

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE     |
|---|----------|----------|
| File completed and officer recommendation:                  | NH       | 03/12/19 |
| Planning Development Manager authorisation:                 | AN       | 3/12/19  |
| Admin checks / despatch completed                           | CC       | 3.12.19  |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | EN       | 3/12/19  |

**Application:** 19/01494/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mrs Lynne Aungier

**Address:** Pear Tree Cottage Clacton Road Thorrington

**Development:** Proposed rear extension.

### 1. Town / Parish Council

Thorrington Parish  
Council

Have not commented on this application.

### 2. Consultation Responses

Not Applicable

### 3. Planning History

|                 |  |                |            |
|-----------------|--|----------------|------------|
| 04/01692/FUL    | Construction of new garden room.   | Approved       | 30.09.2004 |
| 04/01693/LBC    | Construction of new garden room.   | Approved       | 30.09.2004 |
| 13/00230/FUL    | Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).   | Approved       | 01.05.2013 |
| 13/00232/LBC    | Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).   | Approved       | 01.05.2013 |
| 13/00547/DISCON | Discharge of condition 2 (details of the gates, wall and hardstanding area), 3 (on site parking facility for construction workers) and 4 (wheel and underbody cleaning facility) of planning permission 13/00230/FUL - FOR INFORMATION ONLY. | Split decision | 04.12.2015 |
| 13/00548/DISCON | Discharge of condition 2 (details of all new windows) of listed building consent 13/00232/LBC - FOR  | Approved       | 15.10.2014 |



#### INFORMATION ONLY.

|              |   |          |            |
|--------------|---|----------|------------|
| 17/00497/FUL | Erection of single storey outbuilding.  | Approved | 02.06.2017 |
| 17/01525/LBC | To remove large windows from garden room and replace with smaller windows and rendered timber frame infill. | Approved | 03.11.2017 |

#### 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

EN22 Extensions or Alterations to a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

#### 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 refers to Pear Tree Cottage, a Grade II Listed Building located within the settlement development boundary of Thorrington.

### **Proposal**

This application seeks planning permission for the erection of a single storey rear extension measuring 4.7 metres in depth, 3.7 metres in width with an overall height of 3.5 metres.

### **Assessment**

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and heritage impact.

### **Design and Appearance**

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed extension is situated to the rear of the host dwelling and therefore it will not be visible to the street scene of Clacton Road. The proposal is single storey in nature with a hipped roof and a roof lantern. The materials proposed; red bricks as existing, plain tile roof tiles, oak doors are considered to be in keeping with the host dwelling. It is therefore considered that the design and appearance of the proposal is acceptable.

### **Impact upon Neighbours**

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed extension is located approximately 1 metre away from the neighbouring dwelling to the North West 'Sylvan' and approximately 14.5 metres away from the neighbouring dwelling to the south east 'Melita'. Due to the sufficient distance to neighbouring boundaries which complies with Policy HG9 of the Tendring District Local Plan 2007 as well as the single storey nature of the proposal, it is considered that the proposed extension will not cause any significant impact upon neighbouring amenities.

### **Heritage Assets (Listed Buildings)**

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than



substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The Councils Historic Environment consultant has been consulted on this application and has stated that there is no objection subject to conditions relating to the requirement for provision of samples of proposed brick and roof tile for agreement and the provision of proposed landscaping plan if surface treatments around the building are to change as a result of the extension.

It is therefore considered that the proposed works will not cause any harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

#### Other Considerations

Thorrington Parish Council have not commented on this application.

No letters of representation have been received.

#### 6. Recommendation

Approval - Full

#### 7. Conditions / Reasons for Refusal

- 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:

Site Plan - Scale 1:500 Scanned 04 October 2019,  
Proposed Rear Elevation - Scale 1:100 Scanned 04 October 2019  
Proposed Floor Plan - Scale 1:100 Scanned 04 October 2019  
Proposed Side Elevation (SE) - Scale 1:100 Scanned 04 October 2019  
Proposed Side Elevation (NW) - Scale 1:100 Scanned 04 October 2019  
Proposed Materials Plan Scanned - 27th November 2019  
Design and Access/Heritage Statement Scanned 04 October 2019

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.



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