

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/05/2021
Planning Development Manager authorisation:	SCE	11.05.2021
Admin checks / despatch completed	ER	12/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.05.2021

Application: 21/00481/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs Lawton

Address: 3 Manor House Way Brightlingsea Colchester

Development: Erection of single storey side extension and creation of porch and garage extensions

1. Town / Parish Council

Brightlingsea Town
Council
28.04.2021

Supports application

2. Consultation Responses

Not applicable

3. Planning History

77/00951/FUL	Rear extn to lounge kitchen and bedroom together with formation of balcony	Approved	27.09.1977
10/00439/FUL	Extend boundary fence by 3m into existing front garden.	Approved	06.07.2010
16/01270/FUL	Ground floor extension to rear.	Approved	05.10.2016
21/00481/FUL	Erection of single storey side extension and creation of porch and garage extensions	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 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 (including Site Description and Proposal)

Application Site

The application site comprises of a two storey detached dwelling with existing garage to the front. The dwelling set back on its plot with area for parking and vehicular access to the front. The site is on a corner plot with fencing along the side boundary. The existing house has been constructed from brick with some boarding detailing and has an existing rear extension.

Proposal

This application seeks permission for erection of single storey side extension and creation of porch and garage extensions.

Assessment

Design and Appearance

The surrounding area comprises of two storey detached dwellings with front flat roof garages. The introduction of the extension to the existing garage which incorporates a pitched roof will be a break from the uniformity of the area. The existing garage itself is set back on its plot which will prevent the proposal from appearing as a prominent or harmful feature within the streetscene and

the use of brick to match the existing house and garage will allow the extension to appear in keeping with the host dwelling and surrounding properties.

The proposed porch is of a suitable design and size in relation to the main house and will be significantly set back from the front of the site to prevent it from appearing as a harmful or prominent feature. This element of the proposal will be finished in boarding to allow it to appear consistent with the existing house.

The proposed side extension is of an appropriate size to the main house which will be finished in boarding that matches the existing dwelling. The site is of a large enough size to accommodate such a proposal whilst still maintaining adequate private amenity space. Whilst this element of the proposal will be visible from Manor House Way it will be largely screened by the existing boundary fencing and set back from the boundary which will reduce its prominence.

It is therefore concluded that the proposal is of suitable size and design which would appear appropriately to the existing house and locality and would not be detrimental to its character or appearance.

Highway Safety

The Essex County Council Parking Standards states that where houses comprise of two or more bedrooms that 2no parking spaces should be retained measuring 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 7m by 3m

The existing garage does not meet this standards at present and will not on completion of the works however the front of the site is of a large enough size to accommodate the off street parking of two vehicles in line with the ECC standards and will prevent the harmful impact to highway safety.

The side extension will be set back from the side boundary by 2m which will prevent it from resulting in highway safety.

Impact on Neighbours

The proposed side extension will be sited sufficient distance away from neighbouring boundaries and will be screened by the host dwelling and boundary fencing which will prevent it from resulting in a loss of residential amenities to the neighbouring sites.

The proposed garage extension will be set off of the boundary shared with 1 Manor House Way by approximately 0.3m. This neighbouring dwelling is similar in design to the application house and has an existing garage set off of its boundary near the siting of the proposal. It is noted that there are two side openings at 1 Manor House Way which currently look onto the host dwelling. The proposal has the potential to result in a loss of light and outlook to these however as they already receive little light and outlook it would be unreasonable to refuse planning permission on these grounds. As a result of the proposals siting and screening by way of this neighbours garage it is concluded that the proposal would not result in a significant loss of residential amenities to this neighbour.

Other Considerations

Brightlingsea Town Council support the application.

One letter of representation has been received objection to the proposal. Their comments are summarised and assessed below.

- Part of the development will be erected on land which is not under the ownership of the applicants and therefore the ownership certificate within the application is incorrect.

This has been rectified and amended plans have since been received showing the whole development within the parameters of the site belonging to 3 Manor House Way.

- Terracing effect.

The plot is of a suitable width to accommodate the proposal without any of the elements appearing cramped within the streetscene.

- New pitched roof will be out of keeping with the area where flat roofs are predominantly featured.

The proposal will break away from the uniformity of flat roof garages within the area however as reflected within the above report due to the garages set back from the front boundary and its minor nature the alteration to this building is considered not to appear as a harmful change to the existing house or immediate area.

- Loss of light and outlook to 1 Manor House Way.

This neighbour does have two openings sited along its side elevation which face onto the host dwelling receiving limited views and outlook. One of these openings is obscure glazed and the other is positioned above ground floor level and believed to serve a landing/ hallway. The proposal does have the potential to result in further loss of light and outlook to these openings however as they already receive restricted light and outlook at present it is considered unreasonable to refuse planning permission on these grounds.

- Concerns over Drainage.

This is not a material planning consideration and will be assessed during the Building Regulations stage of the development.

Conclusion

In the absence of material harm resulting from the proposed 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 plan: P01b.

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.