

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DA	21.12.20
Planning Development Manager authorisation:	TC	21/12/2020
Admin checks / despatch completed	CC	22.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	22/12/2020

Application: 20/01423/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr Kristian Butcher

Address: Soller Spinney Gutteridge Hall Lane Weeley

Development: Single storey side and rear extension and the raising of the roof to facilitate a loft conversion.

1. Town / Parish Council

Mrs Nicola Baker
17.11.2020

Weeley Parish Council does not object to this application subject to neighbours' comments

2. Consultation Responses

One letter of support received

3. Planning History

20/01423/FUL Single storey side and rear extension and the raising of the roof to facilitate a loft conversion. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG9 Private Amenity Space

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

5. Officer Appraisal

Site and Surroundings

The application site is situated to the north side of Gutteridge Hall Lane forming part of a row of five detached dwellings of varied size scale height and setting. The subject property is of single storey height and includes a gabled front section.

Proposal

Planning permission is sought to construct a single storey side and rear extension and the raising of the roof to facilitate a loft conversion.

The proposal also includes a two roof lights to the front elevation, 5 roof lights to the rear along with a roof lantern on the roof of the proposed rear extension. Four solar panels are also proposed to the rear roof

The rear extension would measure approximately 5.5m deep with a width of 15m and height of 2.7m. The side extension would be some 4.4m wide with a depth of approximately 12m. Ground floor would accommodate a day room, study, kitchen, lounge and a new garage.

The proposal also includes the raising of the roof by 2m, from 5m as existing to 7m to apex height. The new roof space will accommodate 4 bedrooms with the existing 2 bedrooms being relocated from the ground floor.

The attached garage would include an entrance width of 3m and an internal depth of 5.1m and would replace the existing detached garage.

Design and appearance

The NPPF places great emphasis on good design and the maintenance of character. Saved policy QL9 states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character reflecting the importance of good design.

This emphasis on design and character is also reflected in the emerging policy SPL3 of the Tendring District Local Plan 2013-2033 which requires that new development enhances local character and relates well to its surroundings.

The application property is one of dwellings along the row all of which have individual design which is the characteristic feature of the area. The proposal would increase the ridge height by 2m along with an increase in the overall scale of the roof. The side extension would form an integral part of the roof addition as it would be integrated as part of the roof. Facing materials used would include brickwork with cedar boarding above with the roof covered by interlocking concrete tiles replacing the existing Spanish tiling. Proposed window frames are powder coated aluminium.

The proposal also includes front and rear roof lights along with solar panels which are considered acceptable in terms of appearance.

The appearance of the extension in the streetscene would be acceptable as it would maintain the varied nature of buildings in the area and would not compromise the aims of the NPPF and would be satisfactorily absorbed into the local character of the area and as such would comply with criterion (i) of Policy QL9 and emerging policy SPL3.

The proposed rear extension includes a flat roof with an overhang of .4m. Three sets of glazed folding doors would provide access to the rear garden and a lantern style roof light would be installed to the roof of the rear addition. Materials used would include facing brickwork with powder coated aluminium frames.

Effect neighbour amenity

Policy QL11 is broadly concerned with the compatibility of development in terms of scale, impact on privacy, daylight or other amenities of occupiers of nearby properties.

It is considered that the main impact of the proposed extensions would be from the rear additional. The addition is of modest height but is almost 4.5m in depth, however, the addition would be set off the eastern boundary with Little Oaks by 1m with a wall to wall separation of over 2m. The relationship would not be harmful.

With regard to Lydon Glen to the western boundary, it is noted that there are outbuildings along the boundary with the application premises which would partially screen the proposed rear extension which would not result in harm.

It is noted that a side window will form part of the extension at roof level. This could have implications in term of overlooking and loss of privacy. However, this is a high level window and a condition could be appended to any approval to prevent loss of privacy through overlooking. Thus, it is considered that the proposal would not result in a loss of privacy and would comply with saved policies QL9 and

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 plans: Drawing Number PP-KB-01 A and Location Plan.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the high level windows in the western and eastern elevations shall be glazed in obscure glass before the proposed first floor rooms hereby permitted are first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

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.

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

