

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	29/07/2019
Planning Development Manager authorisation:	TF	30/07/2019
Admin checks / despatch completed	ER	30/7/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	W	30/7/19

Application: 19/00753/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Ms Abi Coates

Address: 40 Maltings Road Brightlingsea Colchester

Development: Proposed dormer window.

1. Town / Parish Council

Brightlingsea Town Council Supports application

2. Consultation Responses

n/a

3. Planning History

80/00708/FUL	Porch and two bedrooms in roof space	Approved	17.06.1980
18/01420/FUL	Proposed dormer extension to front elevation, conservatory to rear elevation, timber framed lean to and demolition and construction of new garage.		20.11.2018
19/00753/FUL	Proposed dormer window.	Current	

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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 dormer on the front roof slope of a semi-detached bungalow located within the settlement development boundary of Brightlingsea.

Design and Appearance

The main property is a semi-detached bungalow constructed of red brick with a concrete tile roof. The bungalow has been previously extended; a single storey flat roof extension at the rear and a large dormer on the rear roof slope with further additions approved under application 18/01420/FUL to replace the detached garage and add a lean to and conservatory. Semi-detached bungalows are characteristic of this part of Maltings Road. The application site has off road car parking in the form of hardstanding leading to the detached garage, with a grassed area in front of the bungalow and a back garden enclosed by fencing, mainly laid to lawn with large trees at the south eastern end.

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).

The proposed front dormer is considered to be of a poor design in an area of Maltings Road that is predominantly made up of low level semi-detached bungalows. In its current form, the existing bungalow is not prominent in the street scene. However the proposed works, notably the excessive width and bulk of the proposed dormer on the front roof slope along with the unusual shape of the dormer roof would be highly visible and would result in an incongruous form of development that would result in serious harm to the character of the area. Although the proposed materials will help the dormer take on the appearance of the main roof the large dormer window positioned highly within the roof slope, close to the ridge is considered poor in design terms and only exacerbates the over-dominance of the roof.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roofspace not gain extra headroom over any great width and they should not be located close to verges or hips.

Impact on Residential Amenity

Saved Policy QL11 of the adopted Tendring District Local Plan (2007) states that development should not have a materially damaging impact on the amenities of occupiers of nearby properties.

Due to the position of the proposed large dormer on the front roof slope there will be no loss of light, outlook or loss of privacy as a result of this addition to any of the neighbouring properties.

The proposals do not impact on the existing off road car parking provision and or the private amenity space to the rear of the property.

Other Considerations

Brightlingsea Town Council supports the application.

No other letters of representation have been received.

Conclusion

For the reasons set out above, the scale, size and position of the proposed dormer together with the design and appearance amounts to a form of development that is considered contrary to national and local policies being harmful to the character and appearance of the local area.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

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).

The National Planning Policy Framework 2019 (NPPF) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscaping setting. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roof space not gain extra headroom over any great width and they should not be located close to verges or hips.

The proposed front dormer is considered to be of a poor design in an area of Maltings Road that is strongly characterised by low level semi-detached bungalows with an absence of bulky front roof additions. In its current form, the existing bungalow is not prominent in the street scene. However the proposed works, notably the excessive width and bulk of the proposed dormer on the front roof slope along with the unusual shape of the dormer roof

would be highly visible and would result in an incongruous form of development that would result in serious harm to the character of the area. The large dormer window positioned highly within the roof slope, close to the ridge is considered poor in design terms and only exacerbates the over-dominance of the roof.

For the reasons set out above, the poor design and scale of the proposed dormer together with its over-dominant nature and siting on the front elevation will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity and the character of the area. The proposal is therefore contrary to the aims and aspirations of the afore-mentioned policies and guidance.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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