

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	08/05/2019
Planning Development Manager authorisation:	SCE	14.05.19
Admin checks / despatch completed	AP	15/5/19

Application: 19/00493/FUL **Town / Parish:** Mistley Parish Council *WUE*

Applicant: Miss Donna Thorpe

Address: 5 Long Road Mistley Essex

Development: Proposed single storey glass roof conservatory to rear of property.

1. Town / Parish Council

Mistley Parish Council Approve

2. Consultation Responses

N/A

3. Planning History

13/01434/FUL	Proposed two storey side, front and rear extensions and alterations.	Approved	10.02.2014
14/01641/FUL	Proposed two storey side, front & rear extensions and alterations.	Approved	23.12.2014
19/00493/FUL	Proposed single storey glass roof conservatory to rear of property.	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
EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Application Site

The application site comprises of a two storey detached dwelling within the development boundary. The dwelling has previously been extended with single storey and two storey elements.

Proposal

This application seeks permission for the erection of a single storey glass roof conservatory to the rear of the existing house.

Assessment

Design and Appearance

The proposal will be sited to the rear and not publicly visible.

The proposal is of an appropriate size to the host dwelling.

The design and use of glazing is not consistent with the existing house however as the proposal will be sited to the rear and screened by the host dwelling the introduction of such a proposal would not result in a harmful impact to the appearance and character of the existing house or area.

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

Heritage Impact

The boundary to the conservation area for Manningtree and Mistley runs along the rear garden boundary of the site. As a result of its small-scale nature and distance of 24m to the sites rear boundary the proposal would not result in a harmful impact to the character or appearance of the conservation area.

Impact to Neighbours

The proposal will be sited 10m from the neighbour to the west and screened by existing boundary fencing and would not result in a significant loss of residential amenities to this neighbour.

The proposal will result in a loss of light to the neighbour to the east due to its close proximity to the boundary and therefore the Sunlight/ Daylight calculations within the Essex Design Guide have been applied to the proposal. The 45 degree line in plan would encompass this neighbours rear openings however in elevation would only just touch the neighbour's house. The loss of light is therefore considered not so significant to refuse planning permission upon.

The existing rear of the property leads to a raised area of patio which will result in the proposal being higher than normal. As a result of the proposals design and use of glass panels it will result in a loss of privacy and outlook to this neighbour.

The proposal will be sited 2.5m from this neighbours boundary with the height to the eaves reaching 2.2m. There is existing fencing along the boundary which will screen much of the proposal; this fencing could be increased to 2m in height under permitted development which would screen the proposal further. As a result of its distance from the boundary and partial screening by way of the boundary fencing it is considered the loss of outlook and privacy to this neighbour is not so significant to warrant refusing planning permission.

Other Considerations

Mistley Parish Council recommends approval for the application.
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: Block/ site Plan 1:500, Drawing No 2802034/1, 2802034/3, 280/2034/2 and floor plan dated 25/01/2019.

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.