

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	24.09.2021
Planning Development Manager authorisation:	AN	28/09/21
Admin checks / despatch completed	DB	30.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.09.2021

Application: 21/01315/FUL **Town / Parish:** Little Bromley Parish Council

Applicant: Jeremy Castle

Address: Toad Cottage Shop Road Little Bromley

Development: Proposed two storey side extension.

1. Town / Parish Council

Little Bromley Parish Council No Comments

2. Consultation Responses

Not Applicable

3. Planning History

21/01315/FUL Proposed two storey side extension. 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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

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

SPL3 Sustainable Design

SP1 Presumption in Favour of Sustainable Development

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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then 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 (including Site Description and Proposal)

Proposal

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

Application Site

The site is located towards the west of Shop Road, outside of any recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The application site serves a semi-detached two storey dwelling finished in render with a pitched slate 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 Policy QL11 and emerging Policy SP1 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.

The proposed two storey side extension will be located to the north of the dwelling. The extension will measure 3.3 metres wide by 6.3 metres deep with an overall height of 5.5 metres. The extension is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space.

The extension will be finished in brickwork, with a pitched slate roof to match that of the existing dwelling, the windows and doors will be white UPVC. The use of brickwork will be introducing a new material to the site, however brickwork is a traditional material widely used throughout construction, it can also be seen within the streetscene of Shop Road and is therefore considered in keeping with the area. The proposed two storey side extension is therefore considered to be of a design and appearance appropriate to the existing dwelling and surrounding streetscene with no significant adverse effect on visual amenities.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting, does not create a cramped appearance and safeguard the amenities and aspect of adjoining residents. A minimum distance of 1 metre is usually sought. The proposed extension will be constructed 1.4 metres from the shared neighbouring boundary line to the north and is therefore compliant with Policy HG14.

Policy HG12 of the Tendring District Local Plan 2007 seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, would not represent overdevelopment of the site. As the proposed extension is considered to be of an acceptable design and appearance it is consistent with Policy HG12.

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 would not intercept over half of any window on the neighbouring property to the north in both plan and elevation. The proposal is not located next to any other adjacent neighbouring dwellings. The proposed extension therefore has no significant impact on the loss of light to the neighbouring dwellings.

The proposed two storey side extension will include the installation of two windows at first floor level to the front and rear elevations. No first floor side elevation windows are proposed. The proposed first floor window to the front of the dwelling will only provide the dwelling with views of Shop Road which is a public area and therefore has no impact on the loss of privacy. The proposed first floor level window to the rear will provide the dwelling with additional views of the rear of the site and will cause a loss of privacy to the neighbouring gardens. However, the dwelling already has windows located at first floor level to the rear, the additional window will therefore not be providing any new views and will not have an impact on the loss of privacy so significant to refuse planning permission. Furthermore the window will be serving a bedroom, not deemed to be a primary living area and thereby further reducing its impact on the loss of privacy.

The proposal is therefore considered acceptable in terms of neighbouring amenities.

Highway issues

The Proposal includes the demolition of the existing garage and therefore will reduce existing parking provisions at the site. However, the plans provided show adequate spaces for three spaces to the front of the site. The proposal is therefore considered acceptable in terms of highway safety.

Other Considerations

Little Bromley Parish Council have made no comments on 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. 0349/PL/02
 Drawing No. 0349/PL/03
 Drawing No. 0349/PL/04

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>