

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20.6.19
Planning Development Manager authorisation:	SCE	21.06.19
Admin checks / despatch completed	YNE	21/06/19.

SR

Application: 19/00600/FUL **Town / Parish:** Lawford Parish Council
Applicant: Mr and Mrs Lawson
Address: 11 Constable Close Lawford Essex
Development: Single storey side/rear extension

1. Town / Parish Council

Mrs Peachey
Lawford Parish Council This application constitutes over development

2. Consultation Responses

None received

3. Planning History

19/00600/FUL Single storey side/rear extension Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The property is a late-20th Century detached dwelling which site in an elevated position within a cul-de-sac layout. Properties within the locale are of similar age but variations in external finishes exist; some properties are a grey buff brick, some red brick and the application site is horizontally split between red brick and self-coloured render. Roofs are an interlocking clay tile.

The properties which sit on the 'outside' of the estate layout typically have amenity areas in the region of 40sqm; No. 11 is the only property which shares both side and rear boundaries with properties on the 'inside' of the estate layout. Numbers 5, 7 and 9 have markedly smaller amenity areas and, with these properties being sited at a much lower land level than the application site, much of their rear amenity space is lost by having steeply-sloping rear gardens. The flank elevation of the application site is highly visible from all aspects of the amenity areas for Nos. 7 and 9 and undoubtedly there is already a sense of enclosure that these properties endure.

Description of Proposal

As submitted, the application proposed a first floor extension over the existing garage; wrapping around to the rear elevation at two-storey height. The ridge of the existing integral garage is [approximately] where the side boundary between No. 7 and 9 exists. In built form terms the development would have resulted in a solid wall around 7.7m high (the height includes the difference in land levels) for a 1.5m length of the rear boundary of No. 9 and a 5m length (of a total length of 10m) of the rear boundary of No. 7. As a result of a concern that the proposal would harm the amenities of adjacent properties in terms of being overbearing and potentially causing in overshadowing the proposed scheme was amended.

Revised plans were received on 30th May for a development which comprised a single-storey extension projecting from the back of the garage and partially wrapping around the rear elevation. The rear elevation of the garage is stepped back from the rear elevation of the dwelling; the extension is marginally deeper here at 3m for a width of around 1.1m, as the extension moves beyond the original side wall of the main dwelling its depth reduces to 2m for the remaining 6.2m. The additional would have a dual-pitched roof with an apex of 3.6m; this apex is around 3m from the north boundary with No. 7. Against the north boundary the proposal would have a parapet wall which extends around 0.4m above the underside of the fascia-boards of the garage for a length of 3m. Externally the addition would be constructed in brickwork with an interlocking roof tile to match the existing.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The height, width, design and external materials of the proposed extension would respect the character of the host dwelling and wider streetscene in general.

Impact on Neighbours Amenities

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'.

Due to the orientation of the application site, separation distances and existing built form there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

The development would not generate any additional need for parking nor does it reduce the existing parking provision on the site.

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 plan: 19/1763/01 REV E; received 30th May 2019

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

8. 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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO