

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | JD | 13/05/2020 |
| Planning Development Manager authorisation: | TF | 13/05/2020 |
| Admin checks / despatch completed | CC | 13/05/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | PW | 13/05/20 |

Application: 20/00428/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr & Mrs Shave

Address: Tye Cottage The Tye Road Great Bentley

Development: Proposed alterations and extensions - variation to 19/01332/FUL - balcony and doors moved to side elevation, rear balcony omitted. External finish to be cream fibre cement board.

1. Town / Parish Council

No response to date.

2. Consultation Responses

Not applicable.

3. Planning History

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| 19/01332/FUL | Proposed alterations and extensions. | Approved | 31.10.2019 |
| 20/00428/FUL | Proposed alterations and extensions - variation to 19/01332/FUL - balcony and doors moved to side elevation, rear balcony omitted. External finish to be cream fibre cement board. | 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

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

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application property is a detached house in a rural setting. The house has a two-storey side extension to the left-hand side when viewed from the road. The house has walls with a render finish and a slate roof. The property has a driveway and a detached garage.

To the rear of the property is an extensive area of agricultural fields.

The site is located in a countryside location with no adjacent neighbouring properties on the east side of The Tye Road. The closest property is Tye Barn, located to the west of The Tye Road and south of the application site. No views of the development will be possible from this neighbour.

Although an application for full planning permission, the proposal is to make variations to an existing planning permission for alterations and extensions, 19/01332/FUL.

The approved design had conjoined single- and two-storey rear extensions projecting from the rear elevation. The current application proposes creating a balcony area on the flat roof of the single-storey rear bay. A balcony, to have projected from the rear of the two-storey extension, has now been deleted from the design. A standard window is now to replace the rear balcony. The proposed balcony area would be accessed from a pair of full-height glazed doors off a bedroom.

The other change from the previously approved plans is that the external walls are now to have a finish of fibre cement rather than render.

The proposed balcony area would have views to the south, to the side, and to the east, to the rear. However, this would also have been the case with the smaller balcony. Having examined a map and an aerial photograph of the site and its surroundings, it has been established that the proposed balcony area would not create a loss of privacy. The proposal would be acceptable with regard to Policies QL10 and QL11.

The form of the proposal would be unchanged; only the balustrade to the proposed sitting out area on the flat roof would change from the previously approved design. Although fibre cement can be successful in appearing as a timber finish, used extensively it can have somewhat “hard” or even artificial finish. However, in this case the extent of a fibre cement finish would be limited and would also be out of public view. The change from render to fibre cement is acceptable in this particular case. The proposal would be acceptable with regard to Policy QL9.

The application was advertised by a site notice. No response has been received.

6. Recommendation

Approval.

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: Site Location Plan and drawing no. STR-01 Revision C.

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

8. Informatives

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.

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

