

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	29.09.2021
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Application: 21/01364/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr J Crozier

Address: 22 Red Barn Road Brightlingsea Colchester

Development: Proposed alterations, front canopy, rear extensions and garden room.

1. Town / Parish Council

Brightlingsea Town Council Overdevelopment of the site, and loss of green space.

2. Consultation Responses

None

3. Planning History

None

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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)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
TR1A Development Affecting Highways

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
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design
CP1 Sustainable Transport and Accessibility

Local Planning Guidance
Essex Design Guide
Essex County Council Car Parking Standards - Design and Good Practice

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

Site Description

The application site is located on the north eastern side of Red Barn Road and is within the settlement development boundary of Brightlingsea. The site comprises of a detached bungalow with a front gable projection and attached garage to the western side of the dwelling. To the rear is a small conservatory. There is hardstanding for parking to the front.

The surrounding area is residential in nature, with detached and semi-detached bungalows and chalets to this north eastern side of Red Barn Road and brick built semi-detached dwellings opposite the site. To the rear of the site are fields and open farmland.

Proposal

The application seeks planning permission to construct a front canopy extension, a dual pitched roof rear extension and undertake alterations to the roof of the existing bungalow. It is also proposed to construct a garden room within the rear garden, close to the rear boundary and add a mono-pitch roof to the existing garage.

The front canopy extension measures 1.3m deep, 7m wide. The main roof is extended forward to form the canopy roof.

The rear extension is 'L' shaped and has a maximum depth of some 15m extending from the rear of the garage and a maximum width of some 13.8m. The eaves height is some 2.5m and the extension measures 5m at its highest point.

The garden room is triangular in shape and measures 6m x 6m x 7.6m with an enclosed 1.3m deep open canopy to the front. The building has a sloping roof with a maximum height of 3m.

The external materials proposed are boarding, render, facing brickwork, concrete interlocking tiles and natural slate tiles, uPVC windows and Anthracite aluminium bi-fold doors. Hardi Plank Fibre Cement Boards are proposed to the garden room.

The proposal would provide an open plan kitchen, dining and living area, two additional bedrooms, a bathroom and utility room.

Assessment

Principle of Development

The site is located within the Settlement Development Boundary of Brightlingsea, therefore there is no objection to the principle of extending the residential dwelling, subject to the detailed considerations discussed below.

Design and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. It states development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

The application dwelling is currently a modest detached two bedroom bungalow, located within a run of detached and semi-detached bungalows, of similar proportions and forming a fairly uniform building line (albeit slightly staggered along the north side of the road), along the length of this part of Red Barn Road. Some small rear extensions and outbuildings/garages are present within the rear garden scene.

The proposed extensions are considered to be of a poor design, being wholly over-scaled and disproportionate to the size and scale of the existing bungalow and the surrounding dwellings and is therefore contrary to Policy SP7 which requires all new development to meet high standards of urban and architectural design.

The front canopy extension is on its own not particularly objectionable, however the extension and alteration to the main roof of the bungalow and the front gable projection is contrived and awkward, resulting in a discordant roof form on this front elevation.

The rear extension is an excessively large addition to the rear of the bungalow, extending the full width of the bungalow and extending some 15m in depth from the rear of the existing garage. The bulk and mass of the proposed extension is significant, more than doubling the floor space of the existing bungalow. The rear extension is not considered to be subservient to the main bungalow, with the ridge height of the larger part of the extension at almost the same height as the main ridge of the bungalow. The rear extension would completely dominate the existing modest bungalow and form an obtrusive, incongruous and overly prominent addition to the bungalow and is entirely at odds with the prevailing local character and grain of development in this part of Red Barn Road.

Furthermore the proposed extension is considered to lack coherence in terms of its form, massing, conflicting traditional and modern materials, in particular the roof tiles and overall lack of fenestration detailing resulting in large expanses of blank wall of little architectural merit.

There is no objection raised to the size, scale and design of the proposed garden room and despite the garden room and the large extensions proposed, adequate rear amenity space is retained.

Overall the proposed extensions are wholly at odds with the local character and context of the existing bungalow, the surrounding dwellings and overall grain of development in this area, and therefore in conflict with the above mentioned adopted and emerging policies. The proposal lacks any degree of subservience to the main bungalow, conflicting with the modest nature of the neighbouring dwellings and the uniformity of the building line, particularly to the rear.

Impact upon Neighbouring Amenities

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In addition, Policy QL11 of the saved plan states that amongst other 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 emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is neighboured by No. 24 (to the north west) and No. 20 Red Barn Road (to the south east). Both neighbouring dwellings are semi-detached bungalows with garages set back within the rear amenity areas, sited on their respective shared boundaries with the application site. No. 20 has a rear dormer, otherwise the neighbouring dwellings have not been extended to the rear. As mentioned previously there is a fairly uniform, albeit slightly staggered building line to the rear, No. 20 is set behind the rear wall of No. 22 and No. 24 extends past the rear wall of No. 22.

With regard to No.24, although the bungalow extends beyond the rear wall of the existing bungalow at No.22, the extension is set some 0.3m from the shared boundary. The extension has a depth of some 15m on this side, which extends the built form way past the main bungalow and the detached garage and an overall height of some 4m. It is considered that despite the separation distance of around 3m between the main building of No. 24 and the shared boundary, the proposed extension by virtue of its overly excessive depth and height would result in materially dominant and overbearing impact on the residential amenity of this neighbouring dwelling.

No. 20 has a ridge height higher than that of the application dwelling, however remains modest in size and scale. The extension on this side is some 1.5m from the shared boundary with No. 20 and again extends significantly beyond the rear wall of the dwelling and the detached garage. Although there is some separation from the extension afforded by the driveway of No. 20, given the overall ridge height of this element of the extension is some 5m and is almost as high as the main bungalow it is considered that there would be similar dominant and overbearing impacts to this neighbouring dwelling also.

Overall the extension would result in excessive overshadowing and an undue sense of enclosure to the rear amenity space of both these neighbouring dwellings to the detriment of the residential amenities of present and future occupiers.

It is not considered that the proposed side windows, which are at ground floor level and the proposed rooflights which are considered to be above head height, would result in any loss of privacy or overlooking to these neighbouring dwellings.

It is not considered that the proposed garden room would have any adverse impacts on residential amenity of the neighbouring occupiers in any regard.

In conclusion the proposed extension to the rear is considered to be unacceptable and contrary to the above mentioned policies and would result in material harm to the residential amenity of the neighbouring occupiers.

Highway Issues

The proposal does not alter or increase the parking provision required at the site. Parking for two cars and a suitable vehicular access are retained.

Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

Conclusion

For the reasons set out above, the poor design, size, scale, bulk and mass of the proposal together with its overly dominant nature and siting would result in an unacceptable and unduly prominent, dominant and overbearing form of development that is considered contrary to national and local policies being harmful to visual amenity, the character and appearance of the area and the residential amenity of the neighbouring properties.

6. Recommendation

Refusal – Full

7. Reasons for Refusal

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. Saved Policy QL11 (part superseded) supports these considerations.

The proposed extension by virtue of its poor design, size, scale, bulk, height and massing is considered to have a materially harmful impact upon the character and appearance of the main dwelling and the surrounding area. The excessive depth of the rear extension, contrived roof extensions and mismatch of external materials, would result in an overly dominant and contrived addition, lacking coherence and subservience to the existing bungalow and would be incongruous in nature.

The extension would also result in a dominant and overbearing impact, harmful to the residential amenity of the neighbouring occupiers at Nos. 20 and 24 Red Barn Road.

For the reasons set out above, the poor design and form of the proposal together with its over dominant nature and siting, would will result in an unacceptable and unduly prominent form of development, being harmful to visual amenity and the character and appearance of the area, contrary to the aforementioned Development Plan Policies SP7 and QL11 and emerging policy SP3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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

