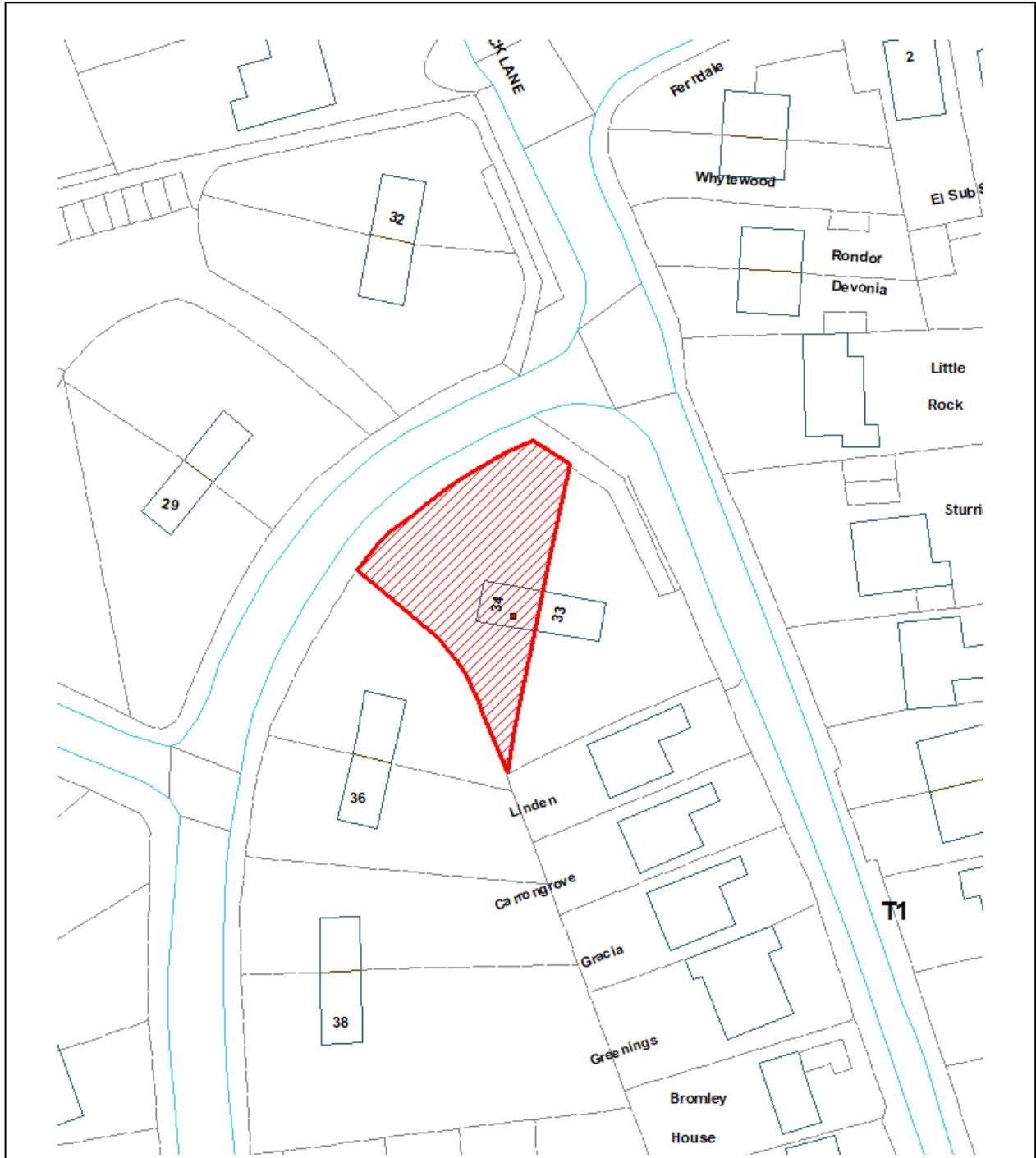


PLANNING COMMITTEE

02 SEPTEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.3 PLANNING APPLICATION – 20/00603/FUL – 34 DE VERE ESTATE GREAT BENTLEY COLCHESTER CO7 8QA**



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**Application:** 20/00603/FUL

**Town / Parish:** Great Bentley Parish Council

**Applicant:** Emma Picking - Building and Engineering Services

**Address:** 34 De Vere Estate Great Bentley Colchester CO7 8QA

**Development:** Proposed disabled adapted single storey side and rear extensions & alterations. Dropped access kerb with off street parking to facilitate new tenants with disabilities.

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves adaptations to the dwelling for a mobility-impaired person; these adaptations include a single-storey side extension, an enlarged kitchen and ramped-access to the main entrance and a new dropped kerb to facilitate off-street parking.
- 1.3 The proposal will not result in harm to the host dwelling or wider streetscene in general in regards to the siting, scale or external appearance of the development, nor any material harm to residential amenity nor highway safety.

### **Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.2.

## 2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.
  - 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
  - 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**

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

### **3. Relevant Planning History**

20/00603/FUL	Proposed disabled adapted single storey side and rear extensions & alterations. Dropped access kerb with off street parking to facilitate new tenants with disabilities.	Current
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#### **4. Consultations**

- 4.1 Due to the nature of the development consultations with neither internal nor external consultants were deemed necessary.

#### **5. Representations**

- 5.1 Letters were sent to the occupiers of adjoining properties and the Parish Council on 8<sup>th</sup> June 2020 and a site notice was displayed on 12<sup>th</sup> June 2020.
- 5.2 In response to the consultation the Great Bentley Parish Council comments that the Parish Council Planning Committee resolved to support this application. This is thought to be a good design. The proposed extension makes good use of the large garden, whilst still providing a substantial garden area.

#### **6. Assessment**

##### Site Context

- 6.1 The application site occupies a prominent corner plot on the right hand side of the northern part of the estate, at the point where it returns in a southerly direction back to the main Thorrington Road.
- 6.2 Development on the De Vere's estate typically comprises post-war housing of both two-storey and single storey scale. Save for one later-constructed dwelling, the two-storey dwellings are all pairs of semi-detached and the bungalows are typically in terraces.
- 6.3 Front boundary treatments are low-key and the dwellings are set-back around 10m from the footpath which aid a sense of openness.
- 6.4 The majority of the two-storey dwellings have a porch canopy and are relatively uniform in their appearance.
- 6.5 The application site comprises the right hand of the semi-detached pairing and, being a corner part, has a much larger front/side garden than is typical of the locale. It is of a standard stock brick construction with an interlocking cement-tiled roof.
- 6.6 The site is located within the settlement boundary of Great Bentley within both the Adopted Local Plan 2007 and Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

##### Planning History

- 6.7 There is no planning history for the site as it remains as originally constructed.

##### Proposal

- 6.8 This application seeks planning permission for adaptations to the dwelling for a mobility-impaired person; these adaptations include a single-storey side extension, an enlarged kitchen and ramped-access to the main entrance and a new dropped kerb to facilitate off-street parking.

##### Principle of Development

- 6.9 The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

#### Design & Appearance

- 6.10 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).
- 6.11 The proposed extensions are both single-storey in scale; the side extension is a little under 7m wide and, at 4.8m extends almost the full depth of the host dwelling - it has a dual-pitched roof just under 4m high and eaves approximately 2.5m high. The rear extension is just under 4.3m wide and less than 3m deep and is separated from the common boundary with No. 33 by over 3m – it has a mono-pitched roof with a ridge at 2.8m, falling to 2.7m down the slope. Both extensions are to be finished in materials which match those of the host dwelling.
- 6.12 The new entrance is accessed by way of a wheelchair-accessible ramp; this has a shallow height of 0.2m across a distance of 2.2m with handrails to the open sides. Similar ratios exist for the new access to the kitchen at the rear.
- 6.13 The extensions are subservient to the host dwelling and are of a scale and external appearance which are well-designed and relate satisfactorily to both their individual setting and wider streetscene in general.

#### Highway Safety/Parking

- 6.14 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.
- 6.15 The property does not currently benefit from any provision for off-street parking although it does have ample space to facilitate this. As De Vere Estate is not a classified road an express grant of planning permission is not required to either provide vehicular access in to the site or to provide a hardstanding.

#### Impact to Neighbouring Amenities

- 6.16 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).
- 6.17 The dwelling has an oblique relationship with No. 35 De Vere Estate where the existing rear elevation of the application overlooks the rear garden of this neighbour, further – this garden is also highly visible in the public domain. The rear extension is inset over 3m from the boundary with No. 33 De Vere Estate and sited to the west of their amenity area. For

these reasons the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

## **7. Conclusion**

- 7.1 Overall the proposal represents development which respects the scale, design and siting of the host dwelling. The proposal would retain a good standard of amenity for all existing and future occupants of land and buildings, both of the application site and surrounding dwellings. The proposal generates a need for parking, but this can be adequately provided off-street within the curtilage of the dwelling.

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

### **8.2 Conditions and Reasons**

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:- A2020-34-02, received 13th May 2020.

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

### **8.3 Informatives**

Application Approved Without Amendment

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.

## **9. Additional Considerations**

### **Public Sector Equality Duty (PSED)**

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.8 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.9 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.