

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	06.10.2021
Planning Development Manager authorisation:	AN	06/10/21
Admin checks / despatch completed	ER	06/10/21
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.10.2021

Application: 21/01410/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr T Forsyth

Address: The Spinney Wignall Street Lawford

Development: Proposed infilling to passageway to create boot room.

1. Town / Parish Council

Mrs Peachey Lawford
Parish Council
07.09.2021

Council has no objection to this application

2. Consultation Responses

Essex County Council
Heritage
15.09.2021

Built Heritage Advice pertaining to an application for: Proposed infilling to passageway to create boot room.

The development site is located within Lawford Conservation Area, and is located adjacent to the Grade II listed The Kings Arms Public House (List UID: 1254186).

I am unopposed to this application in principle, however I am unable to support the street facing rooflight which would fail to preserve or enhance the character and appearance of this part of the Conservation Area.

Were this street facing rooflight to be omitted from the proposals or withheld from any decision notice issued through a condition I would be unopposed to this application.

3. Planning History

10/00492/FUL Two storey and single storey rear extension for private use, as well as insertion of first floor window within side elevation of existing dwelling. Approved 25.06.2010

21/01410/FUL Proposed infilling to passageway to create boot room. 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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)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

EN17 Conservation Areas

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL8 Conservation Areas

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 infilling to passageway to create boot room.

Application Site

The application site serves a detached brick-built two storey dwelling with a pitched roof, on the east of the site is a detached brick built garage. To the front of the site is a large stoned driveway area with fencing and shrubbery along the site boundary. The site is located within the Lawford Conservation Area and is adjacent to the Grade II listed The Kings Arms Public House, the site also falls within the Dedham Vale Area of Outstanding Natural beauty.

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 proposal will consist of a small extension to the east of the site connecting the existing dwelling with the detached garage. The extension will measure 2.3 metres wide by 3.8 metres deep with an overall pitched roof height of 4 metres. The extension is considered to be of a minor nature with the application site retaining plenty of private amenity space.

The proposed extension will be located to the front of the site and therefore visible to the streetscene, however the dwelling is set back from the highway and largely shielded by the existing fencing and shrubbery along the site boundary. Furthermore the proposal is considered to be of a minor nature and will not appear prominently within the streetscene. The proposal will be finished in materials to match those of the existing dwelling, the exterior walls will be of a matching red facing brickwork with a pitched roof design finished in matching red concrete tiles, this will cause it to blend with the existing dwelling and have no adverse impact on visual amenities. It is also proposed to install two rooflights to the front and rear of the extension. Rooflights can be seen throughout the streetscene, including on the neighbouring Grade II listed 'The Kings Arms Public House'. The rooflights are therefore considered in keeping with the surrounding area with no significant harmful effect on visual amenities.

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 mention policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and would not represent overdevelopment of the site. The proposed extension is acceptable in terms of its design and appearance and is therefore compliant with Policy HG12.

Impact on Conservation Area

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a conservation area preserves and enhances the conservation area setting. Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

As the application site is located in a conservation area, Essex County Council Heritage have been consulted and provided the following comments on the application;

"Built Heritage Advice pertaining to an application for: Proposed infilling to passageway to create boot room.

The development site is located within Lawford Conservation Area, and is located adjacent to the Grade II listed The Kings Arms Public House (List UID: 1254186).

I am unopposed to this application in principle, however I am unable to support the street facing rooflight which would fail to preserve or enhance the character and appearance of this part of the Conservation Area.

Were this street facing rooflight to be omitted from the proposals or withheld from any decision notice issued through a condition I would be unopposed to this application.”

With regards to Essex County Council Heritage comments on the proposed street facing rooflight, as discussed above rooflights can be seen throughout the streetscene of Wignall Street, including on the Grade II listed neighbouring property. The proposed rooflights therefore cannot be said to be out of character with the surrounding area and are not considered to have an adverse impact on visual amenities, nor harm the amenities of the conservation area. Furthermore the dwelling is set back from the highway and so the proposed rooflight will not appear as overly prominent.

The proposed extension, including the rooflights to the front and rear, is deemed to be of an appropriate design and appearance with no significant harmful effect on the amenities of the Conservation area, or setting of the adjacent Listed Building.

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 proposal is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy.

The proposal is joining the existing dwelling to the detached garage and is therefore largely shielded to the adjacent neighbouring properties. It has not harmful impact on the loss of light, nor harm to the amenities of the neighbouring properties.

The proposal is acceptable in terms of residential amenities.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Lawford Parish Council have no objection to this 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. TF/0721/002
Drawing No. TF/0721/004
Drawing No. TF/0721/006

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.

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