

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	27/08/2019
Planning Development Manager authorisation:	GN	27/8/19
Admin checks / despatch completed	ER	28/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KNE	28/08/19

Application: 19/01023/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr & Mrs Horne

Address: 8 School Lane Lawford Manningtree

Development: Proposed single storey rear extension.

1. Town / Parish Council

Lawford Parish Council No comments received

2. Consultation Responses

Not applicable

3. Planning History

92/01389/FUL Side and rear two storey extensions to increase living space Approved 09.03.1993

19/01023/FUL Proposed single storey rear extension. 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

Application Site

The application site comprises of a north facing semi-detached dwelling which is set back from the highway.

Proposal

This application seeks planning permission for the erection of a single storey rear extension.

Since receipt of the initial planning application the proposal has since been amended to incorporate a hipped roof which would reduce the level of light which is lost to the adjoining neighbour and allow the proposal to be in line with the sunlight/ daylight calculations specified within the Essex Design Guide.

Assessment

Design and Appearance

The proposal will be sited to the rear however due to the open spaces between houses will be visible from the streetscene.

The proposal will be set back sufficiently from the front of the site and would not appear as a prominent or harmful feature within School Lane.

The proposed extension is of a size and design which is appropriate to the main dwelling and will be finished in material which match the existing dwelling.

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

Impact on Neighbours

The proposal will be visible to the neighbouring properties and will result in an impact to their neighbouring amenities.

The proposal will not result in a loss of privacy to 10 School Lane as there are no new openings along this side elevation.

The proposal will result in a loss of light to this neighbour's ground floor window and as a result has been amended to incorporate a hipped roof design. The sunlight/daylight calculations specified within the Essex Design Guide have been applied to the proposal. The 45 degree line in plan would encompass the whole of this neighbour's rear elevation however in elevation the 45 degree line would only intercept the lower section of this window. The loss of light is therefore considered not so significant to refuse planning permission upon.

The proposal will extend past the neighbours rear elevation and will be visible over the existing fence. This neighbour has one window which will be adjacent to the proposal. This window is obscure glazed and therefore already receives little outlook. Whilst the proposal will result in additional loss of outlook to this neighbour as this window is already has limited views it would be unreasonable grounds to refuse planning permission on the loss of outlook.

The neighbour to the east known as 6 School Lane benefits from a rear extension set off of the shared boundary with the site.

Due to the orientation of the dwellings the sunlight/ daylight calculations from the Essex Design Guide have also been applied to this neighbour. The 45 degree line in elevation and plan would not intercept this neighbours rearward facing openings and would therefore not result in a significant loss of light to this neighbour.

The proposal does incorporate roof lights which will be positioned along the side elevation facing this neighbour. Whilst these will result in yjr potential of overlooking to the neighbour due to their positioning within the roof slope any views are likely to be limited and therefore the loss of privacy in this instance is not so significant to refuse planning permission upon. It is also noted that the host dwelling and neighbours are of a two storey design which already have clear views of the neighbours garden by way of existing first floor openings.

The side windows of this neighbours extension already look onto the existing outbuilding which is positioned along the neighbouring boundary of the site. Whilst the proposal will result in a loss of outlook to these windows as they already benefit receive little outlook it is considered the impact to this neighbour is not so significant to refuse planning permission upon in this case.

Other Considerations

Lawford Parish Council have no comments on the application.
No letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed 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 02 received on 22nd August 2019.

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.