

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	04/11/20
Planning Development Manager authorisation:	TC	05/11/2020
Admin checks / despatch completed	DB	05/11/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/11/2020

**Application:** 20/01154/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Stephen Coiley

**Address:** 6 Barley Close Mistley Manningtree

**Development:** Single storey rear extension.

### 1. Town / Parish Council

Mrs Susan Clements  
02.10.2020

At its Planning Committee Meeting on the 1st October 2020, the Parish Council recommended approval of this application.

### 2. Consultation Responses

Essex County Council  
Heritage  
04.11.2020

This application is for a single storey rear extension. The property is located in the Mistley and Manningtree Conservation Area. Number 6 is a semi-detached property constructed in 2006. I would raise no objection to this proposal. The extension would not detract from the character and appearance of the Conservation Area.

### 3. Planning History

02/00201/OUT	Residential development and conversion of Maltings 3 and 4	Approved	19.09.2003
03/01896/DETAIL	Erection of 27 dwellings with associated garages and access road	Approved	19.02.2004
20/01154/FUL	Single storey rear extension.	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

Proposed construction of a single storey rear extension following the demolition of an existing conservatory.

## **Application Site**

The site is located to the South of Barley Close within the development boundary of Mistley. The site serves a two storey terraced dwelling constructed of brickwork with a pitched tiled roof. The surrounding streetscene is compromised from dwellings of similar scale and design, materials present include mostly brickwork.

## **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 rear extension will measure 5.4 metres wide by 3.37 metres deep with an overall height of 3.67 metres. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

The proposed extension will be located to the rear of the property and therefore is not visible from the streetscene. The proposal will be constructed from brickwork to match the existing dwelling with a lean to roof attached to the host dwelling. The roof would feature two Velux windows to allow for additional light to the space. The windows, doors, fascias and soffits will be made of UPVC. The roof design is consistent with the overall design of the existing dwelling, which reduces the visual impact of the proposal on the site. As the proposal is located to the rear of the property, it is deemed to not have a significant impact on the overall appearance of the site nor streetscene.

### **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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties are 8 Barley Close to the East and 10 Barley Close to the West.

### **Impact on 8 Barley Close**

The Essex Design Guide makes reference to The Building Research Establishments report "Site Layout 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 single storey rear extension would catch less than half of the window to the rear of No. 8. As a result the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

Due to the single storey nature of the proposal with no side windows facing towards No.8, there will be no significant impact in terms of outlook or privacy.

### **Impact on 10 Barley Close**

This dwelling is set away from the proposed development owing to the presence of the second storey overpass which separates the two dwellings. As a result, it is deemed that the proposed development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 10.

### **Heritage Assets (Conservation Areas)**

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.

Mistley, originally Mistley Thorn, is the earlier settlement of the two, as the Church of St Michael and All Angels in Manningtree (demolished c.1966) was the successor to a building founded as a chapel of ease of Mistley church. Little survives from the earliest periods in Mistley: even the original parish church gave way to a replacement around 1735 designed by Adam. The body of this church was itself demolished leaving what are now known as Mistley Towers, and replaced around 1868-70 with the present church in Gothic style.

Mistley owes much of its present appearance firstly to the Rigby family, owners of the Mistley Estate. Richard Rigby made a fortune from the South Sea Company, settled at Mistley and built a mansion, a new wharf and kilns. He was succeeded by his son, also Richard, who with the patronage of the Prince of Wales and the Duke of Bedford rose to become Paymaster of the Forces in 1768. By the time he died in 1788, he had recast the Hall and the church, erected the almshouses provided for in his father's will, and built commercial and residential properties in the village.

In regards to the Conservation Area Appraisal, Mistley is divided into character areas, which will be described in general terms before notes on features of particular interest. 6 Barley Close is within the area described as 'The Rest of The Area', which includes the former grounds and designed landscape associated with the former Mistley Hall.

At the foot of New Road, a small triangle with a war memorial and village sign is well laid out, with a circular seat around horse-chestnut tree. The bollards and granite sett paving are attractive features, but all other street furniture and surfaces in the area are rather nondescript. Mistley Clinic has important trees on its frontage, though the Parish Church Hall is in a generally poor state of repair and its grounds are lacking maintenance.

The Appraisal makes no specific reference to the proposed site nor any features specific to the locale; as such the development is considered to preserve the character or appearance of the Conservation Area.

### **Highway issues**

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

### **Other Considerations**

Mistley Parish Council approve of this application.

Essex County Council Heritage conclude that this proposal will not detract from the character of the conservation area.

### **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.

## **6. Recommendation**

Approval- Full

## **7. Conditions / Reasons for Refusal**

- 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. 0283/PL/03, 0283/PL/04 and 0283/PL/05.

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 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.

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