

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	09/10/2020
Planning Development Manager authorisation:	SCE	09.10.2020
Admin checks / despatch completed	CC	09.10.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	09.10.2020

**Application:** 20/00930/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Joel Ivell

**Address:** Eastbrae Hungerdown Lane Lawford

**Development:** Proposed first floor extension over garage and low level roof alterations with the addition of roof lights and bi fold doors.

### 1. Town / Parish Council

Lawford Parish Council      Not commented on this application.

### 2. Consultation Responses

Essex County Council      Proposed first floor extension over garage and low-level roof alterations with the addition of roof lights and bi fold doors.  
Heritage  
06.10.2020

This letter follows previous heritage advice (provided on 28/09/2020) pertaining to a similar scheme. Previous heritage advice stated: There is no principle objection to extending the property. However, should the proposed external material remain with render, this proposal would cause 'less than substantial harm' to the Conservation Area as per paragraph 196 of the NPPF. The acceptability of an extension over the garage would be based on the external finish being brick as this would provide uniformity with the neighbouring property.

A revised scheme was submitted addressing previous heritage concerns. Therefore, I would have no objection to this proposal.

Were permission granted, it is recommended that a condition requires external materials and windows to match the existing.

### 3. Planning History

00/01443/FUL	Rear extension and conservatory	Approved	09.11.2000
93/00523/FUL	(Eastbrae, Hungerdown Lane, Lawford) Double storey rear extension	Refused	22.06.1993
94/00606/FUL	(Eastbrae, Hungerdown Lane, Lawford) Garage	Refused	12.07.1994

94/00925/FUL	(East Brae, Hungerdown Lane, Lawford) Garage	Approved	31.08.1994
10/60264/HOUEN Q	Roof light in rear of property	No Permission Required	19.05.2010

#### **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

HG14 Side Isolation

EN17 Conservation Areas

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)**

### Site Description

The application site refers to Eastbrae, Hungerdown Lane which is a semi detached dwelling comprising of a red brick frontage with rendered side and rear elevation, a slate roof and replacement UPVC casement windows.

### Proposal

Proposed first floor extension over garage and low level roof alterations with the addition of roof lights and bi fold doors.

### Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and heritage impact.

### Design and Appearance

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The first floor extension will be located above the existing garage. There will be views of the proposal from Hungerdown Lane, however due to the approximate distance to the highway as well as the extension having a ridge height set lower in order to clearly distinguish as an extension, it is considered that the proposal would not create a cramped appearance. The proposal will be constructed from; brick and render, slate tiles which will match the host dwelling and therefore it is acceptable in terms of design, appearance and the impact on the character of the area.

There are fenestration changes to the rear of the host dwelling including the introduction of windows, bi fold doors and roof lights. The proposals are considered to be minor additions to the dwelling and are considered acceptable in terms of design and appearance.

## Impact upon Neighbouring Amenities

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 first floor side extension will be situated to the north eastern elevation of the host dwelling and therefore will not have any impact upon the neighbouring dwelling to the south west, Rosebank.

The proposed first floor side extension will be visible to the neighbouring dwelling to the north east, The Heathers. The extension complies with policy HG14 in Tendring Local Plan 2007 as the proposal maintains approximately 1 metre from the garage to the boundary. There is currently a timber lean to structure which restricts the side entrance to the rear of the garden, this will be removed and therefore will retain sufficient distance between the proposal and the neighbouring boundary. There are no windows proposed on the side elevation to reduce any overlooking onto the neighbouring amenities.

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 roof would not catch any habitable rooms in elevation and it is considered that the 45 degree would not intercept the windows in plan. It is therefore felt that there will be no loss of light to The Heathers.

The fenestration changes are considered to be minor and will not cause any impact upon the neighbouring amenities.

## Heritage Impact

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is located within the Manningtree and Mistley Conservation Area.

The Historic Environment Officer has been consulted on this application and stated that the property is located in the Lawford Conservation Area. There is no principle objection to extending the property. However, should the proposed external material remain with render, this proposal would cause 'less than substantial harm' to the Conservation Area as per paragraph 196 of the NPPF. The acceptability of an extension over the garage would be based on the external finish being brick as this would provide uniformity with the neighbouring property. Should the applicant wish to submit a revised scheme which adhered to the above recommendations, the extension would be acceptable. The officer recommended conditions to be imposed to the condition relating to samples of the materials and additional drawings to demonstrate the details of the proposed windows.

The applicant amended the plans to demonstrate brickwork to the front elevation with render to the side elevation. Photos were also taken of the neighbouring property to demonstrate the proposed works are in keeping with the neighbouring dwelling. The Historic Environment Officer was re-consulted and stated this follows previous heritage advice (provided on 28/09/2020) pertaining to a similar scheme. A revised scheme has been submitted addressing previous heritage concerns. Therefore, I would have no objection to this proposal. The officer recommended for a condition to be imposed relating to the external materials and windows however it would not be reasonable to impose this as the plans demonstrate the materials match the existing dwelling.

Other Considerations

Lawford Parish Council have not commented on 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. GI/11 PROPOSED NORTH ELEVATION
- Drawing no. GI/12 PROPOSED ROOFLINE PLAN
- Drawing no. GI/7 PROPOSED GROUND FLOOR PLAN
- Drawing no. GI/8 PROPOSED FIRST FLOOR PLAN
- Drawing no. GI/10 AMENDED PROPOSED EAST ELEVATION
- Drawing no. GI/9 AMENDED PROPOSED SOUTH ELEVATION

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.

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