

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	06/01/2021
Planning Development Manager authorisation:	SCE	08.01.2021
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Application: 20/01544/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr and Mrs S Partridge

Address: Oak Farmhouse 23A Mill Lane Weeley Heath

Development: Proposed rear extension and extension over existing garage and alteration to fenestration.

1. Town / Parish Council

Weeley Parish Council Weeley Parish Council has no objection to this application
21.12.2020

2. Consultation Responses

Not Applicable

3. Planning History

05/00606/FUL	Retention of green chain link fence surrounding tennis court at 2.75 metres in height.	Refused	18.07.2005
06/01214/FUL	Change of use to residential garden and planting of native woodland copice.	Approved	08.09.2006
06/01215/FUL	Tennis court and green chain link enclosure with associated garden summer house.	Approved	26.09.2006
20/01544/FUL	Proposed rear extension and extension over existing garage and alteration to fenestration.	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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Application Site

The application site comprises of a two storey detached dwelling set back from the front of the site with large driveway and vehicular access. Sited along the front boundary is planting and access gate. There is an existing garage forward of the existing dwelling and planting along the sites boundaries.

The site is located outside of the Development Boundary under the Tendring District Local Plan 2007 however is located within the Development Boundary of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Proposal

This application seeks permission for;

- The erection of a two storey rear extension to the existing dwelling
- Formation of a "studio" in the first floor of the garage facilitated by alterations and new dormer windows.

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 host dwelling sufficiently set back on its plot with a gates access meaning any views of the main dwelling are minimal.

Alterations to Garage

The alterations to the garage include the conversion of the first floor to a studio and two new dormer windows which will look out to the rear boundary of the site. As a result of the set back from the front of the site and vast planting along the front boundary any views of these elements are likely to be minimal and will not infringe upon the site's character or appearance.

The proposed alterations to the garage are of a size appropriate to this building and will be finished in materials which match the existing garage.

The use of the first floor accommodation has been defined as "studio." Further clarification has been sought after and provided from the agent stating that the first floor space above the garage will be used as "an annexe associated to the host dwelling and used for purposes incidental to the use of the dwellinghouse." As a result of its siting in such close proximity to the main dwelling this is considered acceptable and an informative shall be placed upon the planning permission ensuring that it will be used in an ancillary to the main house only.

Two storey rear extension

The two storey rear extension will be sited to the rear of the house and will therefore not be publicly visible. The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

The extension is of a size and design in keeping with the main dwelling. The first floor of the extension will be finished in render to match the existing house and the ground floor will be finished in dark grey/black cladding. Whilst the cladding will not match that of the existing dwelling this element of the proposal will be sited to the rear and not publicly visible preventing it from having a harmful impact to the overall appearance and character of the existing house and streetscene.

The site is situated outside the adopted housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007. It is noted that the site is located within the Development Boundary of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Impact to Neighbours

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 will be sited at an ample distance away from neighbouring properties and screened by existing planting along the site's boundary refraining it from causing any loss to residential amenities of the neighbouring dwelling house situated to the south east. Furthermore the dormer windows proposed will look out to the rear of the site where there are no neighbouring residential properties.

Other Considerations

Weeley Parish Council have no objections to the proposal.
No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed 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 plan: PA_10, PA_11 and PA_12.

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.

Please note that the "Studio" above the existing garage may only be occupied as ancillary accommodation to the main dwelling, known as Oak Farmhouse, 23A Mill Lane, Weeley Heath, Clacton On Sea, Essex, CO16 9BZ. Any separate residential use would require planning permission.