

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	24.7.19
Planning Development Manager authorisation:	AN	29/7/19
Admin checks / despatch completed	SB	29/07/19.

**Application:** 19/00565/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Day

**Address:** Devon House Malting Farm Lane Ardleigh

**Development:** Extension to existing outbuilding.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

No comments received

### 3. Planning History

01/01484/FUL	2 No. side extensions	Refused	11.10.2001
02/00292/FUL	Side extension (re-submission)	Approved	10.04.2002
92/00642/FUL	Erection of one detached dwelling [Amending planning permission TEN/1478/89]	Approved	15.07.1992
94/01192/FUL	Demolition of existing cottage and garage, erection of new house and garage (renewal of permission TEN/1478/89)	Approved	22.11.1994
95/00832/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Front extension and change of use of highway land to form part of residential curtilage	Approved	18.10.1995
96/00397/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Proposed extension to the side and rear of Devon Cottage to provide increased living accommodation and a new double garage (Detached)	Approved	28.05.1996

96/00589/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Garden wall and timber gates (approx 1.8m high)	Approved	19.06.1996
98/01235/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Approved	27.10.1998
98/01640/FUL	Proposed demolition of existing dwelling and erection of new dwelling (Amended scheme)	Approved	20.01.1999
99/01011/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Refused	01.09.1999
99/01640/FUL	Proposed land change of use from agricultural to residential and re-positioning of proposed dwelling	Approved	27.01.2000
03/01672/FUL	Extension to existing garage	Approved	10.10.2003
05/01010/FUL	Alterations and extensions to garage to form gym, games room, office and guest room	Approved	03.10.2005
89/01155/FUL	Demolition of existing cottage and erection of two dwellings	Refused	05.09.1989
89/01478/FUL	Demolition of existing cottage and garage erection of new house and garage	Approved	07.11.1989
17/01774/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building.	Approved	14.12.2017
18/01685/FUL	Change of use from equestrian to domestic garden.	Approved	03.12.2018
18/02026/FUL	Extension to existing outbuilding.	Approved	08.03.2019
19/00565/FUL	Extension to existing outbuilding.	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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

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 (2019) 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 south facing and outside of any defined development boundary. The main property is a detached house which replaced an original cottage through planning permission 98/01640/FUL. The house is constructed of yellow brick with stone detailing and a slate roof. In front of the house is a gravelled driveway which leads to the extended double garage which lies to the south. The replacement dwelling and the garage were both further extended between 2002 and 2006 to provide additional accommodation. Most recently the residential curtilage for the dwelling has been extended with permitted development rights for outbuildings removed. Mature

trees are evident on and around the application site and some are protected by means of a Tree Protection Order. The large back garden is mainly laid to lawn. A public right of way runs adjacent to the eastern boundary of the application site.

#### Description of Proposal

This application follows a previous approval for extensions and alternations to the outbuilding and main house including a link extension under application 17/01774/FUL and a subsequent application for a single storey extension which, having been approved on 8<sup>th</sup> March 2019, holds significant weight as a material consideration.

This application proposes a minor increase in the depth of the extension in the north-east corner. As approved, the extension was 8.4m along the north-west wall of the Games Room; this application increases that depth to 9.7m – an increase of 1.3m.

The materials used in the construction of the extension will match those on the existing building.

#### Assessment

The main considerations in this instance are;

- Design, Appearance and Landscape Impact;
- Residential Amenities;
- Trees and Landscaping; and,
- Representations.

#### Design, Appearance and Landscape Impact

As the application site lies outside of the defined Ardleigh Settlement Development Boundary, Saved Policy HG12 of the Tendring District Local Plan 2007 is of primary relevance. This permits extensions to an existing dwelling outside of defined settlement boundaries provided it satisfies specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal clearly meets the criteria set out in Policy HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

Devon House is located at the end of the lane where no motor vehicles pass limiting public visual amenity impact. However, a public footpath runs along the eastern boundary and so the house is visible, mainly from the front through the boundary gates, being well screened from the side and rear by hedging and mature trees. Therefore views of the proposed extension itself are not prominent or harmful.

The proposed extension is large and results in an extensive and elongated outbuilding. However, the host dwelling is large and imposing and the outbuilding therefore does not appear out of proportion. The extension remains within the original curtilage for the property, does not extend into the newly extended curtilage and will not therefore result in any material landscape harm. The minor increase in depth of the extension still ensures that the extension appears in keeping and remains truly subservient in appearance in relation to the host property. The extension is to be finished in matching materials again ensuring that the development blends well with the existing site and surroundings.

The design and appearance of the proposed extension is considered acceptable and will not result in any wider landscape impact.

#### Impact upon Residential Amenity

The nearest property is Pycotts to the south of Devon House with a track leading to a field to the west dividing the boundaries of the two properties. The additions to Devon House are sited north of the existing outbuilding which forms the garage and games room. The reduced height of the

proposed extension and distance to the neighbouring dwelling ensures that no material harm to residential amenities will result.

The area currently used for car parking will not be affected and ample private amenity space (extended curtilage) will be retained for the extended dwelling.

#### Trees and Landscaping

The proposed extension to the existing outbuilding will not affect any trees or other significant vegetation. A short section of hedgerow may need to be removed but this will not have an adverse impact on the appearance of the garden or the wider countryside. There is no objections in terms of the impact on the trees or landscape impact.

#### Other Considerations

No comments have been received from Ardleigh Parish Council.

No other letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

### **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: Drawing Number 1.2, revision B received on 8<sup>th</sup> April 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 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.

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