

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	26/09/2019
Planning Development Manager authorisation:	TF	30/09/2019
Admin checks / despatch completed	SB	30/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	30/9/19

**Application:** 19/00983/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr and Mrs G Stacey

**Address:** 5 Bromley Road Elmstead Colchester

**Development:** Proposed two storey rear and side extension with alterations and solar panels to the rear.

**1. Town / Parish Council**

Elmstead Parish Council No Comments Received

**2. Consultation Responses**

Not applicable

**3. Planning History**

19/00983/FUL Proposed two storey rear and side extension with alterations and solar panels to the rear. 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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site comprises of a north facing two storey semi-detached dwelling. The dwelling is set back from the highway and has been altered before by way of single storey additions to the front, side and rear.

### **Proposal**

This application seeks planning permission for the erection of a two storey rear and side extension with free standing solar panels to the rear of the house.

Upon initial receipt of the proposal it was considered that the original scheme was too large and did not appear appropriately within the site. The design of the proposal incorporated a flat roof which did not match the overall design of the dwelling. Since then amended plans have been received amending the design to a hipped roof design (for the side and front section of the extension) and scaling back the proposal to allow it to be better inkeeping with the host dwelling.

### **Design and Appearance**

The area is characterised by a variety of two storey detached and semi detached dwellings. Sited to the west of the site are flats which are positioned further back on their plot making the side elevation of the host dwelling a noticeable feature within the streetscene which is further exacerbated by the angling of the road.

The proposal will be publicly visible when viewing the site. Whilst fairly prominent within the streetscene the proposal incorporates a hipped roof design which is similar to the existing house and will be set back from the highway to reduce its impact on the streetscene.

The hipped roof of the side extension will be set lower than the main dwelling with the extension itself being set back from the front wall of the main dwelling to reduce its impact on the streetscene.

The rear extension will comprise of a flat roof design which will be finished in boarding and have free standing solar panels on the roof. Whilst this design or the use of solar panels are not inkeeping with overall appearance of the host dwelling these elements will be sited to the rear and largely screened by the host dwelling which will prevent it from having a harmful impact to the overall appearance of the dwelling and area.

The front and side elevations will be finished in a light coloured render which will match the existing house.

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

### **Impact on Neighbours**

Sited to the east of the dwelling is "Poundfield House" which comprises of a number of flats which are set further back on their plots. The proposal will be visible to these neighbours however as they



are sited sufficiently away from the shared boundary and due to the neighbours positioning on their plots the proposal would not result in a significant loss of residential amenities to these neighbouring flats.

A new window is proposed along the side elevation which will face into the private amenity space of these neighbouring flats. This window is a high level window which would already have limited views however in order to safeguard the neighbouring occupants privacy a condition has been imposed to make this window obscure glazed.

The side extension will not be visible to the neighbour to the east however the first floor rear addition will be visible to this neighbour. The proposal will result in a loss of light to this neighbour and therefore the Sunlight/ Daylight calculations specified within the Essex Design Guide have been applied to the plans. The 45 degree line in elevation would encompass the neighbours rear opening however in plan would only just intercept this window. The loss of light is therefore not so significant to refuse planning permission upon.

The proposal will have a flat roof and will be sited 1m from the neighbouring boundary which will prevent the proposal from having such a significant loss of outlook to this neighbour to warrant refusing planning permission upon.

The existing house has a number of windows sited along its rear elevation at first floor level which currently have views into both neighbouring gardens. The proposal includes new windows at first floor which face the rear and will serve the bedrooms. As these properties are already overlooked by the host dwelling it is considered that these new windows would not result an additional loss to warrant the refusal of the application.

#### Highway Safety

The Essex County Council Parking Standards state that when a dwelling comprises of two or more bedrooms that two off street parking spaces should be made available at the site measuring 5.5m by 2.9m per space. The proposal will impact on the existing parking arrangement however as the dwelling and proposal are set back from the highway there is sufficient room to the front of the house to accommodate the parking of vehicles in line with the aforementioned standards.

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

#### Other Considerations

Elmstead Parish Council have not commented 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: 1902/886-103-3 Revision A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-



enacting that Order with or without modification), the windows to the first floor side elevation serving bedroom 5 and the bathroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

## **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.