

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	27/11/2019
Planning Development Manager authorisation:	TF	29/11/2019
Admin checks / despatch completed	Kne	29/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	29/11/19

Application: 19/01493/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr A W Allum

Address: 32 Elmcroft Elmstead Colchester

Development: Proposed erection of single storey addition and alterations to existing conservatory.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

01/00590/FUL	Conservatory and shed	Approved	04.07.2001
91/00756/OUT	Residential development and open space (renewal of permission TEN/2017/87)	Approved	10.03.1992
94/00430/DETAIL	(Land off Holly Way, Elmstead Market) Erection of 25 dwellings and associated garages with 2.22 acres of public open space (submission of details following outline planning permission TEN/91/0756)	Approved	03.08.1994
94/01274/FUL	Variation to condition No. 3 of planning permission TEN/94/0430 to increase height of certain boundary fences to 1.8m with trellis over. Also inclusion of additional land within the garden to Plot No. 4.	Approved	14.12.1994
19/01061/HHPNO T	Proposed single storey rear extension.	Approved	
19/30136/PREAPP	Proposed conservatory to rear.		30.08.2019
19/01493/FUL	Proposed erection of single storey	Current	

addition and alterations to existing conservatory.

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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 a replacement roof to the existing conservatory, with alterations to its structure and a single storey rear extension to an existing detached bungalow located within the settlement development boundary of Elmstead.

Design and Appearance

The existing conservatory has a sloping roof which is below the height of the eaves of the original bungalow. The proposed new Guardian roof with a hipped form will replace the conservatory roof; the eaves will match the existing dwelling. The expanse of glass on all sides will be reduced by bricking up to enclose the existing conservatory and the opening double doors will be relocated to the rear. The proposed rear extension which is nearest to the western side boundary of the application site will have a similar hipped Guardian roof; will use matching bricks and UPVC fenestration. The existing structure and the proposed extension will not be visible from any public space, with just the roof section of each extension being visible to the immediate neighbours. The

low level design and scale of the extensions and alterations is acceptable in relation to the host property and would result in no material harm to visual amenity.

Impact upon Residential Amenity

The existing conservatory structure is a distance of 2.35 metres from the eastern side boundary, given the increase in height of only 0.50 metres there will be no significant impact to the neighbour situated on this side in terms of loss of light, privacy or outlook.

The proposed rear extension which is a distance of 0.45 metres from the western side boundary will have no significant impact in terms of loss of light, privacy or outlook due to the land situated at the western side of the application site being used to grow vegetables and for access to the back gardens of the bungalows on Holly Way.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 75 square metres of private amenity space for a two bedroomed property. The construction of the proposal would reduce the private amenity space to 62 square metres. Although the standard is not met the proposal creates an additional usable space which can be used throughout the year and allow the occupants to enjoy the garden from the new indoor space. The remaining garden space, although undersize is a practical shape and does not warrant a reason for refusal.

There will be no change to the off road parking provision.

Other Considerations

No letters of representation have been received.

Conclusion

In the absence of 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: Site Layout 1:500, Drawing Number: 1933/3 and 1933/4.

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