

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	15.02.2021
Planning Development Manager authorisation:	TC	16/02/2021
Admin checks / despatch completed	DB	24/02/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	24.02.2021

**Application:** 21/00062/FUL **Town / Parish:** Little Bentley Parish Council

**Applicant:** Mrs Mortimer

**Address:** Larkwood Rectory Road Little Bentley

**Development:** Proposed garage conversion and first floor side extension with addition of pitched roof to front porch and garage.

### **1. Town / Parish Council**

Little Bentley Parish Council      No comments received.

### **2. Consultation Responses**

N/A

### **3. Planning History**

21/00062/FUL      Proposed garage conversion and first floor side extension with addition of pitched roof to front porch and garage.      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

HG9 Private Amenity Space

HG14 Side Isolation

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

SPL3 Sustainable Design

## **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)**

### **Proposal**

The application seeks permission for a proposed garage conversion and first floor side extension with addition of pitched roof to the front porch and garage.

### **Site Description**

The application site refers Larkswood Rectory Road, a two storey semi-detached dwelling located within the settlement boundary of Little Bentley.

## **Design and Appearance**

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The side extension would measure 2.5 metres wide, by 7.9 metres deep and an overall height of 7.3 metres. The site can accommodate a proposal of this scale and design, whilst retaining adequate private amenity space. The extension will feature no first floor windows along the side elevation, with the ground floor featuring a side door and window consistent with the host dwelling.

The two storey side extension will be located to the east of the host dwelling. There will be views of the proposal from Rectory Road, however due to the proposal being set back from the highway as well as the ridge height set lower in order to clearly distinguish it as an extension. It is therefore considered that the proposal would not create a cramped appearance. The proposal will be constructed from red brickwork with cladding added to the first floor portion. The roof would be finished with tile and a feature pitch consistent with the host dwelling. It is therefore considered that the proposed extension is acceptable in terms of design, appearance and the impact on the character of the area.

The remodelling of the front elevation including changes to materials and fenestration are considered to be minor alterations to the dwelling and acceptable in terms of design and appearance.

## **Impact upon Neighbouring Amenities**

Policy QL11 of the Saved Plan states that amongst other 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 proposed extension will be situated to the east of the host dwelling and therefore it will not cause any impact to the neighbouring dwelling to the west. The proposal will be visible to the neighbouring dwelling to the east however the proposal will maintain 2.9 metres to the boundary in line with Policy HG14 and there are no windows proposed on the side elevation to reduce any overlooking onto neighbouring amenities.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning 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 roof would not catch any habitable rooms in elevation and it is considered that the 45 degree would not intercept the windows in plan. It is therefore felt that there will be no loss of light to the neighbouring dwelling.

## **Highways Considerations**

Whilst the proposed development would lose an existing parking space in the conversion of the garage, submitted plan 1.1A illustrates the provision of two car spaces to the front of the property which are consistent with the Essex Parking Standards.

## **Other Considerations**

No other letters of representation have been received.

## Conclusion

In the absence of any material harm resulting from the development, 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 plans: Drawing no.

- 1.0B
- 1.1A

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

