

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	20.05.2021
Planning Development Manager authorisation:	JJ	20/05/2021
Admin checks / despatch completed	DB	20.05.2021
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Application: 21/00599/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr D Hughes

Address: Wisteria House Heath Road Mistley

Development: Proposed single storey side and rear extension.

1. Town / Parish Council

Mrs Susan Clements
06.05.2021

At its Planning Committee Meeting on the 5th May 2021, the Parish Council recommended approval.

2. Consultation Responses

N/A

3. Planning History

16/01145/OUT	Proposed detached dwellings on land adjacent to existing property for private use.	Approved	13.09.2016
17/02022/DETAIL	Reserved matters application following planning approval 16/01145/OUT for plots 3 and 4.	Approved	17.01.2018
21/00599/FUL	Proposed single storey side and rear extension.	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Adopted Tendring District Local Plan 2007 (part superseded)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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

The proposal seeks permission for the erection of a single storey side and rear extension.

Application Site

The application site is located to the west of Heath Road, which serves a large detached dwelling, located outside of any development boundary. The site serves a dwelling constructed of exposed

facing brickwork and painted render, with a pitched red tiled roof. The dwelling is one of four dwellings approved in 2016, with both Wisteria House and Meadow View having a shared access driveway. As there is shared access, a construction access plan with details of material storage location and delivery vehicle access have also been provided. There is ample off-street car parking provision and a covered carport, to the front of the dwelling. The surrounding streetscene is comprised of dwellings of varying scale and design, with a uniformity being observed amongst the four adjacent dwellings.

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 9.5 metres wide by 6.5 metres deep with an overall height of 2.7 metres. The exterior would be finished in copper cladding, with a 'Widopan' flat roof, which whilst not consistent with the host dwelling, is acceptable in this case as the proposal is mostly located to the rear of the property. The proposal would be visible from the front of the dwelling also, however the visual impact on the streetscene would be limited, owing to the existing mature boundary hedging to the front of the property. All windows and doors will be white UPVC, to remain in keeping with those present at the existing dwelling. The rear and side elevation would feature bifold doors made of white UPVC, to allow views and access to the rear garden. The front elevation would feature a fixed glazed panel to provide views to the front driveway. The proposal is deemed to be 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 ample 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 dwelling to the proposal would be Meadow View Heath Road.

Impact on Meadow View Heath Road

The proposal is single storey and located away nearer to the other boundary, so will be mostly obscured from view by the existing dwelling. It is also deemed that daylight provision to the neighbouring dwelling would not be compromised as a result of this development. The proposal would also not feature any side facing windows, which could compromise privacy. The main impact of the proposal on this neighbouring dwelling would be the shared access driveway, so as a result a construction access plan and an imposed working time condition is required. As a result, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

Highway issues

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

Other Considerations

One letter of representation was received from a neighbouring dwelling, with their concerns being summarised as damage caused to the shared driveway during construction, the impact of mud and unsociable working hours. Any repairs required to the shared access, would be a civil matter between the two dwellings and would therefore not be assessed through planning permission. The agent has provided additional details regarding a construction access plan, to ensure that any delivery vehicles and materials are adequately provisioned, thus not compromising neighbouring amenities. A condition has also been included to ensure construction is commenced during the permitted hours, to again reduce the impact to neighbouring dwellings.

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 plans; Drawing No.
 - 706/1
 - 706/1/A

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

3. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason – To reduce disturbance neighbouring dwellings.

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.