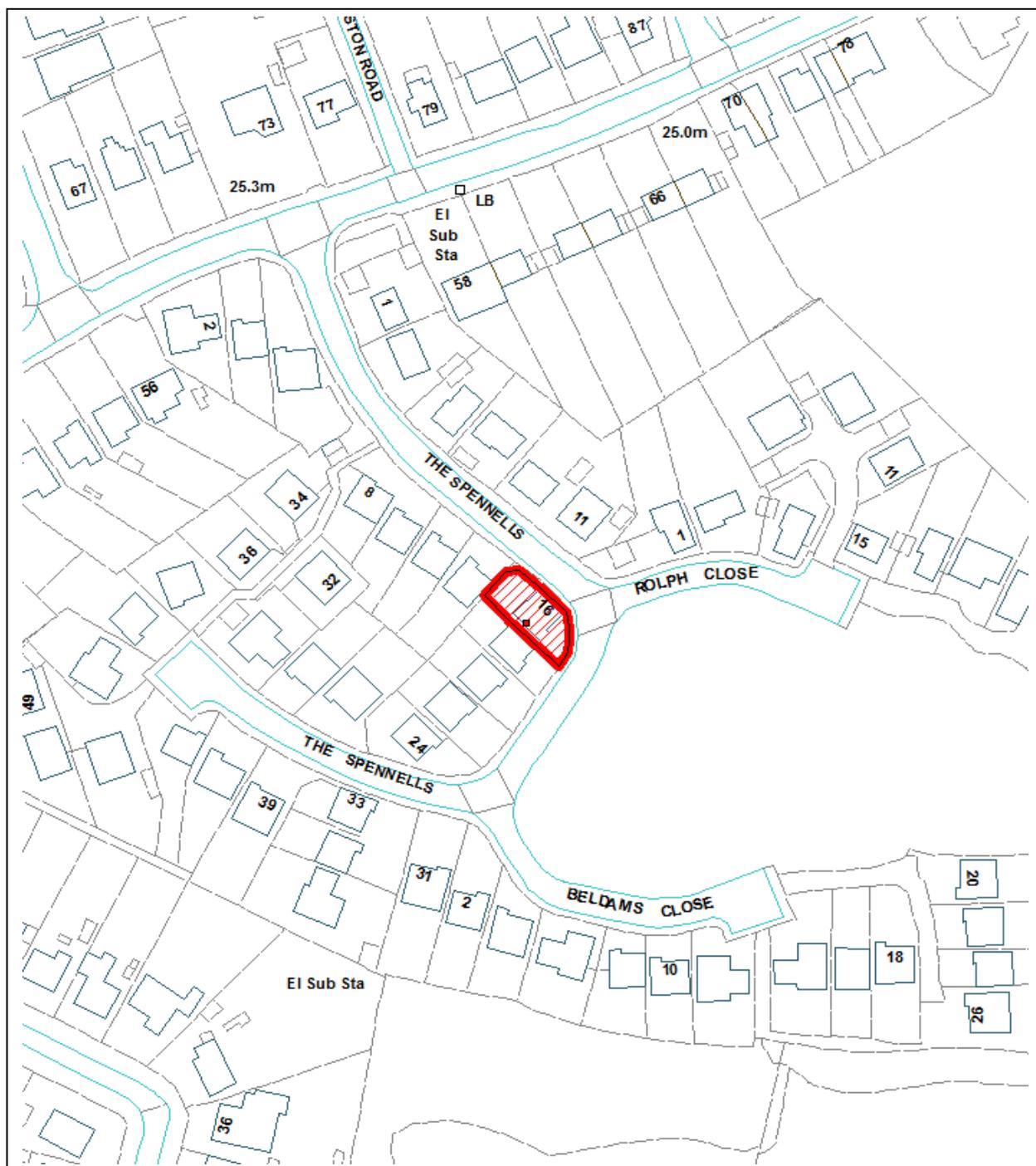


PLANNING COMMITTEE

11 JUNE 2019

REPORT OF THE HEAD OF PLANNING

**A.7 PLANNING APPLICATION – 19/00638/FUL – 16 THE SPENNELLS, THORPE LE SOKEN, CO16 0NR**



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**Application:** 19/00638/FUL

**Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr Matthew Wicks

**Address:** 16 The Spennells, Thorpe Le Soken, CO16 0NR

**Development:** First floor side extension with associated internal alterations.

## 1. **Executive Summary**

- 1.1 The planning application has been referred to Planning Committee as the applicant holds a politically-sensitive post in the Council.
- 1.2 The application seeks permission for a first floor side extension at 16 The Spennells, which is sited within the settlement development boundary of Thorpe le Soken.
- 1.3 The proposal will create a new first floor side extension above the converted garage which will increase the number of bedrooms from three to four. The proposed extension will not have a significant impact on the appearance and character of the local area and will not result in a harmful impact to neighbouring amenities.

### **Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.2.

## 2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

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)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

HG14 Side Isolation

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **3. Relevant Planning History**

03/00878/FUL	Conversion of garage to play room	Approved	18.06.2003
19/00638/FUL	First floor side extension with associated internal alterations.	Current	

### **4. Consultations**

No consultations were required.

### **5. Representations**

No representations have been received.

### **6. Assessment**

#### Site Context

- 6.1 The application site occupies a prominent corner plot on the right hand side as the estate opens out to face on to a communal public open space. The Spennells has a fairly uniform character which contributes to the overall spacious setting of the area. All the properties that have a first floor bay window have additional floorspace in the form of a first floor element over the garage extending backwards from the garage's ridge rearwards; none of

the dwellings which have a 'flush' façade have this additional floorspace; the application site has a flush facade.

- 6.2 The application site comprises of a detached dwelling which faces south east, it is of a standard buff-brick construction with an interlocking cement-tiled roof. It has a small lawned area to the front and a block-paviour hardstanding forward of what was the integral garage.
- 6.3 The site is located within the settlement boundary of Thorpe Le Soken within the Adopted Local Plan 2007 and Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

#### Planning History

- 6.4 Planning permission was granted in 2003 for the conversion of the integral garage to habitable accommodation.

#### Proposal

- 6.5 This application seeks planning permission for a first floor side extension to the south-west elevation.

#### Principle of Development

- 6.6 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

#### Appearance

- 6.7 As initially submitted on 23rd April the plans proposed that the extension projected forwards over the garage's ridge, extending down the front plane by a further 2m so that the outer face finished 1.2m back from the existing first floor façade.
- 6.8 The Local Planning Authority (LPA) were concerned that allowing a property that is in such a prominent corner location to extend forward over the garage ridge may set a precedent for other properties in the area to follow with additions occupying the full depth of the dwelling. Such applications in the future could have the potential to unsatisfactorily relate to the setting which could gradually seriously erode the open and spacious character of the estate.

#### Scale

- 6.9 Revised amended plans were received on 5th May 2019. The plans showed that the extension had been reduced in terms of its overall length and now mirrored the scale and siting of the adjacent neighbour at No. 18. The amendments are considered to respect the host dwelling and the scale of development in the wider area.

### Highway Safety/Parking

- 6.10 The resultant development would increase the number of bedrooms at the property from 3 to 4. The Council's adopted Vehicle Parking Standards require that the development provides two off-street spaces; these spaces can easily be achieved on the existing driveway.

### Impact on Residential Amenity

- 6.11 The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.12 The proposal does not extend beyond the original rear elevation nor does it propose any first floor side facing windows. A first floor rear window is proposed, notwithstanding this No. 16 is sited marginally further rearwards in the plot than No. 18 - for this reason the proposed window would not result in any adverse impact on the amenities of neighbouring residents in terms of having a damaging impact on the privacy, daylight or other amenities of this adjacent neighbour.

### Other Matters

- 6.13 Policy HG14 requires proposals for detached, semi-detached and end terraced dwellings, including extensions to these dwellings over 4 metres in height, to retain appropriate open space between the dwelling and the side boundaries of the plot. The application is for a first floor side extension and this extension should not create a cramped appearance and should safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought.
- 6.14 The flank elevation of the existing built form is separated from the boundary by 1.5m; the proposed extension does not extend beyond the flank wall and therefore complies.

## **7. Conclusion**

- 7.1 Overall the proposal represents development which respects the scale, design and siting of the host dwelling. The proposal would retain a good standard of amenity for all existing and future occupants of land and buildings, both of the application site and surrounding dwellings. The proposal generates a need for parking, but this can be adequately provided off-street within the curtilage of the dwelling.

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

### 8.2 Conditions and Reasons

- 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 plan: MW/02/19 received 5th May 2019.

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

### 8.3 Informatives

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.

## 9. Additional Considerations

### Public Sector Equality Duty (PSED)

9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**10. Background Papers**

None.