

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	08/07/2020
Planning Development Manager authorisation:	TF	09/07/2020
Admin checks / despatch completed	CC	09/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	09/07/2020

Application: 20/00602/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Scott & Mrs Cracknell

Address: 38 Woodgreen Estate St Marys Road Great Bentley

Development: Single storey rear extension.

1. Town / Parish Council

Great Bentley Parish Council
03.07.2020

No comment on this application.

2. Consultation Responses

Not Applicable

3. Planning History

91/00512/FUL	Porch and sun lounge	Approved	02.07.1991
19/30082/PREAPP	Proposed rear extension and loft conversion following removal of extension and double garage. Proposed dwelling following the splitting of land to create new plot.	Refused	29.07.2019
19/01421/FUL	Sub-division of site to form separate building plot for a 3no. bedroom bungalow and associated work including new vehicular access to 38 Woodgreen Estate.	Approved	03.03.2020
20/00602/FUL	Single 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

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

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for the erection of a single storey rear extension

Application site

The application site is located to the west of St Marys Road. The site serves a semi-detached bungalow constructed from render with a tiled hipped roof. The surrounding streetscene comprises dwellings of a similar design, materials present within the streetscene include render, brickwork and cladding.

Assessment

Design and Appearance

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 proposed rear extension will measure approximately 6.6 metres wide, 8.3 metres deep and have an overall height of 3.3 metres. The proposal is considered to be of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

The proposal will be located to the rear of the property and will not be visible from the street scene. The exterior walls will be constructed from brickwork and cladding, the roof will be flat with 2 skylights installed. The windows and doors will be UPVC. Although the use of brickwork and cladding are differing materials to the existing dwelling, these materials can be seen throughout the street scene and are considered to be in keeping to the existing dwelling and surrounding area.

Impact to Neighbouring Amenities

The NPPF, Paragraph 17, 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 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 extension is to be built between approximately 1.2m and 400 mm away from the neighbouring dwelling to the south of the site. The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof does not significantly catch any windows on this neighbouring dwelling and therefore has no significant impact on the loss of light.

The proposal is single storey and does not therefore propose a significant threat of overlooking and will have no significant impact on loss of privacy to the adjacent neighbours.

The proposal is deemed to have no significant impact on the loss of daylight nor privacy, nor to cause any other harm to the amenities of the adjacent neighbours.

Other Considerations

One letter of representation has been received from an adjacent neighbour, the letter raised concerns over whether their wall would be returned back to its original state following the removal of the conservatory, concerns were also raised regarding the gap between the proposal and the existing neighbouring wall being too small to allow for any maintenance work to occur on the wall, and also to the closeness of the proposal to the boundary line. These concerns are not considered to be of a material planning consideration, instead they are a civil matter to be discussed between the applicant and the neighbour. Further concerns were also raised regarding the depth of the footing and guttering works, these are also not considered to be a material planning consideration at this stage and are a matter that will be dealt with by building control and are also covered by the Party Walls Act.

Great Bentley Parish Council made comments neither objecting to nor supporting the application.

No other letters of representation have been received

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Full

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 plan; Drawing No. WGE-02 Revision B

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.

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