

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	05/03/2020
Planning Development Manager authorisation:	TF	06/03/2020
Admin checks / despatch completed	CC	06/03/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WNE	06/03/2020

**Application:** 18/01555/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs Wayne & Pamela Goodison

**Address:** Glenryck Dead Lane Ardleigh

**Development:** Two storey extension and porch to existing dwelling.

### 1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council strongly objects to this planning application. The application would change an in-keeping moderate bungalow in a road with mainly bungalows into a multi roomed 2 storey property. This isn't an extension but a complete re-development (and overdevelopment) of the site, removing the existing bungalow and significantly increases the dwelling size. It is noted that a planning application on this site was previously refused on the basis on increase in size/scale.

This property sits outside the village settlement development boundary and as such should be refused as Ardleigh does not need further large detached dwellings.

The style of this property rebuild is not in-keeping with the Village Design Statement which aims to keep redevelopment in a style that complements the Ardleigh Village.

There are two factors with this proposal that make it unacceptable. The first is the fact that an additional storey would be added and the visibility from the new build upper storey (balcony and windows) would look directly into the garden, patio, kitchen, bedroom and lounge of the neighbouring property - Kinnoull, thus removing the current privacy enjoyed.

The second factor is the window aspect of the new building is left and right on the plot, rather than the traditional facing front and back. Again it is this unusual aspect that would create privacy issues for neighbouring properties.

### 2. Consultation Responses

Tree & Landscape Officer

There are no trees or other significant vegetation on the application site other than the hedge situated on the boundary with the highway..

The Silver Birch shown on the existing site layout plan has been removed. The existing boundary hedge will provide a reasonable level of screening

### 3. Planning History

06/00250/FUL	One and a half storey extension and alterations to existing dwelling	Refused	11.04.2006
18/01555/FUL	Two storey extension and porch to existing dwelling.	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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

#### 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 two storey and single storey extension to an existing single storey residence with a new detached garage located in Dead Lane, Ardleigh which lies outside of any settlement development boundary.

### Background

The originally submitted proposal was unacceptable due to its size, scale and design, the way it was orientated on the application site, close proximity to the boundaries and its overbearing and dominant nature. It also gave rise to concerns of overlooking and loss of privacy to neighbouring properties. Eighteen objections were received to the originally submitted proposal which raised matters relating to the above mentioned concerns as well as relating to lack of natural screening along the boundary with Kinnoull, overshadowing toward the curtilage of Fieldside and impact to light to Fieldside kitchen and family room as well as the fenestration not conforming to building or fire regulations. Ardleigh Parish Council also objected to the originally submitted proposal, citing similar issues to those above, in addition that the proposal does not accord with the Village Design Statement.

### Design and Appearance

The revised proposal will ensure that the residential property holds its position on the north eastern side of the application site albeit with an increased footprint. The two storey element of the property will face Dead Lane with a smaller element adjacent to the north eastern boundary and a single storey element to the rear of that. A new double garage will take the place of the existing single garage on the south western boundary of the application site. The render finish and slate roofing are features that are being taken forward in the design of the proposal with slates also evident on the roof of the neighbouring property of Fieldside, the original farm dwelling associated with the application site. The two storey element measures a maximum of 6.6 metres in height to the ridge, 2.6 metres higher than the existing dwelling with low level eaves of 2.2 metres, only 0.10 metre higher than then the existing dwelling. The symmetrical design of the front elevation, with central porch entrance facing Dead Lane takes the form of a cottage which suits the rural location of the application site. This northern section of Dead Lane has a cluster of dwellings around the junction with Dedham Road which are low level cottages and bungalows. This theme follows south with the low level cottage of Fieldside and the bungalow of Kinnoull located either side of Glenryck. The dormers are consistent with the advice given in the Essex Design Guide (2005) which offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roof space not gain extra headroom over any great width and they should not be located close to verges or hips. The detached garage will use the same materials as the proposed alterations to the dwelling to ensure the two tie together.

The front boundary of Glenryck is currently defined by a 1.8 metre fence, however there is a row of immature laurel plants behind the fencing which will provide an aesthetically pleasing aspect when the fencing is removed and the plants have matured. Laurel plants are a fast growing species which will create a full hedge along the front boundary. An existing mature privet hedge already exists along the north eastern and north western boundaries, this will be retained. A 1.8 metre high fence exists along the south western boundary with some mature shrubs and fruit trees which will also be retained and offer a degree of screening to the neighbouring property.

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy the general criteria set out in Policies QL9 and QL10 and, in addition, that it is of a size, scale and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting. Although the proposal will be more conspicuous than the existing dwelling, it will occupy the same position on the plot and maintains the low eaves evident on the existing dwelling. The cottage style design maintains the rural character of the lane.

### Impact upon Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its

setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case a distance of 1 metre has been maintained between Glenryck and the north eastern side boundary shared with Fieldside. A distance of 1 metre from the detached garage and a distance of 12.5 metres from the dwelling to the south western side boundary shared with Kinnoull exists.

There will be no significant impact to the neighbouring property of Fieldside in terms of loss of light, loss of privacy or overlooking. The distance from the application site to the dwelling of Fieldside is 11 metres. The rear facing bedroom dormer window will be obscured glazed with restricted opening which will be secured by condition. The three first roof light windows on the north east roof slope and the one on the north west roof slope serve a bedroom, stairwell and en suite bathroom. The spaces are not considered to be occupied during the day.

There will be no significant impact to the neighbouring property of Kinnoull in terms of loss of light, loss of privacy or overlooking. The distance from the application site to the dwelling of Kinnoull is 24 metres and the distance between dwellings is 36.5 metres. The Essex Design Guide recommends a minimum spacing of 25 metres between properties where habitable rooms face each other. In addition, the two first floor south west side facing windows will be obscured glazed with restricted opening which will be secured by condition. The new garage offers a degree of separation between the properties of Kinnoull and Glenryck, as well as the existing fencing and partial screening by fruit trees. Further planting on this boundary is not considered necessary given the mitigation already in place.

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 property with three or more bedrooms. The existing bungalow has two bedrooms and the proposal will provide three bedrooms with an annex bedroom at ground floor. The private amenity space following the construction of the proposal will be 120 square metres which meets the required standard.

Although the new double garage does not comply with parking standards for a double garage at least one car could park inside and there is space on the driveway for parking for an additional vehicle. There is also sufficient space on the proposed driveway for vehicle turning to ensure that motor vehicles can leave the application site in a forward gear.

#### Other Considerations

The Tree and Landscape Officer has commented that there is not significant vegetation on the application site and that the existing boundary hedge will provide a reasonable level of screening.

Five letters of objection have been received pertaining to the amended proposals and they raise the following concerns:

- There are still windows facing Kinnoull
- Request for additional planting particularly on the south western boundary
- Overlooking and loss of privacy
- Overdevelopment of the site

These concerns have been addressed in the report.

No other 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 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: Drawing No's. 12-2018-02PA, 12-2018-03PA, 12-2018-04PA and 12-2018-05PA all received on 2nd December 2019 and 12-2018-07PB received on 13th December 2019.

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

- 3 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 windows on the south west elevations, serving bedrooms 2 and 3, and the first floor window on the north west elevation serving bedroom 2 shall be obscure glazed with 30 degree restrictive opening hinges 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.

- 4 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwelling or the roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-rural landscape and in the interests of visual amenity.

**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.

<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>