

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	04/03/2021
Planning Development Manager authorisation:	TF	04/03/2021
Admin checks / despatch completed	DB	05.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05.03.2021

Application: 20/01809/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Troy Blowers

Address: The Pippins Waterhouse Lane Ardleigh

Development: Proposed first floor extension and internals alterations with proposed new cart lodge.

1. Town / Parish Council

Ardleigh Parish Council 22.02.2021 Ardleigh Parish Council supports this application

2. Consultation Responses

TDC Tree & Landscape Officer 02.02.2021 The application site is currently affected by Tendring District Council Tree Preservation 91/06/TPO and affords formal legal protection to a large Ash on the boundary with the highway and shown on the plans submitted with the application.

It should be noted that a recent consent has been granted under the TPO permitting the removal of the tree because of its potentially dangerous condition ' Ref 20/01644/FUL. The tree is heavily decayed and not viable in the long term.

Therefore the impact of the development on the tree is not considered to be a constraint on the proposed development of the land.

3. Planning History

08/01360/FUL	Removal of Condition no. 2 relating to ref. no. TEN/298/64 - agricultural dwelling and garage for agricultural worker.	Refused	10.12.2008
10/00287/FUL	Change of use from agricultural land to domestic garden.	Approved	17.05.2010
18/00458/LUEX	Dwelling house without occupancy restriction.		27.06.2018
20/01041/TPO	1 No. Ash - Reduce lateral growth to approximately 3m away from bungalow. Lift crown to approximately 5m. Reduce limb and remove diseased or dead wood.	Approved	04.09.2020

20/01644/TPO	1 No. Ash - Fell as is diseased.	Approved	24.12.2020
20/01809/FUL	Proposed first floor extension and internals alterations with proposed new cart lodge.	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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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. In this latter regard, as of 26th 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 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th 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

Proposal

This application seeks permission for a first floor extension to a detached bungalow and the addition of a cartlodge with ancillary office space at first floor. The Pippins is located in a rural location outside of any settlement development boundary.

Design and Appearance

The existing bungalow is set back slightly from the lane with a lawned front garden and driveway. The proposals will not alter the footprint of the existing bungalow but will rather raise the roof to create a one and a half storey property with rooms on the first floor. The existing front gable will be raised to create a feature and break up the length of the building. Dormer windows and rooflights at the front and rear will offer light into the newly formed rooms. The bungalow will take on a modern refurbishment realised by the use of coloured render and cladding, lead finished dormers and anthracite windows and doors.

The proposed cartlodge will be situated on the north eastern side of the application site, an area currently set to grass and part of the side garden. The cartlodge will lie against the boundary, at an angle of approximately 45 degrees to the main dwelling. The cartlodge will benefit from a room in the roof which will be offered light by roof lights and a gable window overlooking the rear garden. The cartlodge external finish will complement the dwelling by using matching cladding.

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy the general criteria set out in Policies QL9 and QL10 and, in addition, that it is of a size, scale and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting and is well related and in proportion to the original dwelling. In this case the first floor extension maintains the footprint of the original bungalow and the cartlodge is sited to the side of the dwelling so as not to encroach into the large garden. The cartlodge, due to its position on an angle represents a stoppage at this point of the application site where beyond it lies a field before the crossroads with Briar Road and Morrow Lane. The Pippins is one of a cluster of nine dwellings in this part of Waterhouse Lane which take different forms, detached houses, semi-detached cottages and bungalows ensuring the proposals acceptability in this regard.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the proposal is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case a distance of 7.9 metres has been maintained to the side boundary shared with the Stable House. A distance of 0.40 metres exists between the cartlodge and the north eastern boundary which lies adjacent to a field.

The proposed first floor rear facing windows serve bedrooms and a dressing room. Due to the separation distance between the properties of the Stable House and The Pippins, along with the orientation of the dwellings and their respective private amenity areas there will be no significant risk of overlooking, loss of privacy or light.

The proposal increases the provision for off road car parking and the cartlodge provides three bays which each meet the standard for a single garage and which measures 7 metres x 3 metres. The area in front of the cartlodge also provides space for car parking.

The private amenity space to the rear is unaffected by the proposals and over 600 square metres of garden will remain.

Other Considerations

Ardleigh Parish Council supports this application.

The Council's Tree and Landscape Officer has confirmed that the application site is currently affected by Tendring District Council Tree Preservation 91/06/TPO and affords formal legal protection to a large Ash on the boundary with the highway and shown on the plans submitted with the application.

It should be noted that a recent consent has been granted under the TPO permitting the removal of the tree because of its potentially dangerous condition, Ref 20/01644/FUL. The tree is heavily decayed and not viable in the long term.

Therefore the impact of the development on the tree is not considered to be a constraint on the proposed development of the land.

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

- 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: Drg Number: 101A showing proposed cartlodge floor plans and elevations received on 23rd February 2021, Drg Number: 101A showing location plan, existing and proposed block plan, Drg Numbers 104A and 105A, and Drg Number: 106A received on 26th February 2021.

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

- 3 The cartlodge hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Pippins, Waterhouse Lane, Ardleigh and shall not be independently occupied.

Reason - To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of the Council's adopted and emerging Local Plan.

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.

<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>