

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	06/07/2020
Planning Development Manager authorisation:	AN	06/07/2020
Admin checks / despatch completed	CC	08/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	08/07/2020

Application: 20/00606/FUL **Town / Parish:** Lawford Parish Council
Applicant: Mr Trevor & Mrs Amy Corrigan
Address: 29 Milton Road Lawford Manningtree
Development: Two storey and single storey front and rear extensions.

1. Town / Parish Council

No response to date.

2. Consultation Responses

Not applicable.

3. Planning History

17/02127/HHPNO T	Single storey rear extension, 3.35m depth and 3.38m height.		11.01.2018
18/01808/FUL	Two storey and single storey front and rear extensions.	Approved	18.12.2018
20/00606/FUL	Two storey and single storey front and rear extensions.	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

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

CP2 Improving the Transport Network

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application property is a semi-detached house, constructed of brick with a tile roof, on the western side of Milton Road. The property backs onto the playing field of a school. The property has a blocked paved drive to the side of the house and a parking area in front of the house. The property has a dropped kerb onto Milton Road.

The attached neighbour in the semi-detached pair is orientated to the north. The other neighbouring house is set deeper into its plot than the application property.

Proposal

The application proposes a two storey and single storey rear extension and a single storey front extension.

The rear extension will have a footprint of 6.2m wide, the full width of the house, by 4m deep. The single storey element of the rear extension would have a flat roof with a height of 3.2m as scaled from the drawing submitted. The two storey element will have eaves of 5m with a ridge height of 6.1m. It will be constructed with a smooth render finish and matching roof tiles.

The front extension will replace a porch and will measure 2.7m wide by 2.7m deep with a front gable roof with eaves height of 2.6m and ridge height of 3.4m. It will be constructed of brickwork and roof tiles to match the existing dwelling.

Assessment

The proposed extensions are a re-design of extensions with an extant planning permission, 18/01808/FUL.

The differences between the current design and that previously approved are:

- The single storey element of the rear extension, the part of the rear extension which would adjoin the boundary with the attached neighbour, has increased in depth from 3.6m to 4.0m.
- The two-storey element of the rear extension has increased in depth from 3.8m to 4.0m.
- The single storey element of the rear extension is now to have a flat roof with a lantern type roof light rather than a shallow pitched sloping roof with a roof light flush with the surface of the roof.

As with the previous application, the main considerations of this application are the design, parking 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 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum of 1 metre will be sought.

Design

The proposed extensions are considered to be of a scale and nature appropriate to the site and the surrounding area. The front extension will be a modest addition that will blend appropriately with the host dwelling and appear appropriate within its setting due to the use of matching materials. It was noted from a visit to view the property from the road that the third property to the south has had a two-storey front extension of the approximate dimensions of the proposed single storey front extension.

The rear two-storey addition will be visible from the end of the cul-de-sac due to the staggered building line of the properties in the street but is considered to have a neutral impact upon the street scene. The extension is well designed with a lower ridge height to the host dwelling making it appear as a subservient addition, plus the use of render is considered appropriate as there are other examples of render within Milton Road. The extension will also be a good distance from the boundaries so as not to appear cramped within the plot.

The single storey element of the rear extension will not be visible from the road, and its design and use of materials are considered to be acceptable to the locality.

Parking

The development overall changes the property from a 3 bedroom to a 4 bedroom property, potentially intensifying parking at the site. However, parking provision at the area between the front elevation of the house and the front boundary of the site is unchanged from that approved by 18/01808/FUL. The proposal is considered acceptable with regard to parking provision.

Impact on Residential Amenity

In the light of the history of the site, the most significant consideration is the impact of the single storey element of the rear extension on the amenity of the occupiers of the attached neighbouring house in the semi-detached pair. The area immediately behind the rear elevation of the attached neighbour is orientated due north of the single storey element of the rear extension. This part of the proposal would be 4m deep and have a height of 3.2m. The proposed single storey rear bay would be only 1m deeper than an extension which could be Permitted Development. The height would be some 1.2m greater than that of a screen fence 2m in height. The submitted drawing shows that the proposal would not contravene the "45 degree rule"; the guidance on daylight and sunlight provided by the Building Research Establishment (BRE) - "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991). The change to the single storey element of the rear extension is considered acceptable.

The lantern style roof light would be 1.3m from the edge of the single storey bay which runs along the boundary line. The roof light would protrude, excluding a finial, by 0.6m. The lantern style roof light is considered sufficiently far from the boundary in proportion to its height as to have no material adverse impact to occupiers of the adjoining property to the north.

The proposed front and single storey rear extensions are considered to not have any adverse impact on the amenities currently enjoyed by neighbouring property.

The two storey extension does not proposed any windows in the side elevations. However, a new window serving a bathroom is proposed in the south side elevation of the existing property. This window will be located approximately 1.35m above finished floor level and to reduce any risk of overlooking to the windows in the side elevation of the neighbouring property to the south a condition is imposed to ensure the window is obscure glazed.

The two storey addition will be located 3.4m from the northern side boundary and 1.9m from the southern side boundary. Having applied the 45 degree rule set out within the Essex Design Guide, due to the staggered building line of property to the south, the distance between boundaries and the orientation of the properties the proposed development is not considered to cause any significant loss of daylight/sunlight that would warrant the refusal of planning permission.

The proposed development overall is considered to not have any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring properties.

Other Considerations

A site notice was posted and letters sent to occupiers of 8 neighbouring properties. No letters of representation have 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; 73-2017-10 PB; 73-2017-11 PB; 73-2017-12 PB; and, 73-2017-13 PB.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 at Schedule 2, Part 1 (or any Order revoking and re-enacting that Order with or without modification), the new window on the south side elevation serving the bathroom shall be glazed in obscure glass before the development as hereby permitted is first occupied and shall thereafter be permanently retained in such form unless the prior written consent of the local planning authority is given following receipt of a planning application.

Reason - To protect the privacy and amenities of the occupiers of adjoining property in accordance with Policy QL11 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

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.

<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>