

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	6 <sup>th</sup> July 2020
Planning Development Manager authorisation:	AN	6/7/2020
Admin checks / despatch completed	CC	07/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/07/2020

**Application:** 20/00600/FUL **Town / Parish:** Tendring Parish Council

**Applicant:** Mr Lee Burgoyne

**Address:** Oak Cottage Pilcox Hall Lane Tendring

**Development:** Proposed two storey front extension and two storey rear extension.

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

No comments received.

### **2. Consultation Responses**

No comments received.

### **3. Planning History**

00/00470/FUL	Single storey front extension	Refused	31.05.2000
00/01694/FUL	Single storey front extension	Approved	15.11.2000
20/00600/FUL	Proposed two storey front extension and two storey rear extension.	Current	

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 property is one half of a pair of semi-detached ex-agricultural workers' cottages located in a rural setting. The dwellings in the area are primary bungalows and the application site is the exception to the norm. The cottages retain some similar features in regards to their window siting and design but the application site has a large single storey front extension (granted planning permission in 2000); the neighbouring property has a very large two-storey side extension approved in the mid-1980s.

### Description of Proposal

The application proposes two elements; two-storey front and two-storey rear extensions. The two storey front extension would replace the existing single storey front extension. It would project 2.1m and be around 3.7m wide, sited slightly off-centre; the eaves are in the region of 4.8m and the ridge of the gable is around 6.2m. Internally the ground floor space would provide an entrance porch with dressing-room at first floor. The two-storey rear extension would, at ground floor, extend the full 4.7m width of the plot and be around 4.9m deep. The first floor is inset-away from the shared boundary with No. 2 by around 1m resulting in a 3.7m width. The roof has an extremely shallow pitch of 0.2m along the depth of the 4.9m projection from 5.4m down to around 5.2m. Internally the ground floor comprises a kitchen, bathroom and rear hall with new bedroom and bathroom at first floor.

### Principle

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. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- o be of a size, scale and height and in keeping with the character of the locality
- o its design and materials would make a positive visual contribution to its setting
- o be well related and in proportion to the original dwelling
- o not be visually intrusive on a skyline or in the open character of the surrounding countryside
- o retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- o not represent over-development of the site or be detrimental to highway safety
- o not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- o not exacerbate any existing access, drainage or other problems associated with the site.

Taking in to considerations the scale of extensions already undertaken to the adjoining property, the extensions proposed are cumulatively of a much smaller scale and for this reason are of a size, scale and height and in keeping with the character of the locality. The extensions are well related and in proportion to the original dwelling and finished externally in materials which would match the existing. The extensions would have no greater impact on the skyline, open character of or space around the surrounding countryside than the existing development in the locale.

## Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The front extension has an eaves level which is marginally higher than those of the original dwelling; this would be an unacceptable design in the majority of circumstances. However, the individual circumstances of this case are that the design allows for a very balanced relationship between the window size/siting within the width of the extension and height of the gable which overall result in an extension which is uniform in its presentation. The rear extension would be visible to the users of the private driveway serving Woodfield Farm beyond, as such there will be no significant impact to the street scene. The proposed extension respects the character and appearance of the host dwelling in regards to its scale and design.

## Impact to Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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 proposal has one first-floor side-facing window, however this would be on the south elevation and would overlook the driveway leading to Woodfield Farm and No. 2 Pilcox Cottage has a very large single storey rear extension against the shared boundary; for these reasons the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

## Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The property has no off-street parking provision; however – in regards to 'on-street' parking the main road is unmade and extremely uneven in places which prevents vehicles travelling from speeds much in excess of walking distance. For this reason it is considered that utilising the space around the property would not cause conflicts with highways safety.

## Public Right of Way

Public rights of way (i.e. public footpaths, bridleways and byways) and cycle tracks are a valuable part of the District's transportation network. They are important for their role in recreation and tourism and for providing opportunities for people to benefit from regular exercise and access to the wider countryside and coast. The network provides an alternative to car use for shorter journeys and for longer journeys when combined with public transport.

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will be refused where development affects an existing public right of way, unless the development can accommodate the definitive alignment of the path. The public right of way passes across the front (west) and side (south) of the site; notwithstanding this, the proposed extensions are sited within the domestic curtilage and have no greater impact on the public right of way than the existing development within the site.

## 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 plans: 02, received 12th May 2020.

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>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO