

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                                               | INITIALS | DATE       |
|-------------------------------------------------------------|----------|------------|
| File completed and officer recommendation:                  | AP       | 25/03/2020 |
| Planning Development Manager authorisation:                 | TF       | 27/03/2020 |
| Admin checks / despatch completed                           | SB       | 27/03/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | PW       | 27/03/2020 |

**Application:** 20/00129/FUL **Town / Parish:** Great Bromley Parish Council  
**Applicant:** Mary Fawcett  
**Address:** Oak Lodge Hall Road Great Bromley  
**Development:** Proposed two storey side extension with alterations over existing utility.

### **1. Town / Parish Council**

Great Bromley Parish Council  
15.03.2020

No objection to the application.

### **2. Consultation Responses**

Tree & Landscape Officer  
20.02.2020

There is a mature Oak situated on the grassed verge to the north west of the existing dwelling that is afforded formal legal protection by Tendring District Council Tree Preservation Order 92/23/TPO.

In order to show that the development proposal could be implemented without causing harm to the protected tree the applicant has provided details of the extent of the Root Protection Area (RPA) of the tree and the position of the fence that will be erected to protect tree roots for the duration of the construction phase of any development for which planning permission that may be granted. This information is in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

The supporting information submitted with the planning application is sufficient to demonstrate that the development proposal can be implemented without causing harm to the protected Oak

### **3. Planning History**

|              |                                                                                                                |          |            |
|--------------|----------------------------------------------------------------------------------------------------------------|----------|------------|
| 91/01033/OUT | Residential development on site of existing farm buildings.                                                    | Refused  | 05.11.1991 |
| 94/00103/FUL | (Brook Farm, Gt Bromley) Erection of 5 detached dwellings with integral garages                                | Approved | 28.06.1994 |
| 95/00109/FUL | (Brook Farm, Great Bromley) Variation to design of dwelling to plot 5 as approved under permission TEN/94/0103 | Approved | 10.03.1995 |

|              |                                                                                                           |          |            |
|--------------|-----------------------------------------------------------------------------------------------------------|----------|------------|
| 95/00713/FUL | (Plot 2, Brook Farm, Great Bromley) Variation to design of dwelling approved under permission TEN/94/0103 | Approved | 20.07.1995 |
| 90/00393/OUT | Residential development on site of existing farm buildings.                                               | Refused  | 16.10.1990 |
| 20/00129/FUL | Proposed two storey side extension with alterations over existing utility.                                | 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

HG14 Side Isolation

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

SPL3 Sustainable Design

#### **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 the erection of a two storey side extension with first floor balcony to a detached house located within settlement development boundary 2 of Great Bromley.

## Design and Appearance

The proposed two storey side extension will replace the existing utility room and will be sited on the north western elevation of the main two storey section of the existing dwelling, set back from Hall Road. The extension will be visible from Hall Road and the public footpath which runs to the west of the property, however, it is a minor addition to the large detached dwelling and will therefore be comfortably situated on this application site. The extension will be finished in red brickwork taking its cue from the existing utility room, it will re-use the same roof tiles that will be removed from the utility room and a glass balustrade will finish the balcony ensuring that there is no significant impact to the character of the existing dwelling. Oak Lodge is one of five dwellings built in a close off Hall Road in the 1990's. The style and materials of the dwellings complement each other and the proposal will not have a significant impact on the character of the immediate area.

The design and scale of the extension would result in no material harm to visual amenity.

## Impact upon Residential Amenity

The only neighbour is that of Brook Tye to the south east of the application site ensuring there will be no significant impact to this neighbour in terms of loss of light, privacy or outlook. The extension including the balcony does not project beyond the rear elevation of the existing dwelling to prevent overlooking into the garden of the neighbour. The proposed extension maintains a distance of 10 metres to the north western side boundary.

The area currently used for car parking has not been affected and sufficient private amenity space remains following the construction of the proposal.

## Tree Protection

Due to the close proximity of the protected Oak tree to the proposed extension a Tree Survey and Protection Plan have been submitted with the application. The Council's Tree and Landscape Officer has confirmed that adherence to these plans will ensure the development can take place without causing harm to the protected Oak tree.

## Other Considerations

No representations 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: Drawing Number 1905/897-02-3 Revision A and 1905/897-04-3 Revision 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.

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