

DELEGATED DECISION OFFICER REPORT

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

Application: 20/00447/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Baldwin

Address: Rydal The Green Great Bentley

Development: Proposed two storey side extension and re-construction of roof to form first floor accommodation.

1. Town / Parish Council

Great Bentley Parish
Council
09.06.2020

At Great Bentley Parish Council Planning Committee meeting held on 4th June 2020 it was resolved to make no objection to this application.

2. Consultation Responses

Essex County Council
Heritage

Built Heritage Advice pertaining to an application for: Proposed two storey side extension and re-construction of roof to form first floor accommodation.

The proposal site 'Rydal' is located within Great Bentley Conservation Area.

The existing building is not considered to make a positive contribution to the Conservation Area, I am unopposed to its demolition or significant alteration.

With regards to the proposal, I am unable to support the development, the proposal is in principle an overdevelopment within a conservation area and is also lacking in the quality expected of a development within a Conservation Area.

The proposal's spanning of nearly the full width of the plot combined with the substantial increase in the building's volume would be harmful to the character and appearance of the Conservation Area, as it would result in increased enclosure of The Green by taller buildings closely grouped together. The current bungalow and attic building detracts minimally from the wide open experience of The Green through its being small in profile and volume. Considering the proposal site's highly visible location at the southern boundary of Great Bentley Green, which is a key component of the significance of the Conservation Area, the proposal would result in result in a degree of less than substantial harm to the character and appearance of the Conservation Area.

With regards to the detailing of the building, the introduction of incongruous architectural forms such as the expansive balcony overlooking Great Bentley Green, unsympathetic choice of materials such as the proposed fibre cement boarding, and significant increase in the massing of the structure.

Paragraph 200 of the NPPF encourages local planning authorities to look for opportunities for new development within Conservation Areas, to enhance or better reveal their significance. The proposals do not in my opinion achieve this and may diminish the significance of the Conservation Area, I am therefore unable to support them.

As such paragraph 196 of the NPPF is relevant. The proposals would therefore in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

I am unable to support this application.

I consider there is opportunity for this plot to be developed sympathetically however would not be comparable to the full width plot width massing, I recommend that the applicant undertake pre-application discussion with the local planning authority to discuss this.

3. Planning History

19/00310/FUL	Proposed two storey side extension and re-construction of roof to form first floor accommodation.	Approved	18.04.2019
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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

EN17 Conservation Areas

HG14 Side Isolation

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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)

Application Site

The application site comprises of a chalet bungalow sited in front of the existing village green in Gt Bentley. The dwelling has an existing side dormer window and garage sited to the south west of the main house. Sited to the rear is a garden area with a number of outbuildings and a variety of planting and fencing sited along each neighbouring boundary. The application site is located within the settlement boundary of Great Bentley and it is located within the Conservation area.

Proposal

This application seeks planning permission for the two storey side extension and re construction of roof to form first floor accommodation.

History

Planning permission was granted under planning reference 19/00310/FUL for the erection of a two storey side extension and re-construction of roof to form first floor accommodation.

Assessment

1. Principle of development

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

2. 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 proposed alterations will be visible to the street scene of The Green and will change the overall appearance and character of the existing house.

The proposed extensions are considered to be large however due to the mixture of dwellings along 'The Green' as well as the use of matching materials; brickwork, fibre cement boarding, tiles and UPVC windows and doors, it is considered that the proposal will not cause any significant impact upon the street scene.

The proposal includes a first floor balcony sited to the front which will be a noticeable addition to the acting as a feature when viewing the house. As a result of dwellings set back and varying character of other houses within the street scene the introduction of the front balcony would not appear as a prominent or harmful feature within the street scene.

The plot is of a suitable width which to support the proposal without it appearing cramped within the street scene and the design and scale of the extensions would result in no material harm to visual amenity.

3. 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 proposed alterations will be visible to both neighbouring dwellings to the north east and to the south west.

The gable projection will be visible to the neighbouring dwelling to the north east, however due to the distance to the neighbouring boundary and although there is one rooflight proposed to the first floor side elevation to serve the en-suite bathroom, there are no other windows which will reduce the impact of overlooking onto the neighbouring amenities. To the rear of the dwelling are two proposed Juliet balconies, due to the nature of the balconies which are for light purposes only, it is considered that the proposal will not create any additional overlooking onto neighbouring amenities.

The proposed garage element will be visible to the neighbouring dwelling to the south west, however due to the distance to the boundary as well as the low eaves, it is considered that the proposal would not result in a significant loss of outlook or light to the neighbouring amenities.

To the south west of the application site is a dwelling, due to the distance to the neighbouring boundary, it is considered that the proposal will not cause any significant impact upon neighbouring amenities

4. Heritage Impact

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

Great Bentley derives most of its special qualities from its immense green. The village contains relatively few listed buildings, and few others could be regarded as of great historic or architectural interest. However, many share a family relationship in their scale, colouring and the use of local materials: they group together to make attractive sequences, and their positive relationship with The Green produces a quite distinct character and appearance. A subsidiary part of the Area relates to development southwards to join The Green with the railway station: further distinctive streets are the result, again created by the attractive grouping of buildings not otherwise of great individual value.

The Council's Historic Environment consultant has been consulted on this application and raised an objection however the reasons were not raised in the previous application reference 19/00310/FUL for a very similar scheme and therefore it is not considered reasonable for the council to impose this as a reason for refusal. It is acknowledged that the proposed development would be larger than the existing dwelling however due to the mixture of dwellings within the surrounding area and Conservation Area, it is considered that the proposal will not cause any harm to the character of the Conservation Area.

5. Highway Safety

The Essex County Council Parking Standards states that proposed garages should have an internal measurement of 7m by 3m. Whilst the new garage is under these measurements sufficient room at the front of the dwelling for the parking of two vehicles in line with the aforementioned standards will be retained. The proposal would therefore not contravene highway safety.

6. Other considerations

Great Bentley Parish Council make no objection to this application.

No letters of representation have been received.

6. **Recommendation**

Approval – Full

7. **Conditions**

- 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. RGB 002 D

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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>