

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DM	14/01/2021
Planning Development Manager authorisation:	TC	14/01/2021
Admin checks / despatch completed	DB	15/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	15/01/2021

Application: 20/01702/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr and Mrs Gozzett

Address: 34 Church Road Elmstead Colchester

Development: Proposed two storey rear extensions, replacement porch and new lean-to roof over existing garage.

1. Town / Parish Council

No response

2. Consultation Responses

N/A

3. Planning History

None recent.

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
HG9 Private Amenity Space
HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
Local Planning Guidance
Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

34 Church Road Elmstead is a two storey, detached dwelling located in a primarily residential area within Elmstead. It has been extended extensively at single storey to the side and rear. It is sited but one plot from the cricket ground across which runs a Public Right of Way. In common with neighbours the site is relatively large with 28m deep garden to the rear. The dwelling is bounded by Nos. 36 and 32 to the north and south respectively. 36 is particularly heavily extended with a large single storey hipped roof projection to the rear taking up most of its garden. No. 32 looks to have been extended also at both ground and upper floor levels and projects >4m beyond the original rear wall at two storey scale.

Proposal

The application proposes two storey rear extensions, replacement porch and new lean-to roof over existing garage.

Layout and Design

The proposal seeks to significantly increase the depth of the dwelling by extending at two storey scale. This translates into a 6m deep rear addition with a gabled roof form to the north adjacent No. 36, and a roof ridge set down from that of the original roof to demonstrate visual subordination. Similar is proposed to the other side however it would be 3m in depth. Both feature Juliet windows and similar roof pitch that complements that of the main roof. To the centre is a single storey element that is flat roof and lit by two lanterns. To the south the existing garage gets a single pitch. The porch is remodelled to the front and with a gabled emphasis however its footprint remains the same and the height increase is marginal. The proposal would be compliant with listed design policies and does not result in officer objection.

Neighbour Amenity

The proposal will not affect the side boundary save for the pitch to the existing roof. With respect to neighbour impact in terms of overbearing, loss of privacy, overlooking, and loss of receipt of

natural light and deprivation of outlook as featured in the EDD the proposal while being relatively large does sit between dwellings which themselves have been heavily extended. This serves to mitigate any unacceptable neighbour impacts as listed. Furthermore there are no side facing windows to habitable rooms at Nos 32 and 36 that are not already well served by larger windows set in the front or rear elevations. No neighbour objections have been received. Again then, no objections are maintained.

Highways/Parking

The proposal would not increase the no. of bedrooms at the site therefore there should be no increase in parking demand.

Other considerations

Neighbours were consulted and a site notice erected. No letters of objection or comments otherwise have been received.

Recommendation

In the absence of material harm resulting from the development the application is recommended for approval.

6. 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 PA-11-A

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

7. 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>

