

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	06/01/21
Planning Development Manager authorisation:	TC	07/01/2021
Admin checks / despatch completed	CC	08.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	08/01/2021

Application: 20/01696/HHPNOT **Town / Parish:** Bradfield Parish Council

Applicant: Stour Valley Design

Address: Lothlorien Mill Lane Bradfield

Development: Proposed single storey rear extension to replace existing conservatory, 6.495m depth and 3.44m height.

1. Town / Parish Council

Bradfield Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

20/01696/HHPNO T	Proposed single storey rear extension to replace existing conservatory, 6.495m depth and 3.44m height.	Current
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4. Relevant Policies / Government Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Overview

A prior notification has been received by Tendring District Council in relation to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A for a single storey rear extension at Lothlorien, Mill Lane, Bradfield. The proposed extension has a lean to roof and measures 6.94 metres deep by 2.43 metres wide with a height of 3.4 metres.

Class A – the enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted by Class A if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule. **The proposal complies.**

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage. **The proposal complies.**

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse. **The proposal complies.**

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.

The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse. **The proposal complies.**

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which –

- (i) forms the principal elevation of the original dwellinghouse; or
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse. **The proposal complies.**

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and –

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

see paragraph (g).

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height

For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and not extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached other dwellinghouse, or exceed 4 metres in height. **The proposal complies.**

- (h) the enlarged part of the dwellinghouse would have more than a single storey and –

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Not applicable.

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

The enlarged part of the dwellinghouse **would not be** within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres. **The proposal complies.**

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

- (i) exceed 4 metres in height
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse;

Not Applicable.

(k) it would consist of or include

- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse or;

The development would not consist of or include any of the developments listed in points (i) to (iv). **The proposal complies.**

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses). **The proposal complies.**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

The site is not on article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions -

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal complies.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the

enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not Applicable.

A.4

- (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).
- (2) Before beginning the development the developer must provide the following information to the local planning authority –
 - (a) a written description of the proposed development including –
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse; and
 - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
 - (iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);
 - (b) a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;
 - (c) the addresses of any adjoining premises;
 - (d) the developer's contact address;
 - (e) the developer's email address if the developer is content to receive communications electronically.

Together with any fee required to be paid.

In accordance with A.4 (2) (a) the developer has provided a written description of the proposed development which includes how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse, the maximum height of the enlarged part of the dwellinghouse and the height of the eaves of the enlarged part of the dwellinghouse. In accordance with A.4 (2) (b) the developer has provided a plan indicating the site and showing the proposed development (c) the addresses of any adjoining premises (d) the developer's contact address and (e) the developer's email address if the developer is content to receive communications electronically. **The requirements of A.4, condition 2 have been met.**

- (3) The local planning authority may refuse an application where, in the opinion of the authority— (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). **The local planning authority are not refusing the application. The requirements of A.4, condition 3 have been met.**
- (4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval. **The requirement of A.4, condition 4 have been met.**

- (5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which –
- (a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a)
 - (b) provides the address of the proposed development
 - (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and
 - (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

The local authority notified each adjoining owner or occupier about the proposed development in regards to points (a) to (d) on **10th December**. **The requirements of A.4, condition 5 have been met.**

- (6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

The local authority sent a copy of the notice referred to in sub-paragraph (5) to the developer on **10th December 2020**. **The requirement of A.4, condition 6 have been met.**

- (7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

The owner or occupier of any adjoining premises has not objected to the proposed development. Accordingly the prior approval of the local planning authority is not required as to the impact of the proposed development on the amenity of any adjoining premises.

The requirement of A.4, condition 7 has been met.

- (8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

The local planning authority did not require the developer to submit such further information regarding the proposed development. **The requirement of A.4, condition 8 has been met.**

- (9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)
- (a) take into account any representations made as a result of the notice given under subparagraph (5); and
 - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

When considering the impact referred to in sub-paragraph (7), the local authority has taken into account any representations made as a result of the notice given under subparagraph (5); and considered the amenity of all adjoining premises, not just adjoining premises which are the subject of representations. **The requirements of A.4, condition 9 have been met.**

- (10) The development must not begin before the occurrence of one of the following –
- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 42 days following the date on which the information referred to in subparagraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

The requirements of A.4, condition 10 are the responsibility of the developer.

- (11) The development must be carried out -
 - (a) where prior approval is required, in accordance with the details approved by the local planning authority;
 - (b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2), unless the local planning authority and the developer agree otherwise in writing.

The requirements of A.4, condition 11 are the responsibility of the developer.

- (12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

The requirement of A.4, condition 12 has been met.

6. Recommendation

Prior approval not required

7. Conditions / Reasons for Refusal

- 1 The development must not begin before the occurrence of the receipt by the developer from the Local Planning Authority of a written notice that their prior approval is not required.
- 2 The development must be carried out in accordance with the information provided under sub-paragraph (2) i.e. the written description of the proposed development and the plan indicating the site and showing the proposed development, unless the Local Planning Authority and the developer agree otherwise in writing.

8. Informatives

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