

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	4 th Sept 2020
Planning Development Manager authorisation:	SCE	04.09.2020
Admin checks / despatch completed	CC	04.09.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	04.09.2020

Application: 20/00912/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr and Mrs Gooch

Address: 3 Weeley Road Aingers Green Colchester

Development: Proposed part single and two storey rear extensions to replace existing conservatory.

1. Town / Parish Council

Mrs Parish Clerk
10.08.2020

At the meeting held on 6th August 2020 Great Bentley Parish Council Planning Committee resolved to make no comment on this application.

2. Consultation Responses

None received.

3. Planning History

20/00912/FUL Proposed part single and two storey rear extensions to replace existing conservatory. 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

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 County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is located to the south of Weeley Road, inside the development boundary of Aingers Green, Great Bentley. It serves a semi-detached two storey dwelling constructed of render with a tiled roof sitting within a large, south-east facing rear garden. Two single storey projections also exist to the rear of the dwelling. The site has a large hardstanding to the front/side of the property.

The adjacent property, No. 2 benefits from a development of similar nature which was granted planning permission in August 2018 under reference 18/01072/FUL.

Proposal

The application proposes a part two, part single storey rear extension following the demolition of the existing conservatory. The ground floor element would project 4.5m from the rear wall and extend to the boundary shared with No. 4. The development against the boundary would occupy the same footprint as the existing conservatory but instead of the 3.5m high pitched/hipped glazed roof, it would have a 2.8m high flat roof containing a roof lantern. The ground floor has an angled west flank which follows the line of the boundary. The resultant space would provide an open-plan kitchen/dining room. The first floor element would project 4.5m from the rear wall and be 4.1m wide and be separated from the boundary with No.4 between 3.1m and 2.6m. It would have eaves in the region of 4.6m and have a dual-pitched gabled roof with a 6.9m ridge. The resultant floorspace would enlarge the existing bedrooms.

Principle

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

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 proposal is sited at the rear of the existing bungalow and limited views of it would be possible from Weeley Road ensuring there will be no significant impact to the street scene. The rear extension will be constructed externally in fibre cement cladding, this contrasting finish would not have a significant impact to the character of the existing dwelling or the immediate area as the terrace of properties to the east are all finished in horizontal tile hanging to their principal elevation. Further, the depth of the proposed extension is similar to recently-approved development in the immediate vicinity. 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).

There are no side-facing windows proposed in the west elevation and the one should in the east elevation serves a bathroom; the risk of any further windows and the glazing to the proposed window are all protected by way of appropriately-worded planning conditions. The distance the proposed first floor is set away from the shared boundary with No. 4 ensures that the proposal more than adequately complies with the 45° light angle guidelines. The height of the development adjacent the boundary is only marginally higher than the eaves of the existing conservatory (by 0.5m). The first floor element is set away from the shared boundary. 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 proposal does not generate a need for additional parking nor does it diminish the existing parking provision.

Other Considerations

Great Bentley Parish Council offers no comment on this application.

No 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, and in the absence of any material harm resulting from the development, the application is recommended for approval.

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 plans:- P01, received 10th July 2020.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first-floor window in the east elevation shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted at first floor level in the east elevation or the west elevation except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

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?		NO
Are there any third parties to be informed of the decision?		NO