

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	20/12/2019
Planning Development Manager authorisation:	TF	23/12/19
Admin checks / despatch completed	CC	23/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	23/12/19

Application: 19/01630/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr and Mrs A Smith

Address: 16 Barley Close Mistley Manningtree

Development: Erection of single storey rear extension.

1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 7th November 2019,
the Parish Council recommended approval of this proposal.

2. Consultation Responses

n/a

3. Planning History

02/00201/OUT	Residential development and conversion of Maltings 3 and 4	Approved	19.09.2003
03/01896/DETAIL	Erection of 27 dwellings with associated garages and access road	Approved	19.02.2004
12/00409/TCA	2 No. Eucalyptus - fell	Approved	08.05.2012
19/01543/HHPNO T	Proposed single storey rear extension, 4 m deep and 3.9 m high.	Approved	
19/01630/FUL	Erection of single storey rear extension.	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

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
PPL8 Conservation Areas
PPL3 The Rural Landscape

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application seeks permission for a single storey rear extension at 16 Barley Close which is situated within the development boundary of Mistley, within the area proposed as an Extension to Suffolk Coast and Heaths Area of Outstanding Natural Beauty and within the Mistley and Manningtree Conservation Area.

Design and Appearance and Heritage

The proposed extension will be sited on the south eastern rear corner of the existing dwelling. The proposal will be the only single storey element which uses traditional materials of render over a brick plinth, plain tiles and painted timber windows and doors that match the existing house. The extension takes on the traditional form of a pitched roof that has three south facing roof lights. The position of the extension means that it will not be visible from Barley Close; however the top of the pitched roof will be visible from the rear which is a parking area for the residential properties of California Road. Due to the low level nature of the proposal there will be no significant impact to the character of the existing dwelling or immediate area.

16 Barley Close is in the area proposed as an Extension to Suffolk Coasts and Heaths Area of Outstanding Natural Beauty. The existing AONB is a landscape rich in history but largely spared from modern development. The proposal to increase the area seeks to protect the natural beauty of the landscape within this area and views towards it. Due to the low level nature of the extension to 16 Barley Close in an already densely built up area of Mistley, there will be no significant impact to the area proposed as an extension to the AONB.

The application site lies within the Mistley and Manningtree Conservation Area and close to the listed building of Free Rodwell House. 16 Barley Close is one of the houses on this particular

development that is the furthest away from the listed building. The Conservation area makes reference to the modern development of housing as follows: "*Beyond is the School Lane Maltings owned by Mersea Homes, and a prominent feature both of School Lane and the housing developments to the east*".

A heritage statement has been submitted to support the planning application which states "*The extension itself will be totally in keeping with the existent development, is diminutive and unobtrusive, and as such will not create harm to the setting of the conservation area, the nearby listed buildings, or other buildings of interest*". The design of the extension is considered to be of a scale and nature that is appropriate to the locality and will not cause any significant harm to the conservation area or nearby listed building.

Impact upon Residential Amenity

The area immediately east of the application site is a private driveway and parking area for the dwellings of California Road which will not be impacted by the proposal. The recent development of Rosewood Park lies to the south of the application site; however the mature trees and hedging on this development which offer a divide to the back gardens of these properties are also offered protection via a Tree Preservation Order and therefore there will be no significant impact to the neighbours of Rosewood Park. Due to the position of the extension to the south, the immediate neighbour to the north in Barley Close will not be significantly impacted in terms of loss of light, privacy or overlooking.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a three bedroomed property. Following construction of the proposal more than 100 square metres of private amenity space is retained. There will be no change to the off road car parking provision at the property due to the position of the extension to the rear of the existing house.

Other Considerations

Mistley Parish Council recommend approval of the application.

No further letters of representation 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: Dwg No: 2, Dwg No: 20 and Dwg No: 21 Rev A.

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