

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | AP       | 21/10/2020 |
| Planning Development Manager authorisation:                 | TF       | 22/10/2020 |
| Admin checks / despatch completed                           | DB       | 22/10/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | BB       | 22/10/2020 |

**Application:** 20/01024/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr and Mrs Weaver

**Address:** Casa Mia Old School Lane Elmstead

**Development:** Proposed ground floor pitched roof rear extension and construction of double garage following removal of existing garage and conservatory.

### **1. Town / Parish Council**

No comments

### **2. Consultation Responses**

Building Control and  
Access Officer  
17.08.2020

No comments at this time

ECC Highways Dept  
02.09.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposed extension and double garage retain adequate room and provision for off street parking and turning, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

### 3. Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| 17/00926/FUL | Ground floor extension to front for entrance porch.  | Approved | 21.07.2017 |
| 20/01024/FUL | Proposed ground floor pitched roof rear extension and construction of double garage following removal of existing garage and conservatory. | 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

HG9 Private Amenity Space

HG14 Side Isolation

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

#### 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**

### Proposal

This application seeks permission for the erection of a single storey rear extension and detached double garage to a bungalow located within the development boundary of Elmstead.

### Design and Appearance

The single storey rear extension will span the width of the bungalow at the rear following the taking down of the existing conservatory. The extension will form two small hipped pitched rooves ensuring the height of the roof is kept low with the pitch of the roof mirroring that of the main roof tying all the elements together. The materials to be used in the rear extension will match the existing dwelling. The proposed detached double garage and adjoining shed will be sited at the eastern end of the rear garden following the demolition of the existing detached single garage. The low pitched roof of the garage and sloping roof of the shed will reduce its significance in terms of the impact on visual amenity. The garage will be finished in brick with a slate roof and roller shutter door. The extension and garage will be glimpsed from Old School Lane, although due to the single storey nature of the proposed structures and the positioning at the rear of the bungalow, set back substantially from the highway there will be no significant impact to the street scene.

The design and scale of the extension and detached garage is acceptable in relation to the host property and would result in no material harm to visual amenity.

### Impact upon Residential Amenity

The single storey rear extension is a distance of 2.24 metres from the southern side boundary shared with Marianne and a total distance of 4 metres between the properties ensuring that this neighbour will not be significantly affected by loss of light, outlook or privacy. The proposal is a distance of 1.00 metre from the northern side boundary shared with Caro-Roma, however there is a distance of 5.6 metres between the proposal and the property of Caro-Roma with the driveway of Caro-Roma offering separation ensuring that this neighbour will not be significantly affected by loss of light, outlook or privacy.

The detached double garage and attached shed is a distance of 1.4 metres from the rear eastern boundary shared with the property in Hatchcroft Gardens and a distance of 0.49 metres from the southern side boundary shared with Marianne. The roof height of the attached shed is 3.02 metres with an eaves height of 2.21 metres, the garage eaves height is 2.42 metres with an overall pitched roof height of 3.5 metres. The position in the rear garden and the low level of the pitched roof of the garage and shed, along with its distance from neighbouring properties will not have a significant impact on the neighbouring amenities in terms of loss of light, outlook and privacy.

Over 150 square metres of private amenity space will remain following the construction of the proposal which is considered more than adequate.

#### Parking and Highway Safety

The existing garage to be demolished did not meet the current car parking standards where a single garage should have internal dimensions of 7 metres x 3 metres, however ample off road car parking was provided in front of the bungalow and on the driveway alongside the bungalow which will be retained. The proposed double garage also meets the standard for two parking spaces and adheres to the 5.5 metres x 7 metres internal dimensions. Essex Highways have been consulted on the application and they have confirmed that the proposed extension and double garage retain adequate room and provision for off street parking and turning, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. Essex Highways have suggested conditions relating to cycle storage and the reception and storage of building materials. It is not considered necessary to impose these conditions for an existing residential dwelling where space is already available for cycle storage. An informative has been added to advise the applicant of their obligation in respect of highway safety when receiving deliveries of and storing building materials pertaining to the proposal.

#### Other Considerations

No letters of representation have been received.

#### Conclusion

In the absence of 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: Job No. 11133 - 03P, 11133 - 04P and 11133 - 05P1.

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.

Highways Informative

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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