

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	15.04.2021
Planning Development Manager authorisation:	TF	15/04/2021
Admin checks / despatch completed	DB	15.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15.04.2021

**Application:** 20/01820/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Clive Ellis

**Address:** 15 Lydgate Close Lawford Manningtree

**Development:** Demolition of existing conservatory and construction of single storey lean to rear extension.

### 1. Town / Parish Council

Lawford Parish Council      No objection to this application.  
08.04.2021

### 2. Consultation Responses

N/A

### 3. Planning History

20/01820/FUL      Demolition of existing conservatory      Current  
and construction of single storey  
lean to rear extension.

### 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

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

SP1    Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Demolition of existing conservatory and construction of single storey lean to rear extension.

### **Application Site**

The application site is located to the south east of Lydgate Close, a semi-detached dwelling located within the development boundary of Manningtree. The site serves a two-storey dwelling constructed of brickwork with a pitched tiled roof.

### **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 proposed side and rear extension would measure 6.2 metres wide by 3.6 metres deep with an overall height of 3.2 metres. The walls would be finished in a combination of painted render and exposed brickwork, to remain consistent with the host dwelling. The lean to tiled roof, would feature two skylights to the rear, and be finished in tiles consistent with those of the existing dwelling. The rear elevation would feature rear facing aluminium doors leading to the garden. This proposal is a single storey construction located to the side and rear of the host dwelling, so will be partially visible from the streetscene of Lydgate Close. However, it is noted that the side portion of the extension would replace an existing structure of similar scale, which is in poor condition. As a result, the design of the proposal is deemed to represent an improvement on the visual amenity of the site.

The rear extension would replace the existing conservatory with a new rear room leading from the kitchen. The side extension would allow for a storage room with associated W/C. The design of the proposal is deemed sympathetic to the host dwelling and relates well to its surrounding site. As a result, it is deemed that this proposal is of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

### **Impact on Neighbouring Amenities**

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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring dwellings to the proposal are 11 and 17 Lydgate Close.

### **Impact on 11 Lydgate Close**

This dwelling is located adjacent to the host dwelling and is separated by approximately 1.8 metres. The proposal would be single storey and feature no side facing windows, so the privacy of this dwelling would not be compromised. As the rear gardens are both south facing, it is deemed that the proposal would not result in a loss of daylight to this neighbouring dwelling. As a result, it is deemed that the proposal will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this property.

### **Impact on 17 Lydgate Close**

This dwelling is attached to the host dwelling along the west boundary. Whilst the proposal would protrude beyond the extent of this dwelling by approx. 1.2 metres, it is deemed that it would not cause a significant reduction in light nor privacy to this dwelling.

### **Highway issues**

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

### **Other Considerations**

Lawford Parish Council have no objection to the proposal.

No other letters of representation have been received.

## Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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.

- 2020/356/0500 A
- 2020/374/0201 A

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.

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