

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	09/06/2021
Planning Development Manager authorisation:	JJ	10/06/2021
Admin checks / despatch completed	DB	10.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	10.06.2021

Application: 20/01648/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr D Gross

Address: Newholme Plough Road Great Bentley

Development: Erection of proposed two storey rear extension.

1. Town / Parish Council

Great Bentley Parish
Council
09.03.2021

At the Great Bentley Parish Council Planning Committee meeting held on 4th March 2021 it was resolved to make no comment on this application

2. Consultation Responses

Not Applicable

3. Planning History

05/00230/FUL	Two storey side extension, single storey rear extension and conservatory and detached double garage	Refused	13.04.2005
05/00857/FUL	Side & rear extensions and conservatory and detached garage	Approved	04.07.2005
05/01837/FUL	Two storey side extension and a single storey rear extension.	Approved	14.12.2005

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Adopted Tendring District Local Plan 2007 (part superseded)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

HG14 Side Isolation

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

SP7 Place Shaping Principles (section 1 adopted policy)

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site description

The application site relates to Newholme, Plough Road, Great Bentley, a one and a half storey dwelling located outside the settlement boundary of Great Bentley.

Proposal

This application seeks planning permission for the erection of a two storey rear extension.

Discussions were had with the agent to overcome the initial concerns however due to the significant changes needed for the proposal to be acceptable a fresh application or preapplication would be required.

Assessment

The main considerations for this application are the design and appearance and the impact upon neighbouring amenities.

1. Design and Appearance

Paragraph 127 of the National Planning Policy Framework (2018) states planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed two storey extension is located to the rear of the host dwelling. There will be some views of the proposal from the highway from the north. The proposal will measure approximately 5.3 metres in depth, 8.2 metres in width with an overall height of 6.5 metres.

The proposed extension is excessive in size with a large double gable to the rear, doubling the existing footprint of the building. Although there is room on the plot for an extension, the proposal is considered to be bulky and there is a lack of coherence in terms of its form, massing, fenestration styling and size.

Overall, the scale, height and bulk of the proposal amount to a harmful form of development on the site with a design and finish considered to be out of keeping with local character and distinctiveness. The development is wholly inappropriate and fails to make a positive contribution to the quality of the local environment, contrary to the aims of the above-mentioned national and local plan policies.

2. Impact upon Neighbouring Amenities

Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Saved Policy QL10 of the adopted Tendring District Local Plan (2007) states that permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space and accessibility. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 of the adopted Tendring District Local Plan (2007) states that proposals for new dwellings will be required to retain appropriate open space between the dwellings and the side boundaries of the plot to safeguard the amenities and aspect of adjoining residents.

The dwelling is semi-detached with no neighbours to the north of the application site. To the south is 'Fiddlers Folly', a one and a half storey semi-detached dwelling with a single storey extension to the rear. The two storey extension will be visible to the neighbouring dwelling and it is considered that the depth of the rear extension in conjunction with its height and massing would have an overbearing impact on and cause material harm to the amenity of the occupiers of Fiddlers Folly.

The proposed development therefore fails to adhere to the aims of the above-mentioned national and local plan policies.

3. Other Considerations

Great Bentley Parish Council make no comment on this application.

2 letters of objection have been received raising the following concerns:

Concern that the block plan is incorrect and does not show my house as it actually is
The proposed side elevations omit the fact I have an upstairs dormer window which will be robbed of light and any view to the right obscured. With such a large extension it will be like looking down a tunnel from my bedroom window. The rear elevation on the proposed plans does not show my house at all. I believe my rear dormer window is less than one metre from their proposed extension.

Concern that the size of the extension is completely out of proportion to my side of the property and will give an unbalanced appearance to the properties and would be out of character. Both houses were originally two bed semi-detached and mine still is. Newholme has already doubled in size by previous extensions.

Concern that the plans are of a size that were refused in 2005 for being overdevelopment of the site and out of scale with the neighbouring house. Amended smaller plans were later passed.

In response to the concerns above, a plan was provided to demonstrate the neighbour in relation to the proposed extension. The size of the extension has been addressed within the report.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 Paragraph 127 of the National Planning Policy Framework (2018) states planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed two storey extension is located to the rear of the host dwelling. There will be some views of the proposal from the highway from the north. The proposal will measure approximately 5.3 metres in depth, 8.2 metres in width with an overall height of 6.5 metres.

The proposed extension is excessive in size with a large double gable to the rear, doubling the existing footprint of the building. Although there is room on the plot for an extension, the proposal is considered to be bulky and there is a lack of coherence in terms of its form, massing, fenestration styling and size.

Overall, the scale, height and bulk of the proposal amount to a harmful form of development on the site that will fail to make a positive contribution to the host building and the quality of the local environment, contrary to the aims of the above-mentioned national and local plan policies.

- 2 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Saved Policy QL10 of the adopted Tendring District Local Plan (2007) that's that permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space and accessibility. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 of the adopted Tendring District Local Plan (2007) states that proposals for new dwellings will be required to retain appropriate open space between the dwellings and the side boundaries of the plot to safeguard the amenities and aspect of adjoining residents.

The dwelling is semi-detached with no neighbours to the north of the application site. To the south is 'Fiddlers Folly', a one and a half storey semi-detached dwelling with a single storey extension to the rear. The two storey extension will be clearly visible to the occupiers of the neighbouring dwelling to the south, and it is considered that the depth of the rear extension in conjunction with its height and massing would have an overbearing impact on, and cause material harm to the amenity of the occupiers of Fiddlers Folly.

The proposed development therefore fails to adhere to the aims of the above-mentioned national and local plan policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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