

//DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	29.04.2021
Planning Development Manager authorisation:	JJ	29/04/2021
Admin checks / despatch completed	DB	29.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	29.04.2021

Application: 21/00350/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr A Skeggs

Address: 59 Gainsborough Drive Lawford Manningtree

Development: Proposed double-storey side extension including removal of half of shared garage

1. Town / Parish Council

Lawford Parish Council No objection to this application.

2. Consultation Responses

N/A

3. Planning History

None

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

HG14 Side Isolation

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide for Residential and Mixed Use Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is located on the southern side of Gainsborough Drive and comprises of a detached two storey house. A pair of garages are located between Nos 59 and 61 with driveways running between the two neighbouring dwellings. The application site is part of a wider housing estate with a high density layout of dwellings of a fairly uniform nature. The site is within the Settlement Development Boundary of Lawford.

Proposal

The application seeks planning permission to demolish the existing conservatory and the half of the garage building belonging to No. 59 and to construct a two storey side extension. It is also proposed to remove the area of lawn to provide hardstanding to the front of the dwelling.

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 Policies SP1 and SPL3 reflects these considerations.

Amended plans have been received during the course of the application which have reduced the width of the proposed extension by some 0.375m in order to maintain a degree of subservience

between the extension and the main dwelling and to maintain a 1m separation distance from the side boundary.

The proposed two storey extension measures 3.375m wide to the front, 3.675m wide to the rear, 7.55m deep, with an eaves height of some 4m and a maximum height of 6.35m. The extension is set back from the front wall by some 4m. The extension is to be finished externally in brick, concrete tiles, dark grey hardi-plank cladding, white uPVC windows and dark grey bi-fold doors to the rear to harmonise with the main dwelling.

The proposed side extension meets the requirements of Policy HG14 (Side isolation) in the adopted local plan, being set 1m off the boundary and set back from the front of the house and below the height of the original dwelling. The loss of the garage, whilst regrettable in terms of the wider character of the estate, is not considered, due to its set back from the highway to be harmful to the character and appearance of these two neighbouring dwellings, with single detached garages are seen within the wider estate. The fenestration detailing to the front of the proposed extension is unusual, but emulates the design of the nearby dwellings, in particular No. 2 Taylor Drive which has the same front dormer and single window arrangement to that proposed.

It is therefore considered that the design, size, sitting and scale of the two storey extension is such that it would not result in any significant harm to the character and appearance of the main dwelling, the rear garden scene or the wider streetscene. The overall site can accommodate the proposed extension whilst retaining adequate private amenity space.

The proposal is considered to be acceptable and policy compliant in these regards.

Impact on neighbouring properties

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

The application site is neighboured by No. 61 (to the west) and No. 57 Gainsborough Drive (to the east) both of which are detached dwellings.

It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in terms of loss of light, overshadowing or an undue sense of enclosure. However, given the varying ground levels within and around the site and the orientation of the proposed extension in relation to Nos 57 and 61, the proposed side windows at first floor have the potential to overlook the rear amenity areas of these neighbouring dwellings resulting in a loss of privacy. Therefore it is reasonable to add a condition to any grant of planning permission to ensure that the side windows are obscure glazed to mitigate any overlooking or loss of privacy concerns.

The dwellings to the rear of the site are not considered to be impacted by the proposed extension due to the of separation distances involved. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Parking Provision and Highway Safety

The extended dwelling would remain a 3-bedroom property and therefore requires 2 car parking spaces (5.5m x 2.9m) to meet policy requirements. The proposed extension would see the removal of the existing garage and part of the driveway, thus leaving one parking space available. It is proposed to install block paving to the front lawn area to provide an additional parking space. Therefore subject to a condition to ensure that any block paving installed is of a permeable material the proposal is acceptable and policy compliant in these regards.

Other Considerations

No representations 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

- 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 plan(s): 0306/PL03 Rev A, 0306/PL04 Rev A, 0306/PL05 Rev A, 0306/PL/07 Rev A

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.

- 3 The materials used on the external surfaces of the development hereby approved must match those used on the external surfaces of the existing property.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design, having regard to Policy QL9 of the adopted Tendring District Local Plan (2007) and SPL3 of the emerging Tendring District Local Plan 2013-33 and Beyond Publication Draft.

- 4 The first floor windows on the flank elevations of the side extension hereby approved, must be obscure glazed to a minimum of Level 4 on the Pilkington scale of privacy or equivalent, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the residential amenities of the locality, having regard to Policy QL11 of the adopted Tendring District Local Plan (2007) and SPL3 of the emerging Tendring District Local Plan 2013-33 and Beyond Publication Draft.

- 5 Prior to the first occupation of the development hereby approved, the area of block paving as shown on plan no: 0306/PL/07 Rev A must be constructed in a permeable material and made available for parking.

Reason - In the interest of highway safety.

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.

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