

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	28/10/2019
Planning Development Manager authorisation:	TF	29/10/2019
Admin checks / despatch completed	CC	01/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RNE	01/11/19

Application: 19/01350/FUL

Town / Parish: Ardleigh Parish Council

Applicant: Mr Day

Address: Devon House Malting Farm Lane Ardleigh

Development: Construction of a front porch, orangery, services room and glazed extension with link to existing building (resubmission of approved application 17/01774/FUL).

1. Town / Parish Council

None received

2. Consultation Responses

Tree & Landscape Officer In order to show how the development proposal could be implemented without causing harm to the trees the applicant has now provided a detailed Tree Survey and Report that includes a Tree Constraints Plan (TCP).

The report has been completed in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations.

The report accurately shows condition of the trees and identifies those that are viable and those that should be removed regardless of the development proposal. It shows the extent of the constraint that the retained trees are on the development potential of the land.

It also describes the specialist construction techniques required to minimise harm to retained trees.

If the recommendations contained in the tree report are adhered to then the development of the land can take place without causing harm to the retained trees.

3. Planning History

01/01484/FUL	2 No. side extensions	Refused	11.10.2001
02/00292/FUL	Side extension (re-submission)	Approved	10.04.2002
92/00642/FUL	Erection of one detached dwelling [Amending planning permission TEN/1478/89]	Approved	15.07.1992

94/01192/FUL	Demolition of existing cottage and garage, erection of new house and garage (renewal of permission TEN/1478/89)	Approved	22.11.1994
95/00832/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Front extension and change of use of highway land to form part of residential curtilage	Approved	18.10.1995
96/00397/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Proposed extension to the side and rear of Devon Cottage to provide increased living accommodation and a new double garage (Detached)	Approved	28.05.1996
96/00589/FUL	(Devon Cottage, Malting Farm Lane, Ardleigh) Garden wall and timber gates (approx 1.8m high)	Approved	19.06.1996
98/01235/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Approved	27.10.1998
98/01640/FUL	Proposed demolition of existing dwelling and erection of new dwelling (Amended scheme)	Approved	20.01.1999
99/01011/FUL	Proposed demolition of existing dwelling and erection of new dwelling	Refused	01.09.1999
99/01640/FUL	Proposed land change of use from agricultural to residential and re-positioning of proposed dwelling	Approved	27.01.2000
03/01672/FUL	Extension to existing garage	Approved	10.10.2003
05/01010/FUL	Alterations and extensions to garage to form gym, games room, office and guest room	Approved	03.10.2005
89/01155/FUL	Demolition of existing cottage and erection of two dwellings	Refused	05.09.1989
89/01478/FUL	Demolition of existing cottage and garage erection of new house and garage	Approved	07.11.1989
17/01774/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building.	Approved	14.12.2017
18/01685/FUL	Change of use from equestrian to domestic garden.	Approved	03.12.2018

18/02026/FUL	Extension to existing outbuilding.	Approved	08.03.2019
19/00565/FUL	Extension to existing outbuilding.	Approved	29.07.2019
19/01181/NMA	Non material amendment for application 19/00565/FUL to include the addition of external bi fold doors and removal of side glazing.	Approved	03.10.2019
19/01350/FUL	Construction of a front porch, orangery, services room and glazed extension with link to existing building (resubmission of approved application 17/01774/FUL).	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
HG9 Private Amenity Space
HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design

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

Proposal

This application seeks permission for the erection of a front porch, a side extension to the eastern side of the house which will act as a services room, a side extension to the western side of the house with a link to the existing outbuilding and a rear extension to form an orangery to a detached house located within Ardleigh but outside of any settlement development boundary. A previous application, reference 17/01774/FUL was approved for a similar proposal.

Assessment

The design and appearance, impact on neighbouring properties, residential amenity and protected trees are the main considerations for this application.

Design and Appearance

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal clearly meets the criteria set out in Policy HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

Devon House is located at the end of the lane where no motor vehicles pass, however a public footpath runs along the eastern boundary and so the house is visible, mainly from the front through the boundary gates, being well screened from the side and rear by hedging and mature trees.

The porch, services room side extension and orangery are minor additions to the detached dwelling and sit easily in their proposed positions as well as being constructed of matching materials. The proposed western side extension and glazed link substantially increase the ground floor area however they relate well to the existing dwelling and perform a function which ensures that the buildings can associate and create a modern addition to the traditional style house. The octagonal design of the proposed living area is unusual, however the design befits the grandeur of the dwelling to ensure that the character of the existing house and the immediate area is not significantly harmed.

The proposals are contained within the immediate area surrounding the existing dwelling thereby ensuring that there will be no significant harm to the countryside views.

Impact upon Residential Amenity

The nearest property is that of Pyccotts, south of Devon House with a track leading to a field to the west dividing the boundaries of the properties. The additions to Devon House are sited north of the existing outbuilding which forms the garage and games room which also provides sufficient screening of the single storey proposals ensuring that there will be no significant impact to the neighbour at Pyccotts in terms of loss of privacy, loss of light or outlook.

The area currently used for car parking has not been affected and sufficient private amenity space remains following the construction of the proposal.

Tree Protection

Due to the close proximity of protected trees to the proposed extensions to the western side of the house, a Tree Survey, Tree Schedule and Tree Protection Plan have been submitted with the application. The Council's Tree and Landscape Officer has confirmed that adherence to these plans will ensure the development can take place without causing harm to the retained trees.

Other Considerations

No representations have been received

Conclusion

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 plans: Block Plan 1:500 Rev 00, Drawing Number 1.3 Rev B, Drawing Number 1.4 Rev B and Tree Protection Plan Ref: TCTC-08117-PL-03.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO