

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for a new roof to form loft conversion.

Amended plans have since been received with changes to the overall roof height and design to address concerns raised from ECC Heritage in terms of impact on the Conservation Area setting.

71 Hurst Green is a semi-detached dwelling of which 72 is a part. 72 Hurst Green have also submitted an application with the same proposal, which will be implemented together.

Application Site

The site is located to the south of Hurst Green, within the development boundary for Brightlingsea. The site is located within the Brightlingsea Conservation area. Hurst Green serves a triangular Common mainly characterised by two storey dwellings of differing designs. The application site serves a semi-detached two-storey dwelling constructed from brickwork and pebble dash render with a hipped roof. The front of the site is paved with a low wall around the site boundary and some shrubbery. The rear of the site is laid to lawn with a decking area and shrubbery.

Assessment

Design, Appearance and impact on the Conservation Area

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 new roof form will extend the overall height of the roof by approximately 0.8m. The roof is proposed to remain hipped and will be constructed with roof slates to match those of the original dwelling. This height and design is considered in keeping with the surrounding area, the proposed roof height will be in line with the neighbouring properties and is therefore deemed to cause no adverse effects to the visual amenities and setting within the Conservation Area.

The proposal also includes a dormer located to the rear of the dwelling. This dormer will be constructed with a flat roof and the exterior walls will be of fiber cement cladding, it will measure approximately 3m deep, 3.8m wide and have an overall height of 2.5m. The use of cladding is contrasting to the existing dwelling, however as the dormer is located to the rear of the property it is not visible from the existing streetscene, cladding is also visible on other dwellings within the Hurst Green area. The dormers are therefore considered to cause no adverse effect on the visual amenities of the area and are not detrimental to the Conservation Area.

Impact to Neighbouring Amenities

The NPPF, 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 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 proposal creates no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Heritage Impact

The site is located within the Brightlingsea Conservation Area. Due to the fact that the increase of the roof height, as amended, will make the roof level to those of the neighbouring properties and given it is now proposed to retain the hipped ended roof form the design is not considered out-of-keeping within the existing streetscene and would not have an adverse impact on the Conservation Area and meets the requirements of saved policy EN17.

Other considerations

Essex County Council Heritage (Place Services) were consulted in regards to this application and had no objection to the amended plans.

Brightlingsea Town Council have no objection to the proposal.

No other letters of consideration have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above and in the absence of material harm resulting from the proposal the application is recommended for approval.

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; Drawing No. PO1, Drawing No. PO1c, Drawing No. PO3.

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

- 3 The development hereby permitted shall only be implemented concurrently with planning approval ref. 19/01796/FUL for 72 Hurst Green Brightlingsea, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of visual amenity, the quality of the development and to ensure that the development respects its setting within a Conservation Area.

- 4 Prior to the commencement of any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of the development have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason – The development is publicly visible and therefore sympathetic materials are a visually essential requirement particularly given its setting within a Conservation Area.

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