

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SOB	27/03/2020
Planning Development Manager authorisation:	TF	27/03/2020
Admin checks / despatch completed	SB	30/03/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	30/03/2020

**Application:** 20/00143/FUL **Town / Parish:** Mistley Parish Council  
**Applicant:** Mr Mark & Mrs Denise Lawry  
**Address:** 42 Barley Close Mistley Manningtree  
**Development:** Proposed single storey side extension and demolition of existing kitchen.

### 1. Town / Parish Council

Mistley Parish Council      Recommend approval.  
06.03.2020

### 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
08/00870/FUL	Erection of first floor side and single storey rear extensions.	Approved	31.07.2008
18/02036/FUL	Proposed single storey side extension following demolition of existing kitchen.	Approved	04.02.2019
20/00143/FUL	Proposed single storey side extension and demolition of existing kitchen.	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
- EN17 Conservation Areas
- HG14 Side Isolation

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Site Description**

The application site is located to the east of Barley Close, a modern cul de sac development and is accessed via a shared drive off of the main highway. It is located within the Mistley and Manningtree Conservation Area, and in an Area of Outstanding Natural Beauty.

The site serves a linked detached two storey dwelling with integral garage, constructed of render with a red brick plinth, red brick side extension and boarding on the rear elevation and a tile roof. The property fronts the paved shared access and parking area with a side access to the rear garden which is laid to lawn with a patio area, with flower beds and fencing around the boundary.

## **Proposal**

The application proposes a single storey side extension and demolition of existing kitchen, to create an enlarged kitchen. The extension measures 4m wide by 6.5m deep with an eaves height of 2.5m and a ridge height of 4.1m. It will be constructed of red brick and roof tiles to match the existing dwelling.

## **Assessment**

The main considerations of this application are the design, impact on the Conservation Area 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 HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

## **Design and Impact on Conservation Area**

The proposed extension is considered to be of a scale and nature appropriate to the site and the surrounding area. A single storey extension was previously approved under reference 18/02036/FUL but was never built and prior to this a two storey side extension was previously approved at the site under reference 08/00870/FUL, but was also never built.

The extension will replace an existing extension of a similar design. It will be built up to the boundary with the neighbour to the east and will remove the existing side access available at the side of the property. The extension will be stepped in from the front elevation and is much lower than the existing dwelling, making it appear as a subservient addition. The neighbour to the east has a side access which will continue the separation between plots, so the development will not result in a cramped appearance when viewed on approach from the east and west. The use of materials to match the extension being replaced and the existing red brick plinth of the main dwelling will make the development blend with the host dwelling. The development is not considered to have any adverse impact on the street scene.

The application site is located within the Mistley and Manningtree Conservation Area. The Conservation Area Appraisal does not specifically refer to the application site, although the application site is located within the "housing development to the east" of "the School Lane Maltings owned by Mersea Homes". The Conservation Management Plan for the area does not refer to the dwelling as a 'positive building'. A Heritage Statement has been submitted as part of this application, and refers to the development as not having "an extremely negligible impact on the conservation area in Mistley".

Due to the design factors mentioned above, it is agreed that the development will not have a negative impact on the conservation area setting and will preserve the integrity of the site and the surrounding area.

## **Impact on Residential Amenity**

The proposed extension does not propose any windows in the side elevation and there are no windows on the side gable of the neighbour to the east, which is the only neighbour likely to be affected by the proposal. Plus, the extension is single storey with a tall boundary treatment dividing the plots. The only openings proposed are doors to the rear elevation and roof lights on the roof slope facing into the rear garden of the application site. Therefore, there is no concern regarding loss of privacy or overlooking to this neighbour.

The extension only extends 1.2m deeper into the rear garden and due to the low eaves height and the orientation of the properties, having south facing gardens, the development is not considered to cause any issues regarding loss of sunlight/daylight for this neighbour. Overall, the development is not considered to cause any significant adverse impact on the residential amenity of neighbours.

## **Other Considerations**

Parking at the site will not be affected by the proposal.

Mistley Parish Council makes no comments on this application.

No letters of representation 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 any material harm resulting from the development, 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 plans received: Drawing No. 67-2018-03PA and 67-2018-04PA.

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.

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