

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	29/08/2019
Planning Development Manager authorisation:	GN	29/8/19
Admin checks / despatch completed	GN	29/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	GN	29/8/19

Application: 19/01019/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Daniel Anderson

Address: 18 Lucerne Road Elmstead Colchester

Development: Proposed two storey side extension with pitched roof and single storey rear extension with lean-to roof (following demolition of existing rear conservatory).

1. Town / Parish Council

Elmstead Market Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

19/01019/FUL Proposed two storey side extension with pitched roof and single storey rear extension with lean-to roof (following demolition of existing rear conservatory). 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is located to the west of Lucerne Road, inside the development boundary of Elmstead. It serves a semi detached two storey dwelling constructed of brick with white boarding on the front and rear elevation at first floor level, and a tile roof. It has an existing monopitch side projection and a rear conservatory. The front of the site has an open frontage with an area of hardstanding and gravel for parking of at least 2 no. cars. A plant border exists on the northern boundary with picket fences to both sides. The rear of the site includes a brick built garage, which cannot be accessed by a car due to the position of the existing side projection. The remainder of the rear garden has a combination of patio and lawn, with a shed and fencing on the boundaries.

Proposal

The application proposes a two storey side extension with pitched roof and single storey rear extension with lean-to roof following demolition of existing rear conservatory.

The side extension will serve a kitchen extension, utility and study at first floor. It measures 1.85m wide by 5.4m deep, with an eaves height of 4.9m and ridge height of 6.2m. It will be constructed using brickwork and roof tiles to match the existing dwelling.

The rear extension will provide an extension to the lounge and will measure 4.2m wide by 3.6m deep, with an eaves height of 2.6m and a maximum height of 3.6m. It will be constructed using cladding board and roof tiles to match the existing dwelling.

Assessment

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

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.

Saved Policy HG14 of the Tendring District Local Plan (2007) requires that extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance as well as to safeguard the amenities and aspect of adjoining properties. As a guideline a minimum distance of 1 metre will be sought.

Design

The proposed development is considered to be of a scale and nature appropriate to the site and surrounding area.

The rear extension is a modest addition that replaces an existing conservatory, albeit on a slightly larger footprint. The extension is considered to be of an acceptable design. It will not be publicly visible so will not have any adverse impact on the street scene. The use of cladding will match the style of the existing cladding at first floor level and the matching roof tiles will blend with the main dwelling.

The two storey side extension has a lower eave height and ridge height to the existing dwelling and maintains a similar pitch to the existing side gable of the main house, resulting in an addition that would appear subservient but well related to the existing dwelling. Furthermore, the use of brickwork and roof tiles to match the existing dwelling will help to blend the extension with the host dwelling.

The properties to the south of the site are set back from the front building line of the application site, and there will be views of the extension from various points in the street scene. However, the good design and the extensions position behind the existing single storey side projection result in a development that is not considered to have an adverse impact on the street scene. The extension will be 0.7m from the southern side boundary. This close proximity is contrary to Policy HG14, however, there is a separation distance between the extension and the neighbouring dwelling of approximately 3m, which will help to reduce any cramped appearance when viewed from the road, resulting in a development that is considered satisfactory in design terms.

Impact on Residential Amenity

The proposed rear extension is a modest addition with a low eaves height of 2.6m. No windows are proposed on either side elevation and the proposed roof lights will give views skywards. Furthermore, the close boarded fencing on the side boundaries will assist with reducing the impact of development. Having applied the 45 degree sunlight/daylight rule contained within the Essex Design Guide, there is not considered to be any significant adverse impact on loss of light for the attached neighbour and this aspect of the application is considered acceptable in terms of impact on residential amenity.

The two storey side extension will be located 0.7m from the side boundary shared with the neighbour to the south, which is the only neighbour that the side extension would directly affect. This neighbour has 2 no. side windows and a door that would face onto the extension; one window and the door are obscure glazed. The extension proposes first floor windows to the front and rear. Only a window and door at ground floor level is proposed on the side elevation. Due to the design of the extension, existing boundary treatments and the two first floor windows that already exist on the rear elevation, the overall development is not considered to cause increased issues of overlooking or loss of privacy.

Despite the side extension being contrary to Policy HG14, the design, orientation of the properties and the set back of the neighbour to the south are factors that result in the neighbouring amenities being safeguarded. The side extension would not cause a significant loss of sunlight/daylight to neighbouring property, nor adversely impact on the privacy and other residential amenities to a degree that would warrant the refusal of planning permission.

Other Considerations

No comments have been received by Elmstead Parish Council

No letters of representation have been received.

Parking arrangements at the site will be unaffected by the proposal.

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

- 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 No. SF/LA0419/02.

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.

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