

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	12/12/2019
Planning Development Manager authorisation:	TF	19/12/2019
Admin checks / despatch completed	CC	19/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>WNL</i>	19/12/19

Application: 19/01470/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Matthew Pratt and Miss Toni Spurgin

Address: The Old School House Clacton Road Horsley Cross

Development: Proposed two storey and single storey side extensions, single storey rear extension and detached garage.

1. Town / Parish Council

Mistley Parish Council

ORIGINAL PLANS

Whilst the Planning Committee of the Parish Council is not against the idea of a two-storey extension, the current proposals would mean the existing dwelling would be dwarfed by the proposal, as well as having a detrimental affect' on the streetscene, causing more of a terracing affect due to the massing at first floor level. This will not be helped by the proximity of the property to the main road. Further, the aesthetics on the streetscene are at best bland, and therefore, the finishes should be revisited to show a juxtaposition between old and new.

In summary, the Committee request that a reduction in area of half of the first floor extension is made with improved aesthetics to the streetscene elevation. This would be more acceptable and something that the Committee would support.

Mistley Parish Council

AMENDED PLANS

The Parish Council's Planning Committee at its Meeting on the 5th December 2019 the Parish Council was very disappointed that the LPA appears to have ignored the Parish Council's previous representations relating to 19/01470/OUT as follows: "The Parish Council is not against the idea of a two-storey extension, the current proposals would mean the existing dwelling would be dwarfed by the proposal, as well as having a detrimental affect' on the street scene, causing more of a terracing affect due to the massing at first floor level. This will not be helped by the proximity of the property to the main road. Further, the aesthetics on the street scene are at best bland, and therefore, the finishes should be revisited to show a juxtaposition between old and new.

In summary, the Committee request that a reduction in area of half of the first floor extension is made with improved aesthetics to the street scene elevation. This would be more acceptable and something that the Committee would support". The Committee in considering 19/01470/FUL makes the same comments and observations as under the Outline application and would wish to see the side extension front elevation halved in size.

2. Consultation Responses

N/A

3. Planning History

19/01470/FUL Proposed two storey and single storey side extensions, single storey rear extension and detached garage. 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

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 County Council Car Parking Standards - Design and Good Practice

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 west of the B1035 Clacton Road, outside the development boundary of Horsley Cross. It serves a detached two storey dwelling constructed of red brick with a slate roof. It includes a single storey pitched roof projection to the side of the dwelling, which serves a garage door on the rear elevation. The dwelling is located approximately 1.5m from the main road with a low fence dividing the dwelling from the grass verge and highway. To the side of the dwelling and in front of the side projection is a gravel driveway for parking. The rear of the site is a large area of land which is predominantly laid to lawn with various trees and shrubs planted within the site and a patio and pergola adjacent to the dwelling. Various styles of fencing divide the plot with the adjacent neighbours and the open countryside which is located to the rear of the site.

Proposal

The application proposes two storey and single storey side extensions, a single storey rear extension, a detached garage and the inclusion of a new tarmac drive.

The two storey and single storey side extension will be located on the footprint, and to the rear of, the existing side projection, and will include a two storey rear facing gable. It will measure 7.5m wide and 6.4m deep. The two storey element will have an eaves height of 5.5m and a maximum ridge height of 7.1m. The rear facing gable will have a lower ridge height of 6.9m. The single storey side extension will have a monopitch roof with eaves of 2.7 m and a maximum height of 3.4m. The single storey rear extension will replace the existing conservatory and will measure 3.3m wide by 3m deep with eaves of 2.7m and a maximum height of 4.1m. The materials will consist of matching brickwork plinth with a smooth render finish above and slate roof tiles to match the existing.

Amendments to this application have resulted in the window design on the front elevation matching the existing dwelling and the inclusion of brick detail around the windows to break up the dwelling and relate the extension to the main dwelling.

The detached garage will be located close to the northern site boundary. It will measure 6.1m wide by 6m deep with an eaves height of 2.5m and a ridge height of 4m. The materials will consist of stained softwood weatherboarding with a natural slate roof.

Representations

Mistley Parish Council has been consulted on this application in relation to the original and amended plans, and has raised concerns over:

- Scale of development would dwarf existing dwelling (see officer report)
- Detrimental to the street scene (see officer report)
- Terracing affect (see officer report)
- Bland aesthetics on front elevation (see officer report)

No letters of representation have been received.

Assessment

The main considerations of this application are the design, parking 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, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and would not represent overdevelopment of the site.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents.

Policy TR1a states that proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. Policy TR7 states that the adopted car parking standards will be applied.

Design

The proposed rear extension replaces an existing conservatory extension that is considered to be acceptable in design terms due to its modest nature. This part of the development will not be publicly visible.

The proposed side extensions to the dwelling are relatively large scale extensions when compared to the host dwelling. Notwithstanding this, the site is a significant sized plot that is considered large enough to accommodate a development of this scale without representing overdevelopment of the site. Whilst the front elevation of the side extension will be visible from the road it is set back from the front elevation of the existing dwelling by 3.2m and from the road by approximately 5.5m, plus the position on the bend of a B-road, with no footpaths for pedestrians to walk, will result in limited views of the development from passers-by. Furthermore, the extension will be located 6m (reducing to 4m) from the neighbour to the north east, known as Windrush, so the separation between the neighbour and the extensions, alongside the set back of the extension, will not result in a cramped appearance or any terracing affect occurring.

The fenestration on the front elevation of the extension that will be publicly visible and has been amended to match the windows on the existing dwelling, plus, the introduction of a brick feature around the windows are all elements that will allow the development to be well related to the original development. The use of render will contrast with the existing red brick and will show juxtaposition between existing and proposed. All of these aspects have been carefully considered and the development is not considered to have a significant adverse impact on the street scene.

Whilst the appearance and arrangement of the rear elevation of the extension is hotchpotch and not of any particular design merit this element of the proposal is not publicly visible and the poor design of this elevation alone is not significant enough to refuse planning permission.

Due to the scale of the extensions it is noted that the development could be large enough to result in the dwelling being subdivided in the future to create a separate unit of accommodation. To safeguard against the possibility of this happening without the necessary consent being applied for, a condition is imposed to ensure that the extension is ancillary to the main dwelling at all times.

The proposed garage will be located behind the rear boundary of Windrush and is considered to be of a scale and nature appropriate to the site and the surrounding area. The design of the garage to include a slate roof will match the host dwelling, and the use of weatherboarding is also considered acceptable in this location. It will not be publicly visible from the road resulting in no impact on the visual amenity of the area and is considered acceptable in design terms.

Parking

The extensions remove the internal garage from the main dwelling, but maintain the area of driveway to the front and side of the site. The new proposed garage located within the site includes the creation of a gravel drive located beyond entrance gates that are situated over 11m from the highway. The application also includes the introduction of tarmac in place of the gravel at the front of the site, and the agent has confirmed that the surface water discharge will be into a soakaway within the curtilage of the site.

Whilst the proposed double garage is below the standards required for a double garage there is still adequate parking for at least two cars available within the site in line with current Parking Standards. Parking and manoeuvring onto the site at present could cause hazards and inconvenience to traffic on the highway, and the existing gravel surfacing could result in unbound materials being placed onto the highway. The new arrangement at the site is considered to improve highway safety and is considered acceptable in relation to parking.

Impact on Residential Amenity

The proposed two storey side extension is located 6m (reducing to 4m) from the neighbour to the north east, known as Windrush. The single storey rear extension is located 7m from the neighbour to the south, known as Rowan. The two storey extension is located over 10m from this neighbour.

No windows are proposed in side elevation of the extension facing Windrush. A first floor window in the side elevation facing Rowan is proposed to serve a secondary window to the master bedroom. This window has been annotated on the drawings to be obscure glazed to avoid any possible overlooking or loss of privacy to neighbours. A condition is imposed to ensure that the obscure glazing is permanently retained in the interests of the amenities of neighbouring property. The proposed roof lights do not cause concern as they will give views skywards.

The 45 degree rule contained within the Essex Design Guide has been applied to this development and due to the separation between the development and neighbouring property and due to the orientation of the plots the development is not considered to cause any significant adverse impact on the daylight or sunlight currently enjoyed by neighbouring property.

The garage will be located 2m from the northern boundary and 6m from the boundary with Windrush. Due to the single storey nature of development, modest eaves height and distance from the boundaries the development is not considered to cause a significant adverse impact on neighbours.

Overall, the proposed development will not cause any significant adverse impact on the daylight, privacy and other amenities currently enjoyed by neighbouring property.

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 No. 23-2019-03P, Drawing No. 23-2019-04PA, Drawing No. 23-2019-05PA and Drawing No. 23-2019-06PA.

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

- 3 The extensions hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old School House, Clacton Road, Horsley Cross, Manningtree, Essex, CO11 2NT.

Reason - The site is unsuitable for an independent residential unit.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor window on the south side elevation serving the master bedroom 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.

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