

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	24/07/2019
Planning Development Manager authorisation:	TF	08/08/2019
Admin checks / despatch completed	XNE SB	09/08/19 09/08/19

Application: 19/00732/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Michael Spencer

Address: 8 Turner Avenue Lawford Manningtree

Development: Proposed two storey extension.

1. Town / Parish Council

Lawford Parish Council

No objection to this application

2. Consultation Responses

N/A

3. Planning History

N/A

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
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application Site

The application site comprises of a detached chalet bungalow dwelling with front dormer window and adjacent driveway. The dwelling and its neighbours are accessed via a shared access off of Turner Avenue and are set back from this main highway. The rear elevation is publicly visible from the west in Turner Avenue and comprises of a rear conservatory and rear boundary wall.

Proposal

This application seeks planning permission for a two storey side extension.

Assessment

Design and Appearance

The proposal will be sited to the side and therefore publicly visible from the East and West of Turner Avenue.

The proposal is of a size and design which is appropriate to the main dwelling and will include features - such as the use of matching materials and a new front facing dormer window - which will match the existing..

The height of the proposal will match that of the existing house which will prevent it from forming an over-dominant feature as set against the existing dwelling.

The proposal will be 6.5m in height and within 1m of the boundary to the neighbouring property (to the north) and is therefore 'technically' contrary to Saved Policy HG14. However, the neighbouring dwelling (No. 6 Turner Avenue) has a detached single garage situated between the house and the application site and this ensures that adequate spacing is retained and a 'terracing affect' avoided. Accordingly, it is considered that the proposed extension will not appear cramped within the streetscene and overcomes concerns from saved Policy HG14.

Whilst visible from Turner Avenue the proposal will be set back from the main highway and as a result of its design consistencies with the main dwelling will not appear as a harmful or prominent feature within the area or to the existing dwelling.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

Highway Safety

The Essex County Council Parking Standards state that where a dwelling comprises of two or more bedrooms that 2 no. parking spaces should be retained at the site each measuring 5.5m by 2.9m.

The dwelling is set back with a frontage and adjacent driveway which is of a sufficient size to accommodate the parking of two vehicles in line with the aforementioned standards.

The proposal would therefore not result in a harmful impact in terms of highway safety.

Impact on Neighbours

The proposal will be to the north and will not result in a loss of residential amenities to the neighbouring properties to the south.

The proposal will include a new dormer window to the front which will outlook onto 14 Turner Avenue's front garden. However, as this neighbouring dwelling is already overlooked by the host and surrounding dwellings the loss of privacy in this instance would not warrant grounds for refusal of this application.

The proposal will not extend past the rear of No 6 Turner Avenue and would not have an impact to any of their rearward facing windows. This neighbour has two side windows (one at ground floor and one at first floor) which currently look onto their associated garage and the application dwelling. As a result of their existing siting these windows currently receive little light and outlook. This will be reduced further by the completion of the proposal however as these windows already receive little light and outlook it would be unreasonable to refuse planning permission on these grounds.

The proposal includes one rear facing window at first floor which will serve a bedroom and overlook into the 6 Turner Avenue's garden. As this application dwelling already overlooks into this neighbour's private amenity space and as this window will serve a bedroom it is considered that there would not be such a significant loss of privacy to this neighbour.

Other Considerations

Lawford Parish Council have no objections to the proposal.

One letter of representation has been received stating they are agreeable to the works subject to;

- a) Safeguarding the stability and condition of our adjacent garage walls, particularly during foundation construction.
- b) Inclusion of any necessary modifications to our rainwater drainage outlets and associated pipework which cross no 8 plot.

In response to the points raised these matters are considered a civil matter and therefore not a planning consideration. These matters can be dealt with through the Party Wall Act.

Conclusion

In the absence of material harm resulting from the proposed 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 plans; Drawing No 7004-02.

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 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.