

3. Planning History

10/00985/FUL	Extensions and alterations to Thorpe Green Cottage to provide separate dining room and enlarged lounge area at ground floor and the additional bedrooms and bathrooms at first floor.	Approved	25.10.2010
18/00453/FUL	Proposed extensions & alterations for private use. Re-submission of previously approved Planning Application 10/00985/FUL.	Approved	18.05.2018
18/30106/PREAPP	Proposed detached dwelling.	Refused	06.08.2018
20/01768/FUL	Two storey rear extension.	Approved	11.03.2021
21/00785/FUL	Proposed two storey rear extensions to form additional living space, covered walkway over existing wall and existing garage rebuilt as entertainment room. Alteration to planning approval 20/01768/FUL.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
HG9 Private Amenity Space
HG14 Side Isolation
HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
EN23 Development Within the Proximity of a Listed Building

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

SP7 Place Shaping Principles
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PPL9 Listed Buildings

Local Planning Guidance
Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory

Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Proposal

This application seeks permission for a two storey and single storey rear extension and rebuilding of the existing garage to form an entertainment room to a detached cottage located in Thorpe Le Soken, facing Thorpe Green. Willow Green Cottage lies outside of any settlement development boundary and next to the listed buildings of Thorpe Green House and Millington House.

A previous application, reference 20/01768/FUL was approved in March 2021 for the two storey and single rear extensions and porch. This application retains the two storey and single storey rear extensions in size and scale and removes the porch. There are minor fenestration changes to the rear extensions and the rear south facing first floor windows are now cut into the eaves. Solar panels have also been added to the south facing roof slope of the main house.

Design, Appearance and Heritage

The existing cottage is set back significantly from Colchester Road and Thorpe Green, and is barely visible from the highway through the mature trees and hedging that surround it. The proposals will extend the cottage to the rear with two storeys immediately behind the existing two storey cottage and with a single storey immediately behind the existing single storey element. The garage will be appropriately rebuilt to create living accommodation that is linked to the house by a covered walkway. A two storey extension was previously approved at Willow Green Cottage in 2010 and 2018 respectively, although differing in design it projected to the rear in the same way. The proposed two storey extension subject of this application projects just 0.20 metres more than the previously approved 2010 and 2018 schemes. Whilst the proposed two storey extension is a large addition and will double the footprint of the existing cottage, the site is also a large one and tapers out (in width) to the rear, making it even larger than what is appears to be from the front. The proposal will be finished in render as the existing cottage is, will use matching pantiles on the roof and grey framed windows which will also be replaced in the existing cottage with some minor fenestration alterations. Given the position of the proposal, in the main to the rear of the cottage with the replacement of the garage in the same position there will be no significant impact to the character of the existing cottage. Due regard is also given to the planning history.

Policy EN23 of the Adopted Local Plan states that development that would adversely affect the setting of a listed building, including group value and long distance views, will not be permitted.

The sentiments of this policy are carried forward within Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is adjacent to the listed buildings of Thorpe Green House to the south west and Millington House to the north which is also the closest property to Willow Green Cottage. It is considered that as the majority of the proposal involves extensions to the rear, and there are minor changes proposed to the front elevation, impacts to the character of the surrounding area are limited. Furthermore, due to the set back position of the properties with mature trees in their gardens and on Thorpe Green, as well as the fact that a similarly scaled two storey extension was previously approved, views to the adjacent Listed Buildings will be unaffected and with these considerations in mind, it is considered that the proposal will have a neutral impact.

Millington House is a distance of 4.4 metres from the proposed extension. The extension will be visible from the property and grounds of Millington House, however its use of similar materials to that of the original cottage and low ridge height with a hipped roof, and the fact that a similarly scaled two storey extension was previously approved, is not considered to harm the setting of this listed building. For these reasons it is considered that the proposal will have a neutral impact on this listed building.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the proposal is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case a distance of 1.1 metres has been maintained to the northern side boundary shared with Millington House. A distance of 4.86 metres exists between the proposal and the southern boundary shared with Thorpe Green House.

The proposed first floor rear facing windows serve bedrooms, with two side facing obscure glazed windows serving two en-suite bathrooms. Due to the orientation of the dwellings the windows will not directly overlook the private rear garden of Millington House, and the en-suite bathroom windows face the driveway at the front ensuring no significant risk of overlooking or loss of privacy.

As Millington House lies to the north, closest to the application site, the proposal has the potential to result in loss of light and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line would intercept the side facing windows of the lounge and kitchen at Millington House in plan, however it would not intercept these side windows in elevation and therefore it is considered that the loss of light is not so significant to justify refusing planning permission on these grounds. In addition, the lounge and kitchen of Millington House are served by additional windows, one on the front elevation of the lounge and one on the other side elevation of the kitchen.

The proposal does not alter the off road car parking provision and ample private amenity space remains at the rear.

Trees and Landscaping

Due to the close proximity to the existing garage of a mature oak the Council's Tree and Landscape Officer was consulted about the proposals. The Officer confirmed that as the proposed replacement building for the removed garage, shown on the Proposed Block Plan as an Entertainment area is within the Root Protection Area (RPA) of the Oak the development proposal has the potential to cause harm to the tree. However the potential harm could be mitigated by the use of specialist construction techniques for the foundations of this element of the proposed development.

The applicant submitted a drawing to show the replacement building to be built with a raft foundation and the Tree and Landscape Officer has confirmed that the information provided

appears to show a minimal amount of excavation and a shallow raft foundation. The information is sufficient to demonstrate that the foundation construction method will avoid harm to the roots of the adjacent tree.

Other Considerations

One letter of representation has been received which raises the following concerns:

1. The existing garage is close to a mature large oak worthy of protection
2. Use of the new building which replaces the garage in terms of noise pollution
3. No details of foul/rain water disposal and gardens are already affected by flooding

Officer comments: *Point 1 has been addressed in the report. Point 2 – Willow Green Cottage is a single residential dwelling and the use of the building replacing the existing garage will be used as an extension to the main dwelling. It is not considered reasonable or necessary to restrict the use of this part of the dwelling and if the use of this building changes planning permission will be required. Point 3 – This is not a planning consideration and will be dealt with at building control stage.*

No other letters of representation have been received.

Conclusion

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: Dwg. No. P02b and 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.

<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>

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