

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	09/05/2019
Planning Development Manager authorisation:	SCE	10.05.19
Admin checks / despatch completed	XLO	10/05/19

Application: 19/00447/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Edgar Miller

Address: 3 Oatlands Elmstead Colchester

Development: Proposed first floor extension and amendment to garage roof previously approved under reference 16/01643/FUL.

1. Town / Parish Council

Elmstead Market Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

96/00048/FUL	(3 Oatlands, Elmstead Market) Additional bedroom to existing house	Approved	22.02.1996
99/01602/TPO	Reduce and shape 1 Copper Beech tree by 25%, situated in the front garden lifting the lower branches over the road to give clearance.	Approved	23.11.1999
09/00530/TPO	1 No. Copper beech - crown lift to 3.5m from ground level. Crown thin by 20% and shorten over extended branches	Approved	26.06.2009
09/00773/FUL	Erection of single storey rear extension and two storey side extension incorporating integral garage at ground floor, as amended by drawing no. CL/0697/02 Rev B received on 20 October 2009.	Approved	21.10.2009
09/01180/FUL	Erection of single storey rear extension and two storey side extension incorporating integral garage at ground floor.	Approved	18.01.2010
16/01643/FUL	Side extension to form new garage.	Approved	30.11.2016
17/00033/DISCON	Discharge of condition 3 (Materials) of approved planning application 16/01643/FUL.	Approved	22.02.2017
19/00447/FUL	Proposed first floor extension and amendment to garage roof previously approved under reference 16/01643/FUL.	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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 north of Oatlands, on a corner plot shared with Harvest Way, and is situated inside the development boundary of Elmstead. It serves a detached two storey property, constructed of render with a tile roof; with a single storey, red brick garage extension to the east side of the property. The front of the site is hard surfaced with a TPO and other mature shrubbery close to the front boundary. The side boundary with Harvest Way has a 1.8m close boarded fence screening the site from the road.

Proposal

The application proposes a first floor extension to the front of the dwelling. It will measure 1.93m wide by 2.35m deep with a front facing gable with eaves height of 5.1m and ridge height of 6.3m. It will be constructed of materials to match the existing dwelling.

The application also regularises the roof of the side extension approved and built under application reference 16/01643/FUL. The roof has been built abutting the front elevation first floor window, but it was approved to sit in line with the side elevation of the dwelling.

Assessment

The main considerations of this application are the design and 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 development is considered to be of a scale and nature appropriate to the site and the surrounding area. The extension is a modest first floor addition, above an existing single storey projection. The original application proposed a hipped roof, but it was considered that a front facing gable would blend more acceptably with the existing gable and through amendment to the application this was achieved. The eaves height matches the existing dwelling and the ridge height is much lower, making it appear subservient. The extension will be publicly visible, but the use of matching materials and good design result in no adverse impact to the street scene or the visual amenity of the area.

The amendment to the line of the garage roof, whilst not being as visually acceptable as the approved design, is considered satisfactory.

Impact on Residential Amenity

The extension is shielded from the neighbour to the west by the existing front facing gable. No other neighbours will be affected by the proposal due to the position of the extension within the site and the corner plot location. The development is not considered to have any adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

Other Considerations

No comments have been received from Elmstead Parish Council.

No letters of representation have been received.

As the extension is proposed at first floor level and no works are taking place at ground floor level the development is not considered to have any adverse impact on the TPO located within the site.

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 plans/documents: Drg No. 1 received 25 April 2019 and the proposed materials specified within the submitted application form.

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