

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	11/06/2019
Planning Development Manager authorisation:	AN	11/6/19
Admin checks / despatch completed	AP	12/6/19

AN

Application: 19/00717/HHPNOT **Town / Parish:** Alresford Parish Council

Applicant: Mr Phil Hammond

Address: 23 Russet Way Alresford Essex

Development: Proposed erection of hipped back glass roofed conservatory. H - 3.1 metres W - 5 metres.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

14/30314/PREAPP	Screening opinion and pre application for proposed development for up to 145 dwellings together with associated amenity and open space provision, landscaping and access.	Refused	24.09.2014
14/01823/OUT	Outline application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.	Refused	14.04.2015
17/00561/DISCON	Discharge of conditions 5 (Appearance, Landscaping and Layout details), 6 (Phasing Plan and Programme), 7 (Drainage scheme and Hydrological and Hydro-geological assessment), 9 (Construction Method statement), 10 (Programme of Archaeological works), 11 (Ecological Method statement), 12 (Contamination Risk Assessment) and 13 (Scheme of suitable interpretation materials) of approved planning appeal application 14/01823/OUT.	Approved	11.01.2019

17/00565/DETAIL	Reserved matters application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.	Approved	13.07.2017
17/01817/FUL	Junction improvements at Cockaynes Lane and repositioning of 2no. residential dwellings.	Approved	15.12.2017
18/00181/NMA	Non material amendment to planning permission 17/00565/DETAIL - to amend the approved Atherstone Red plots to be Parham Red - which is almost identical in colour & texture.	Approved	14.03.2018
19/00717/HHPNO T	Proposed erection of hipped back glass roofed conservatory. H - 3.1 metres W - 5 metres.	Current	

4. Relevant Policies / Government Guidance

n/a

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Overview

A prior notification has been received by Tendring District Council in relation to the Town and Country planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1,

Class A for the erection of a single storey rear conservatory at 23 Russet Way, Alresford. The conservatory will measure 5 metres in depth with a maximum height of 3.1 metres.

Representations

One letter of objection has been received from the neighbour at 44 Station Road, Alresford concerned about the potential for noise, loss of privacy and closer proximity to her property.

Assessment

As a result of the objection the impact of the proposed development on the amenity of all adjoining premises must be assessed, not just the amenity of those who submitted the objection. A site visit has been conducted.

The proposed single storey rear conservatory will measure a maximum of 5 metres in depth, 3.5 metres in width with a maximum height of 3.1 metres.

The property of 44 Station Road lies to the rear of the application site and the back gardens meet. The application site is a newly constructed single storey property. The conservatory will be used as an extension to the living area and it is not considered that additional noise will be created by its use. 23 Russet Way is a residential property and is used as such. Due to the nature of the low level single storey conservatory there is not considered to be any significant impact in terms of overlooking to the neighbour at 44 Station Road. A 2 metre boundary fence divides the back gardens with mixed hedging already growing above this height to provide a further divide and screening.

The Essex Design Guide considers the distance between rear facing properties and recommends a minimum spacing of 25 metres between the rears of the properties. In this case, following the construction of the proposal a distance of 28 metres is maintained. The Essex Design Guide goes on to say that "an intervening fence or other visual barrier of above eye-level height...should be incorporated to maintain an adequate level of privacy", which in this case is also in place.

Due to the single storey low level nature of the proposal and the separation distance between the properties either side of 23 Russet Way, they will not be significantly impacted by the proposal in terms of overlooking, loss of light and loss of privacy.

The single storey rear conservatory is consistent with the provisions of the above mentioned Order and is classed as permitted development, subject to the conditions set out in Class A3 and A4.

6. Recommendation

HHPN - Prior Approval Is Given

7. Conditions

- 1 1st Homes Conservatory Base Plan and Conservatory Views simulation drawings.

8. Informatives

n/a

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