Application: 19/00341/FUL **Town / Parish:** Mistley Parish Council
Applicant: Mr & Mrs N Watts
Address: Lower Park The Walls Mistley
Development: New detached out-building, extensions, alterations & re-modelling of existing two-storey dwelling (following demolition of existing single storey extensions) utilising existing vehicular access.

1. Town / Parish Council

Mistley Parish Council Have considered that the application and made No Comment.

2. Consultation Responses

Not Applicable

3. Planning History

00/00276/TCA	Works to trees in Conservation Area	Approved	29.03.2000
19/00341/FUL	New detached out-building, extensions, alterations & re-modelling of existing two-storey dwelling (following demolition of existing single storey extensions) utilising existing vehicular access.	Current	
19/00382/TCA	1 No. English Oak - crown raise to 3m and reduce limb overhanging neighbouring property, 2 No. English Oak - crown raise to 5m, 3 No. English Oak - reduce crown by 3m and overhanging wires, 4 No. Chestnut - reduce 1m from wires, 5 No. Lime - crown raise to 6m, 8 No. Chestnut - crown raise to 4m, 1 No. Lime - crown raise to 6m, 1 No. Chestnut - crown raise to 4m, 1 No. Leylandii - remove, 1 no. Leylandii - reduce height by 5m.	Approved	03.04.2019

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

EN3 Coastal Protection Belt

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application refers to Lower Park, The Walls, Mistley, which is a two storey dwelling located within the Manningtree and Mistley Conservation Area, the site is located within an Area of Outstanding Natural and it is within a Coastal Protection Belt.

Proposal

The application seeks planning permission for the following:

- Detached outbuilding
- Demolition of existing porch
- Proposed porch
- Demolition of garden room
- Two storey rear extension
- Dormer window with Juliet balcony

The detached outbuilding will measure 12 metres in width, 6 metres in depth with an overall height of 6.7 metres (8.1 metres to the top of the cupula). The proposal will accommodate two car ports to the ground floor and two boat stores. To the first floor will be a studio area with a bedroom and shower. The proposed porch will measure 3.3 metres in width, 1.5 metres in depth with an overall height of 3.3 metres. The two storey rear extension will measure 8.3 metres in width, 7 metres in depth with an overall height of 7.5 metres. The extension will comprise of a kitchen/family room to the ground floor and two bedrooms with en-suites to the first floor and be served by a balcony.

Assessment

The main considerations for this application are the design and impact, impact upon neighbouring amenities, heritage impact, highway safety, coastal protection belt and other considerations.

Design and Impact

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The detached outbuilding will be located to the north west of the existing dwelling. The proposal is single storey, has a dual pitched roof with a cupula. The design of the proposal is in keeping with the proposed alterations, extension and remodelling of the existing dwelling. Due to the approximate distance of 24 metres to the highway as well as the existing vegetation which will screen the proposal from 'The Walls', it is considered that the outbuilding will not cause any impact upon the street scene and is acceptable in terms of design and appearance. A condition will be imposed to ensure that the outbuilding will be used ancillary to 'Lower Park'.

The existing porch will be demolished and repositioned to the front elevation of the existing dwelling. The proposed porch along with the shower room and boots room will create a linear flat roof alteration which is considered a visual improvement. Due to the proposal being set back from the highway by approximately 33 metres, it is considered that due to the single storey nature of the proposal the porch will not create any impact upon the street scene.

As stated within the design and access statement, the single storey garden room is dilapidated and will be demolished. The application proposes a two storey extension to the rear with a double gable extension which is considered to be of a scale, in keep with the existing dwelling. The proposal has a ridge height set lower in order to clearly distinguish the proposal as an extension. A balcony is proposed to serve both bedrooms. As the proposal is to the rear of the existing dwelling,

it will not cause any impact upon the street scene of 'The Walls'. It is therefore considered that the proposal would not create a cramped appearance and is considered acceptable in terms of design.

A balcony is proposed to serve the front bedroom to the first floor. The proposal is situated approximately 32 metres away from the highway as well as the existing vegetation that will help to screen the balcony; it is considered that the proposal will not cause any significant impact on the street scene.

The proposed dormer window is located to the front elevation and will serve a bedroom as well as comprising of a Juliet balcony. The proposed balcony will match the design of the other balconies and therefore it is in keeping with the character of the dwelling. Due to the minor nature of the proposal it is considered that the proposal will not cause any impact on the streetscene it is considered acceptable in terms of design and appearance.

The materials proposed; facing brickwork, stained boarding and colour washed rendered walls, plain tiles and dark grey spm for the roof, powder coated aluminium windows and doors which will create a modern appearance which is acceptable in terms of design and appearance.

Impact upon neighbouring amenities

Due to the location of the application site, there are no neighbouring dwellings and therefore it is considered that the proposals will not impact upon neighbouring amenities.

Heritage impact

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) which states that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The application site lies within Mistley and Manningtree Conservation Area and as such the applicant has submitted a Heritage Statement to justify how the proposal will either preserve or enhance the area.

It is considered that the impact of the extensions, alterations, remodelling and outbuilding will be minimal due to the proposals being set back from the streetscene and the scale and design is considered acceptable. The proposals will create a visual improvement to the host dwelling and it is therefore considered that the changes are in keeping and will preserve the special character and appearance of the Conservation Area.

Highway Safety

The application will see the loss of a garage through the conversion to a gym. The application proposes a new outbuilding comprising of two car ports which will measure 6 metres by 3 metres which is just under the Essex Parking Standards requirement, however it is considered that there is sufficient parking facilities available to the front and side of the existing dwelling to accommodate two parking spaces measuring 5.5 metres by 2.9 metres. It is therefore considered that the proposal is acceptable in terms of highway safety.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt as the application site is set back from 'The Walls' and the proposed alterations, extension and outbuilding will be

constructed from materials that will match those used within the existing dwelling. It is considered that it will not cause any significant harm to the landscape character of the area.

Other Considerations

Mistley Parish Council have considered the application and made no comments.

No 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 / Reasons for Refusal

- 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 and document: Drawing No.19/21/09, Drawing No.19/21/07, Drawin No.19/21/10, Drawing No. 19/21/08 and design and access statement dated February 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The proposed garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lower Park, The Walls, Manningtree.

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
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Are there any third parties to be informed of the decision? If so, please specify:	YES	NO