

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	23/12/2019
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:** 19/01674/FUL **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mr and Mrs Mason

**Address:** Karwin Weeley Road Aingers Green

**Development:** Proposed first floor rear extension (Variation to design approved under 18/01461/FUL).

### 1. Town / Parish Council

Great Bentley Parish Council      On 5th December 2019, Great Bentley Parish Council Planning Committee resolved to make no comment

### 2. Consultation Responses

n/a

### 3. Planning History

18/01461/FUL      Proposed first floor rear extension.      Approved      26.10.2018

19/01674/FUL      Proposed first floor rear extension      Current  
(Variation to design approved under 18/01461/FUL).

### 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  
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies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**

### Proposal

This application seeks permission for a first floor rear extension with differing materials to that approved under application 18/01461/FUL. The application site is located within the settlement development boundary of Aingers Green.

### Design and Appearance

The first floor rear extension will use the footprint of the existing single storey extension. The existing house is a chalet style with dormers on the front roof slope and a low eaves height. The proposed first floor extension will have an increased eaves height of 4.6 metres; however the ridge height of 6.8 metres will be lower than the existing ridge level. Matching roof tiles will finish the extension roof while a contrasting 'heathered moss' coloured Hardieplank will be used on the external walls. Although the Hardieplank does not match any of the existing dwellings features, due to its position at the rear it will not be a prominent feature of the street scene and will only be glimpsed between the existing buildings.

The design and scale of the extension is acceptable in relation to the host property and would result in no material harm to visual amenity.

### Impact upon Residential Amenity

The proposed extension will be sited 0.6m from the boundary to the west shared with Pandora and 4.5m from the boundary to the east shared with Bramhall. There are no side facing windows on the first floor proposal. One window will face northwards towards the back garden. This window serves a bedroom. Due to the orientation of the properties, the single garage belonging to the host dwelling located on the eastern boundary and the distance of the proposal from the eastern boundary there will be no significant impact to the neighbour at Bramhall in respect of loss of light, loss of privacy or outlook.

Due to the close proximity to the western boundary the proposal has the potential to result in a loss of light to the neighbour at Pandora and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would not intercept any windows on the rear elevation of Pandora and in elevation it would intercept less than half of the rear conservatory at Pandora. It is therefore considered that the loss of light is not so significant to justify refusing planning permission.

The proposal is within 1m of the boundary of Pandora and over 4m in the height which therefore is contrary to Saved Policy HG14 of the Adopted Local Plan 2007 which requires development to retain appropriate open space between the dwelling and the side boundaries of the plot to ensure development is appropriate in its setting and does not create a cramped appearance or harm to neighbouring amenities. The aforementioned report identifies the level of impact which the proposal would have on the neighbours and concludes that this level of impact in this instance would not be so significant to justify refusing planning permission.

There will be no change to the off road parking provision at the front of the property and at least 100 square metres of private garden space remains.

Other Considerations

Great Bentley Parish Council resolved not to comment.  
No further 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 carried out in accordance with the following approved plan: Drawing No. KAG/2A

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.

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