

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION  | INITIALS | DATE       |
|--|----------|------------|
| File completed and officer recommendation:                     | CC       | 16/10/2020 |
| Planning Development Manager authorisation:                    | SCE      | 20.10.2020 |
| Admin checks / despatch completed                              | CC       | 20.10.2020 |
| Technician Final Checks/ Scanned / LC Notified / UU<br>Emails: | CD       | 20.10.2020 |

**Application:** 20/01066/FUL **Town / Parish:** Great Bentley Parish  
Council  
**Applicant:** Ms Sallis  
**Address:** Modena Station Road Great Bentley  
**Development:** Single storey side extension to form sitting room and wet room, and formation of hardstanding.

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

Mrs Parish Clerk  
05.10.2020

At Great Bentley Parish Council Planning Committee meeting held on 1st October 2020 it was resolved to make no comment on this application.

### **2. Consultation Responses**

Essex County Council  
Heritage  
22.09.2020

This application is for a single storey side extension to form sitting room and wet room, and formation of hardstanding.

The property is located in the Great Bentley Conservation Area.

There has been no heritage statement submitted as part of the application, there is insufficient information regarding the significance of the heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance as per paragraph 189 of the NPPF. The property appears to be a late nineteenth century semi-detached dwelling with original timber sash windows. The property's aesthetic and architectural features are considered to make a positive contribution to the area.

There is no principle objection to the demolition of the existing extension and its replacement. The proposed extension will result in a more consolidated addition to the house. The proposed side extension extends nearly the full width of the plot and there is potential for the extension to become an overly dominant addition to the property. Given the property is located on a prominent corner plot the appearance of the extension will be emphasised. Reduction in the width of the extension would

also work to reduce the ridge height, which currently sits in-line with the first-floor window cill. I recommended that the new extension extends no further to the side than the footprint of the existing extension. The bi-fold doors to the front elevation are not considered appropriate, they would appear overly prominent addition to the front elevation. The rooflight on the front roof pitch should be removed. The proposed materiality of the extension is also considered inappropriate, black boarding is typically seen on agricultural structures and therefore not appropriate for a domestic dwelling. Grey aluminium is also modern in appearance and would does not relate to the existing fenestration. They may be potential for bi-fold doors to the rear of the extension.

There is very little information submitted about the materiality and appearance of the hardstanding, therefore I am unable to fully assess the impact.

Therefore, I would be unable to support this proposal as it fails preserve or enhance the character and appearance of the Conservation Area. With regards to the National Planning Policy Framework (2019), the level of harm to the Conservation Area is considered to be 'less than substantial' as per paragraph 196. 'Great weight' should be given to the heritage asset's conservation as per paragraph 193. With regards to the building being considered a non-designated heritage asset, the inappropriate form of the extension should be considered under paragraph 197. I recommend this application is refused.

ECC Highways Dept

Please note due to the recent COVID-19 restrictions no site visit has been undertaken in relation to this application and the observations below are based on the submitted material, google earth photo dated April 2009. The property appears to have the required depth at the front to accommodate a hardstanding within the boundary of the property (minimum depth of 5 metres) therefore:

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

1. There should be no obstruction above ground level within a 2-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the northern site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times. **Reason:** To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

**2.** Prior to first use a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided/retained on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

**Reason:** To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

**3.** No unbound materials shall be used in the surface treatment of the proposed vehicular access or driveway throughout.

**Reason:** To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

**4.** Prior to first use the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs for a single crossing), shall be retained at that width for 6 metres within the site.

**Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

**5.** There shall be no discharge of surface water onto the Highway.

**Reason:** To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

**6.** Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

**Reason:** To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

**7.** Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

**Reason:** To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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.

**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**

|              |  |          |            |
|--------------|--|----------|------------|
| 93/00461/FUL | Detached single garage at rear of existing house   | Approved | 08.06.1993 |
| 20/01066/FUL | Single storey side extension to form sitting room and wet room, and formation of hardstanding. | 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

EN17 Conservation Areas

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

SP1 Presumption in Favour of Sustainable Development

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)**

### **Proposal**

This application seeks permission for the erection of a single storey side extension to form sitting room and wet room, and formation of hardstanding.

## Application Site

The site is located to the east of Station Road, within the Development Boundary of Great Bentley. The site serves a semi-detached dwelling finished with brickwork and black boarding. The surrounding area is comprised form dwellings of a similar appearance. Great Bentley Green is located to the north of the site. The front of the site is located within the Conservation Area, with the main bulk of the site, including the dwelling, being outside of the Conservation Area.

## Assessment

### Design and Appearance

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 extension will be constructed on the north flank of the existing dwelling, towards the rear of the property, this will follow from the demolition of the existing extensions located on the north elevation of the dwelling.

The proposed extension is of a single storey nature and will measure 4.8 metres deep by 5.7 metres wide with an overall height of 4 metres. The proposed side extension is considered to be of a size and scale in keeping with the existing dwelling and surrounding area. The host site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space.

The proposal will be constructed using materials to match those of the existing dwelling. The exterior walls will be finished in brickwork and black boarding, the roof will be pitched and finished with a matching slate, and the windows and doors will be grey coated aluminium. The proposal will be largely shielded to the streetscene by the existing shrubbery along the boundary but will be visible from some areas. Due to the fact that the proposal is considered to be of a design, size and scale in keeping with the existing dwelling and surrounding area and the use of matching materials to those of the existing it is deemed that the proposed extension will not have any adverse impact on the visual amenities of the area.

The proposal also includes the construction of a new hardstanding to form a vehicle access point from station road. Hardstanding's can be seen throughout the streetscene on the neighbouring dwellings adjacent and opposite to the host site. The introduction of a new hardstanding area would therefore not appear out of character and is not thought to have any adverse impact on the visual amenities of the area.

### Impact to Neighbouring Amenities

The NPPF, Paragraph 17, 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 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 proposal is located to the north of the site, away from any shared neighbouring boundary lines and is therefore not thought to have any significant impact on the loss of privacy nor light, nor to cause any other harm to the amenities of the adjacent neighbours.

#### Highway issues

Essex County Council Highways were consulted on the application regarding the construction of a new hardstanding. It was deemed that the property has the required depth at the front to accommodate a hardstanding within the boundary of the property (minimum depth of 5 metres) and the proposal is therefore acceptable from a highway and transportation perspective.

#### Heritage Assessment

The front of the application site is within the Conservation area, because of this Essex County Council Place Services have been consulted for this proposal. Concerns were raised over the proposed side extension appearing overly dominant within the plot and of a design and scale not appropriate with the existing dwelling and surrounding area.

Following the consultation response from place services, a heritage assessment was provided from the agent.

Contradictory to Place Services comments the proposal is thought to have a positive impact on the visual amenities of the dwelling and surrounding area. The proposal includes the demolition of the existing extensions, these existing extensions are thought to have an adverse impact on the visual amenities of the site and surrounding area. The current extension is built up to the boundary line in places and consequently borders a public right of way along the northern boundary line, making the extension appear as significant and overly dominant when viewed from this footpath. It's replacement with the new proposed side extension is therefore thought to be an improvement as it will be sited 1 metre away from the boundary line and public footpath, the new proposed side extension is also of a smaller scale than that which is being demolished, it will therefore not appear as dominant from the public right of way and is considered to be more in keeping with the host dwelling and surrounding area.

Place services have raised concerns over the design of the new proposed side extension, including the materials to be used. As discussed above, from a planning perspective the materials are deemed to be appropriate as they match those of the existing dwelling

The proposal is therefore not considered to have any adverse effect to the conservation area and will not appear dominant within the streetscene. It is not considered to have any adverse impact on the visual amenities of the area.

#### Other Considerations

Great Bentley Parish Council made comments neither objecting nor supporting the application

One other letter of representation has been received from a member of the public. This letter raised concerns that the previous owner of the property had extended into Goodwins Lane by about a metres and asked for the dimensions on this application to correspond with the those on the deeds of Modena Cottage.

Officer Response - unfortunately it is outside of our realm to be able to check the dimensions on the deeds of the application site. However, a site visit was undertaken for this site and the dimensions on the proposed plans do seem accurate.

No other 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. In the absence of material harm resulting from the proposal the application is recommended for approval. The bi-fold doors are considered to be an appropriate feature as they will be largely shielded by the existing shrubbery along the site and will not appear prominent within the streetscene.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Approval

- 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. MGB/2

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

- 3 There should be no obstruction above ground level within a 2-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the northern site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

- 4 Prior to first use a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided/retained on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.



- 5 Prior to first use the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs for a single crossing), shall be retained at that width for 6 metres within the site.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

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Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

- 8 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

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

## **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.

### Highways Informatives

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.

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.

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

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