

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	21 st July 2021
Planning Development Manager authorisation:	JJ	22/07/2021
Admin checks / despatch completed	DB	22.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	22.07.2021

Application: 21/00797/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr and Mrs Gooch

Address: 3 Weeley Road Aingers Green Colchester

Development: Proposed part single and two storey rear extensions to replace existing conservatory and front porch (alteration to planning approval 20/00912/FUL)

1. Town / Parish Council

No comments received

2. Consultation Responses

No comments received

3. Planning History

20/00912/FUL	Proposed part single and two storey rear extensions to replace existing conservatory.	Approved	04.09.2020
21/00797/FUL	Proposed part single and two storey rear extensions to replace existing conservatory and front porch (alteration to planning approval 20/00912/FUL)	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2021

National Planning Practice Guidance

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

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is located to the south of Weeley Road, inside the development boundary of Aingers Green, Great Bentley. It serves a semi-detached two storey dwelling constructed of render with a tiled roof sitting within a large, south-east facing rear garden. Two single storey projections also exist to the rear of the dwelling. The site has a large hardstanding to the front/side of the property.

The adjacent property, No. 2 benefits from a development of similar nature which was granted planning permission in August 2018 under reference 18/01072/FUL.

Relevant History

This application is a revision to the approved scheme 20/00912/FUL; the difference being the enlargement of the enclosed front porch extension.

Proposal

The application proposes a part two, part single storey rear extension following the demolition of the existing conservatory. The ground floor element would project 4.5m from the rear wall and extend to the boundary shared with No. 4. The development against the boundary would occupy the same footprint as the existing conservatory but instead of the 3.5m high pitched/hipped glazed roof, it would have a 2.8m high flat roof containing a roof lantern. The ground floor has an angled west flank which follows the line of the boundary. The resultant space would provide an open-plan kitchen/dining room. The front porch would extend forwards of the existing façade by 1.2m (or 2.2m from the 'set back' façade) and would be 2.1m wide; it would have a dual-pitched roof with eaves in the region of 2.4m and a ridge of 3.3m.

The first floor element would project 4.5m from the rear wall and be 4.1m wide and be separated from the boundary with No.4 between 3.1m and 2.6m. It would have eaves in the region of 4.6m and have a dual-pitched gabled roof with a 6.9m ridge. The resultant floorspace would enlarge the existing bedrooms.

Principle

The principle of the development was established through the approval of application 20/00912/FUL.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. 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.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context.

The proposal is sited at the rear of the existing bungalow and limited views of it would be possible from Weeley Road ensuring there will be no significant impact to the street scene. Although the porch extends forwards, a porch of a similar scale exists at No. 1 Weeley Road – further, it has a footprint which smaller than that permissible under permitted development. The rear extension will be constructed externally in fibre cement cladding, this contrasting finish would not have a significant impact to the character of the existing dwelling or the immediate area as the terrace of properties to the east are all finished in horizontal tile hanging to their principal elevation. Further, the depth of the proposed extension is similar to recently-approved development in the immediate vicinity. The proposed extension respects the character and appearance of the host dwelling in regards to its scale and design.

Impact to Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There are no side-facing windows proposed in the west elevation and the one should in the east elevation serves a bathroom; the risk of any further windows and the glazing to the proposed window are all protected by way of appropriately-worded planning conditions. The distance the proposed first floor is set away from the shared boundary with No. 4 ensures that the proposal more than adequately complies with the 45o light angle guidelines. The height of the development adjacent the boundary is only marginally higher than the eaves of the existing conservatory (by

0.5m). The first floor element is set away from the shared boundary. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties

Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 requires that access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and not lead to an unacceptable increase in congestion.

The proposal does not generate a need for additional parking nor does it diminish the existing parking provision.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, 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:- P01 B , received 30th April 2021.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first-floor window in the east elevation shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted at first floor level in the east elevation or the west elevation except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

8. Informatives

Application Approved Without Amendment

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO