

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | CC | 07.06.2021 |
| Planning Development Manager authorisation: | SCE | 09.06.2021 |
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| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC | 10.06.2021 |

Application: 21/00567/FUL **Town / Parish:** Lawford Parish Council

Applicant: Doug Rogers

Address: 41 Colchester Road Lawford Manningtree

Development: Proposed erection of single storey and two storey rear extension.

1. Town / Parish Council

Mrs Peachey Lawford
Parish Council
04.05.2021

Council has no objection to this application.

2. Consultation Responses

Not Applicable.

3. Planning History

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| 21/00567/FUL | Proposed erection of single storey and two storey 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Adopted Tendring District Local Plan 2007 (part superseded)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

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

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

Application Site

The site is located towards the west of Colchester Road, within the development boundary of Manningtree. The site serves a semi-detached two storey dwelling finished in red brickwork with a pitched tiled roof.

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 at ground floor level will measure 6 metres wide by 4.3 metres deep with an overall flat roof height of 3.1 metres and will include the installation of a roof light measuring a further 0.3 metres high. The proposed two-storey element of the rear extension will be located towards the south side of the dwelling and will measure 3.3 metres wide by 2.9 metres deep with an overall pitched roof height of 6.1 metres from ground level. The proposed development is considered to be of a size and scale in keeping with the existing dwelling with the application site retaining adequate private amenity space.

The proposal will be finished in materials in keeping with that of the existing dwelling, the exterior walls will be of a red brickwork at ground floor level and cladding at first floor level, the roof will include a flat roof design at the single storey element with a pitched roof finished in a matching roof tile to the two-storey element. The proposal is located to the rear of the dwelling and will not be visible from the streetscene. Although the use of cladding is introducing a new material to the site, cladding can be seen within the streetscene and is deemed to be a traditional material widely used throughout construction. The proposal is considered to be of a design and appearance in keeping with the existing dwelling and surrounding area and is not thought to have any adverse effect on the visual amenities of the area.

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

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that

obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof at the single storey element will not have any more of a significant impact on the loss of light than what is already caused by the existing conservatory. The two-storey element does not intercept the neighbouring dwelling in both plan and elevation and therefore cannot be said to have a significant effect on the loss of light to the neighbouring dwellings.

The single storey element of the rear extension does not pose a significant threat of overlooking or loss of privacy to the adjacent neighbours.

The two-storey element will include the installation of a window at first floor level to the rear, this will provide the dwelling with views of the neighbouring gardens and therefore result in a loss of privacy. However, as the dwelling already has windows located at first floor level to the rear, this proposed window will not provide the dwelling with any new additional views and cannot be said to have a significant impact on the loss of privacy. Furthermore this window will be serving a bedroom, this is not deemed to be a primary living space and therefore further reduce the impact on the loss of privacy to the neighbouring dwellings.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Lawford Parish Council have no objection to the application.

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. 0318/PL/04
Drawing No. 0318/PL/02 Revision A
Drawing No. 0318/PL/03 Revision A

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.

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