

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	16/08/2019
Planning Development Manager authorisation:	TF	16/08/2019
Admin checks / despatch completed	SB	19/08/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	19/8/19

**Application:** 19/00828/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Mr Darren Hicks

**Address:** Saralie Mill Hill Mistley

**Development:** Erection of a front porch and a single garage to the side of house.

### 1. Town / Parish Council

Mrs Susan Clements At its Planning Committee Meeting on the 20th June 2019, the Parish Council recommended Approval.

### 2. Consultation Responses

N/A

### 3. Planning History

19/00472/TCA 1 No. Hawthorn - fell, 1 No. Cherry - fell, 1 No. Cordyline - fell, 1 No. Eucalyptus - fell, 1 No. Holly - fell, 1 No. Unknown shrub - fell, 1 No. Apple tree - fell. Approved 25.04.2019

19/00828/FUL Erection of a front porch and a single garage to the side of house. 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

HG14 Side Isolation

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Area

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 is within the development boundary of Manningtree and is situated within the conservation area. It serves a two storey detached dwelling constructed of brick with a tiled roof. The rear garden is laid to lawn with close barding fencing on the boundaries.

### **Proposal**

This application seeks planning permission for a single storey side garage and a front porch. The proposed garage will measure a maximum depth of 9.5m, 3.4m wide and will have a part pitched and part flat roof with a maximum height of 3.7m, the proposed porch will measure a maximum depth of 1.6m, 3m wide attaching to the proposed garage and will have a monopitched roof with a maximum height of 3.7m.

The proposed materials throughout the development will consist of brick with a tiled roof to match the host dwelling.

### **Assessment**

The main considerations of this application are the design and the impact upon residential amenity.

### Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### Design, Appearance and effect of Conservation area

The proposed porch and side extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling. The development will be visible from Mill Hill, although the development will be publicly visible it will not have any impact upon the street scene as it will be set back from the front boundary by 8.2m.

The proposed garage will be located 0.2m, from the shared boundary with 3 North View, Mill Hill. However, it is important to note that there is an existing garage in situ. Due to this, and the appropriate design the development will have no adverse impact upon the street scene. It will in fact have a positive impact as the proposed garage materials will match the host dwelling and the existing garage materials currently do not. Further, the proposed front porch is considered to add interest, and is proposed to carry on from the proposed garage.

The application site is located within the Mistley and Manningtree Conservation Area. The Conservation Area Appraisal does not specifically refer to the application site. A Heritage Statement has been submitted as part of this application, and the sentiments of the report echo what I state within my delegated report. Part of the report states that the "Proposed finishes are sympathetic to the existing dwelling and will not stand out from other dwellings in the vicinity."

Due to the design factors mentioned above, it is agreed that the development will not have a negative impact on the conservation area setting and will enhance the integrity of the site and the surrounding area.

### Impact on Residential Amenity

The side garage is a distance of 0.2m to the boundary of 3 North View, Mill Hill. It is important to note there is an existing single storey garage in situ, and therefore the proposal will not have any significant greater impact than this existing garage. Furthermore, although the garages maximum height is 3.7m this is only to the front of the garage where it is pitched, the rest of the garage is a flat roof and has a maximum height of 2.8m. As the proposal is for a single storey extension, there will be no significant loss of light or overlooking.

The proposed porch is a distance of 5.9m to the boundary of Terena Mill Hill and it is important to note that there is an existing porch in situ. The Shared boundary consists of trees which will also screen the porch from the neighbour. Therefore, there will be no impact to light or overlooking.

### Other Considerations

Mistley Parish Council recommends approval.  
No further letters of representation were received.

### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and 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 plans; drawing no. 224/PL/03, 224/PL/04 REV B and 224/PL/05.

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.

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>	<p>YES</p>	<p>NO</p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>	<p>YES</p>	<p>NO</p>