

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	18/05/2020
Planning Development Manager authorisation:	TF	21/05/2020
Admin checks / despatch completed	CC	26/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	26/05/2020

Application: 20/00399/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Quentin Sage

Address: 1 New Road Mistley Manningtree

Development: Variation of condition 2 of approved planning application 18/01696/FUL to simplify roof design and construction.

1. Town / Parish Council

Mistley Parish Council At its Meeting on the 27th April 2020, the Parish Council
28.04.2020 recommended approval on this proposal.

2. Consultation Responses

Not Applicable

3. Planning History

00/00911/FUL	Extension to dwellinghouse	Refused	04.10.2000
02/00110/FUL	Retention of new Fence 1.8m high, proposed loft conversion and two dormer window	Approved	22.02.2002
04/00149/FUL	Conversion of existing garage into bedroom and erection of new single garage and conservatory	Approved	16.04.2004
12/01220/TPO	T1-T2 - Oak - 30% crown reduction.	Approved	03.12.2012
14/01913/TPO	1 No. Oak - reduce by 30%	Approved	20.01.2015
17/02128/FUL	Two storey and first floor extension and alterations, with two dormers to each side elevation and three dormers to both the front and rear elevations.	Refused	01.06.2018
18/01696/FUL	Two storey and first floor extensions. Garage extension and new front porch.	Approved	22.11.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

HG14 Side Isolation

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)

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is 1 New Road, Mistley, which is a south facing, single storey detached residential dwelling, constructed of facing brick and concrete tile. The site lies within the defined Settlement Development Boundary for Mistley in both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The character of the surrounding area is typically urbanised, with residential development to the north, east and west. To the south-east lies a large area of agricultural land. The site falls adjacent to the Mistley Conservation Area, whilst approximately 25 metres to the east is a Grade II Listed Building, known as 'Gate House, 2 New Road', which is sited to the south-west of Number 2 New Road.

Description of Proposal

This application seeks to vary condition 2 of previously approved planning application reference 18/01696/FUL to simplify roof design and construction.

History

Under planning reference 17/02128/FUL, permission was refused for a similar scheme that saw an increase in height to 6.8 metres, two storey extensions to both side elevations and three dormers to the rear elevation. The reason for refusal focussed on the poor design within a prominent corner plot location, including a Juliet Balcony, excessive number of large and prominent rooflights, and an overall bulky appearance.

Under planning reference 18/01996/FUL permission was granted for two storey and first floor extensions. Garage extension and new front porch. The permission was to amend the previously refused scheme, including reducing the overall height by 0.6 metres, removing one rear dormer, two side elevation roof lights, the Juliet Balcony and a re-design of the proposed garage.

Assessment

The main considerations of this application will be the visual impact, the impact to neighbouring amenities, the heritage impact and the impacts to trees.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

This application proposes to remove the two storey extension by removing the gable projection serving bedroom 1. The application seeks to revise the roof form and insert a dormer window to the front and rear elevation to the first floor to serve bedroom one. Although the changes will be visible from the street scene, due to the mixture of dwelling types within the surrounding area, it is considered that the proposed changes are considered to be acceptable in terms of design and appearance.

As part of the removal of the gable projection, the depth of the Juliet balcony will be reduced. Due to the minor nature of the proposal, it is considered that the proposal will have a neutral impact upon the street scene.

The application proposes fenestration changes to the ground floor front elevation, however due to the distance to the highway as well as the minor nature of the proposal, it is not considered to cause any harm to the street scene and it is considered acceptable in terms of design and appearance.

Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other 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 proposed change in roof form and the insertion of a dormer window to the front and rear elevation will be visible to the neighbouring dwellings, however due to the sufficient distance to the neighbouring boundaries, it is considered that the proposal will not cause any impact upon the neighbouring amenities.

The reduction in the depth of the Juliet balcony will have a neutral impact upon neighbouring amenities.

The proposed fenestration changes are considered to be minor in that they amend the size of the previously approved windows, it is considered that the windows will not cause any harm to neighbouring amenities.

Heritage Impact

Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting. The sentiments of this policy are carried forward within Policy PPL9 of the Emerging Local Plan.

Approximately 25 metres to the east sits a Grade II Listed Building, known as 'Gate House, 2 New Road'. It is considered that due to the significant separation distance, long range views to the listed building will not be altered. Furthermore, the existing area includes numerous two storey properties which have set a precedent for extensions of this size. Therefore, there is considered to be a neutral impact to the setting of the listed building.

Impacts to Trees

The application site has two established Oak trees afforded legal protection by Tree Preservation Order 10/03/TPO. However, the proposed alterations are not considered to cause any impact upon the trees.

Other Considerations

Mistley Parish Council supports this application.

No letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Approval

- 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. 95-2016-03

Drawing No. 95-2016-04

Drawing No. 95-2016-05

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

- 3 During the construction phase the development shall be in accordance with the measures as set out within Section 5.2 of the document titled 'Arboricultural Impact Assessment' approved under planning application 18/01696/FUL.

Reason - In order to ensure the protection of existing trees on site.

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.

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