

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	23.06.2021
Planning Development Manager authorisation:	SCE	23.06.2021
Admin checks / despatch completed	DB	24.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	24.06.2021

**Application:** 21/00632/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Tim and Sarah Pearson

**Address:** 124 Stourview Avenue Mistley Manningtree

**Development:** Erection of single storey side and rear extension (following demolition of existing conservatory) and relocation of garage

### **1. Town / Parish Council**

Mrs Susan Clements  
03.06.2021

Following on from its Planning Committee Meeting on the 3rd June 2021, the Parish Council recommended approval.

### **2. Consultation Responses**

N/A

### **3. Planning History**

21/00632/FUL      Erection of single storey side and rear extension (following demolition of existing conservatory) and relocation of garage      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*Adopted Tendring District Local Plan 2007 (part superseded)*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

*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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 26<sup>th</sup> 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 10<sup>th</sup> 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 26<sup>th</sup> 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 side and rear extension (following demolition of existing conservatory) and relocation of garage.

### **Application Site**

The site is located to the south of Stour view Avenue within the development boundary of Mistley. The site serves a two storey semi-detached dwelling constructed of exposed buff brickwork with a

pitched concrete tiled roof. The surrounding streetscene is comprised from dwellings of similar design; materials present include mostly exposed brickwork. There are two 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 will measure 6.4 metres wide by 4.6 metres deep with an overall height of 3.9 metres at the pitch. The proposal is deemed to be suitable in scale and design to the site whilst retaining adequate private amenity space.

The proposed extension will be located to the rear of the property and therefore is mostly obscured from the streetscene, by the existing dwelling. However the rear will protrude approximately 1.4 metres along the side elevation. As the proposed is to be finished in exposed brickwork consistent with the existing host dwelling, it is deemed that this would present a marginal impact on the visual amenity of the site and locale. The roof would be a pitched construction finished in tiles consistent with the host dwelling. The windows and doors will be made of white UPVC to match the host dwelling.

The proposed garage will require the removal of the existing garage to be replaced by another set further back at the site. It would measure 2.3 metres wide by 6 metres deep and have an overall height of 2.5 metres at the pitch. The garage would be located along the boundary with the neighbouring dwelling to the west. The garage will also be constructed of exposed brickwork and concrete tiles which would remain consistent with the existing dwelling. The proposed garage has been assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Class E and is consistent with the provisions of the above mentioned order and is therefore classed as permitted development.

### **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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties are 122 and 126 Stourview Avenue.

#### **Impact on 122 Stourview Avenue**

This dwelling is located to the west of the proposed development has an existing window to the rear of the property. Whilst this will be close to the proposal, the presence of the existing fence line suggests that the extension will not have a significant reduction of daylight to this window. In addition, as these neighbouring gardens are both south facing, the impact on sunlight provision would be negligible. The proposal does not feature any side facing windows, which could compromise the privacy of this neighbouring dwelling. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 122.

#### **Impact on 126 Stourview Avenue**

This dwelling is located to the west of the proposed development and has a garage conversion located along the boundary. There is adequate separation distance between the proposal and this neighbouring dwelling. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 126.

### **Highway issues**

Whilst the proposed garage conversion will cause a loss of parking within the existing garage, two off street parking spaces will remain to the front of the dwelling in accordance with adopted car parking standards.

### **Other Considerations**

Mistley Parish Council recommend the proposal for approval.

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 plan; Drawing No.
  - 0320/PL/03 REV A
  - 0320/PL/04 REV A
  - 0320/PL/05 REV 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.