

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	15/07/2019
Planning Development Manager authorisation:	TF	30/07/2019
Admin checks / despatch completed	ER R	30/7/19

Application: 19/00403/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Hardy

Address: 13 Church Road Elmstead Colchester

Development: Proposed single-storey rear extension, first floor gable extension to front, first floor extension above existing garage, replacement PVCu windows, replacement of garage door with window and replacement of large bedroom window to rear with new French doors and Juliet balcony.

1. Town / Parish Council

No comments received

2. Consultation Responses

n/a

3. Planning History

19/00403/FUL	Proposed single-storey rear extension, first floor gable extension to front, first floor extension above existing garage, replacement PVCu windows, replacement of garage door with window and replacement of large bedroom window to rear with new French doors and Juliet balcony.	Current
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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

HG9 Private Amenity Space

HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for a single storey rear extension, front and side first floor extensions and changes to the fenestration to include a Juliet balcony at the rear to a detached house located within the settlement development boundary of Elmstead.

Design and Appearance

The proposal at 13 Church Road will completely alter the appearance of the house as it is today. The house currently has no particular design credentials, built in the 1960's/70's with a large expanse of flat roof at ground floor level with dark weathered boarding to the first floor. A mix of housing types already exists along Church Road which includes bungalows, chalet bungalows and houses of differing sizes. The properties along this part of Church Road are set back and occupy large plots. The remodelling of 13 Church Road will create interest with a fresh new modern look and the new front gable taking its cue from the detached houses of 12 and 14 Church Road opposite. The flat roof will be replaced where it remains with a mono pitch of grey slate and will join seamlessly with the new single storey rear extension. The external walls will be finished with a combination of pale grey render and mid grey weather boarding. The gable roof tiles and those of the northern end first floor addition will match the existing roof. A new porch will be added to create a focal entrance. 13 Church Road is situated within a spacious plot that can accommodate this level of development.

The design and scale of the extensions and alterations would result in no material harm to visual amenity.

Impact upon Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case, the existing single storey flat roof element almost abuts the

northern side boundary shared with 15 Church Road with a distance of approximately 0.35 metres between the side of the house and the fence. A distance of 1.5 metres has been maintained from the proposed first floor northern side extension to the northern side boundary shared with 15 Church Road. A distance of 1 metre has been maintained between the front two storey gable proposal and the southern side boundary shared with 11 Church Road.

Due to its close proximity to the northern boundary and the orientation of the buildings of 13 and 15 Church Road the first floor proposal has the potential to result in loss of light to the property of 15 Church Road and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would intercept the side lounge windows of number 15. In elevation, the 45 degree would intercept the small west facing lounge window of the lounge extension of number 15, half of the side lounge window located on the original part of the house, as well as more than half of the stair window. The lounge of 15 Church Road is located on the southern side of the house with three windows facing south, one facing west, one east and double doors with side lights opening to the north. It is considered that the loss of light from the proposed 1.7 metre width first floor addition to the northern side is not so significant to justify refusing planning permission on these grounds.

A mono pitched roof to the existing single storey flat roof element and the proposed single storey rear extension adjacent to the northern shared boundary with 15 Church Road will slope away from the boundary ensuring there will be no significant impact caused in this respect.

The calculation specified in the Essex Design Guide has also been applied in relation to the potential loss of light to the property at 11 Church Road. The 45 degree in plan would intercept the side bedroom and bathroom windows however due to the separation distance between the properties the 45 degree in elevation would intercept just half of the same windows. It is considered that the loss of light in this case is not so significant to justify refusing planning permission on these grounds.

Changes to the fenestration and additional windows to the first floor will be created by the proposal. One new window on each side of the house will serve a bathroom and en suite and will therefore be obscure glazed. It is considered that no significant additional risk of overlooking or loss of privacy from the proposal will take place.

Over 250 square metres of private garden space remain following the construction of the proposal which is considered more than adequate.

The existing single integral garage does not meet the required standard as per the Essex County Council Parking Standards where the internal dimensions of a single garage should measure 7 metres x 3 metres therefore the conversion of the garage into habitable accommodation will not have a significant impact on the off road parking provision. A driveway in front of the house will provide for off road car parking for at least two cars and which meets the required standard where one space measures 5.5 metres x 2.9 metres.

Other Considerations

One letter of objection has been received following the submission of the original application which raises a concern regarding the adverse effect of the proposed development on daylight and sunlight to the property of 15 Church Road. The amendments that have since been made to the originally submitted planning application have overcome this concern and this has been addressed in the report.

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

- 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 Ref. PA-10D

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 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? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO