

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	13/11/2019
Planning Development Manager authorisation:	TF	14/11/2019
Admin checks / despatch completed	CC	14.11.2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	14/11/19

**Application:** 19/01403/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Mr & Mrs S Henry

**Address:** 109 Harwich Road Mistley Manningtree

**Development:** Single storey and first floor rear extensions with alterations including enclosing porch.

### 1. Town / Parish Council

Mistley Parish Council At the Parish Council's Planning Committee Meeting on the 3rd October 2019, the Parish Council recommended approval on this application.

### 2. Consultation Responses

N/A

### 3. Planning History

18/01068/FUL	Single and two storey extensions to the rear with alterations including enclosing porch.	Approved	24.08.2018
19/01403/FUL	Single storey and first floor rear extensions with alterations including enclosing porch.	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  
 HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries  
 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 north of Harwich Road, outside of the development boundary of Mistley. It serves a detached two storey dwelling, set within a large plot, constructed of red brick at ground floor, cream render at first floor and a tile roof. The front of the site consists of a gravel driveway with lawn area and the front boundary has a post and rail fence (being erected at the time of the site visit) with Laurel hedging planted within the boundary. A detached red brick double garage is located to the west of the dwelling. Access gates leading to the rear garden are located on both sides of the dwelling. The rear garden is predominantly grass with a patio adjacent to the property and a pathway leading to the back of the garden. Mature planting and fencing exists on the boundaries.

### **Proposal**

The application proposes a ground floor and first floor rear extension with alterations including enclosing the front porch. The ground floor extension will measure 3m deep by 4.6m wide with a flat roof with a height of 3.3m, and include the insertion of a glazed lantern. The materials will consist of smooth render panels, cladding and matching brickwork.

The first floor extension will measure 2.18m deep by 3.6m wide and will have an eaves height of 6m to match the existing dwelling and a ridge height of 7.7m. The proposed materials will be rough render and tiles to match the existing dwelling.

Enclosing the front porch will result in the porch having dimensions of 2.9m wide by 0.9m deep, whilst retaining the existing monopitch roof, which has a maximum height of 3.5m, with materials to blend with the existing dwelling.

The application is an amendment to an earlier application approved under reference 18/01068/FUL. The proposed porch remains as already approved. The rear extensions result in a smaller first floor addition. Plus, the ground floor extension will be reduced in width by 3.95m, but will be 0.6m deeper. The materials proposed on the rear additions are also altered from that already approved.

### **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.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, would not represent overdevelopment of the site.

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.

### Design

The proposed development is considered to be of a scale and nature appropriate to the site and the surrounding area. The proposed front porch does not alter from what is already approved, the use of materials are appropriate to the main dwelling and due to its set back from the road of over 12m this part of the development is considered to have a neutral impact upon the street scene.

The rear extensions are reduced in scale from the development that is already approved under reference 18/01068/FUL and the plot is considered large enough to accommodate development of this scale so would not represent overdevelopment of the site. The introduction of the second rear gable at first floor level adds a form of symmetry to the rear elevation of the dwelling. The design, matching eaves height and use of matching materials is considered to create a first floor extension that is well related and in proportion to the existing dwelling. The ground floor extension is a modest addition. The materials will add a modern, contemporary appearance to the rear of the dwelling, but with no views possible from the street scene this is considered acceptable in design terms.

### Impact on Residential Amenity

The proposed porch infill does not have any impact on the residential amenity of neighbouring property as the infill is located at the front of the dwelling and will not be in close proximity or visible from either neighbour.

The rear extensions will be located over 10m away from either side boundary. Due to the flat roof nature of the ground floor extension and proximity to the boundary the single storey extension is not considered to cause any adverse impact on the residential amenity or aspect of adjoining neighbours.

With regard the first floor extension, there are no windows proposed in the side elevations. Furthermore, the separation between the extension and the neighbouring boundaries and the existing planting and boundary treatments results in a development is not considered to cause any adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property and the development is considered acceptable in this regard.

### Other Considerations

Mistley Parish Council recommends approval on this application.

No letters of representation have been 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**

- 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 Number 1801/862-103 Revision B and Drawing Number 1801/862-102-2 Revision B.

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.

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