

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	08.06.2021
Planning Development Manager authorisation:	JJ	09/06/2021
Admin checks / despatch completed	ER	09/06/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	09/06/2021

Application: 21/00692/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr and Mrs Page

Address: 193 Colchester Road Lawford Manningtree

Development: Erection of single storey rear extension (following demolition of existing summer house)

1. Town / Parish Council

Lawford Parish Council No objection.

2. Consultation Responses

N/A

3. Planning History

16/00716/FUL	Proposed single storey rear & side extension.	Approved	01.07.2016
20/30252/PREAPP	Erection of a single storey pitched roof rear extension.		07.01.2021
21/00692/FUL	Erection of single storey rear extension (following demolition of existing summer house)	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Adopted Tendring District Local Plan 2007 (part superseded)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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 single storey rear extension (following demolition of existing summerhouse)

Application Site

The application site is located to the west of Colchester Road, which serves a detached two storey dwelling, located within the development boundary of Manningtree. The site serves a dwelling constructed of exposed facing brickwork, with a pitched concrete tiled roof. There are two off-street car parking spaces to the front of the dwelling.

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 rear extension would measure 3.3 metres wide by 8 metres deep with an overall height of 3.6 metres. The walls would be finished in facing brickwork, which would remain consistent with the host dwelling. The proposal would be located to the rear of the property so would have no visual impact on the streetscene of Colchester Road. The roof would be a pitched construction finished in concrete tiles, with all windows and doors to be white UPVC, to remain in keeping with the existing dwelling. The rear elevation would feature a large UPVC window, to allow views to the rear garden, with side facing bifold doors to provide access. 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 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 dwelling to the proposal would be number 191 Colchester Road.

Impact on No. 191 Colchester Road

The proposal would be built to the rear, along the boundary line separating the application site from the neighbouring dwelling to the north. Whilst the proposal is single storey, it would be visible above the existing fence line. However, as the proposal would be separated by over 3 metres from this dwelling. In addition, the proposed extension will be finished in a pitched roof sloping down to the neighbouring boundary shared with No. 191, therefore further minimising the impact on the occupiers of that property. For these reasons it is deemed that daylight provision to the neighbouring rear door would not be compromised as a result of this development, for the same reasons there will not be an unacceptable overbearing impact. The proposal would also not feature any side facing windows, which could compromise privacy. 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.

Due to the orientation and placement of the proposal there will be no unacceptable impact on the neighbouring property to the south.

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.

- JP-P02
- JP-P04

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.