

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	08.10.2021
Planning Development Manager authorisation:	AN	07/10/21
Admin checks / despatch completed	CC	11.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AN	11/10/21

Application: 21/01251/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Edgar Miller

Address: 3 Oatlands Elmstead Colchester

Development: Proposed construction of conservatory.

1. Town / Parish Council

Elmstead Market Parish Council No Comment

2. Consultation Responses

Not Applicable

3. Planning History

96/00048/FUL	(3 Oatlands, Elmstead Market) Additional bedroom to existing house	Approved	22.02.1996
99/01602/TPO	Reduce and shape 1 Copper Beech tree by 25%, situated in the front garden lifting the lower branches over the road to give clearance.	Approved	23.11.1999
09/00530/TPO	1 No. Copper beech - crown lift to 3.5m from ground level. Crown thin by 20% and shorten over extended branches	Approved	26.06.2009
09/00773/FUL	Erection of single storey rear extension and two storey side extension incorporating integral garage at ground floor, as amended by drawing no. CL/0697/02 Rev B received on 20 October 2009.	Approved	21.10.2009
09/01180/FUL	Erection of single storey rear extension and two storey side	Approved	18.01.2010

	extension incorporating integral garage at ground floor.		
16/01643/FUL	Side extension to form new garage.	Approved	30.11.2016
17/00033/DISCON	Discharge of condition 3 (Materials) of approved planning application 16/01643/FUL.	Approved	22.02.2017
19/00447/FUL	Proposed first floor extension and amendment to garage roof previously approved under reference 16/01643/FUL.	Approved	10.05.2019
21/01251/FUL	Proposed construction of conservatory.	Current	
21/01441/TPO	1 No. Copper Beech - crown reduction by 25%.	Approved	15.09.2021

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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

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

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 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 conservatory.

Application Site

The application site serves a detached two storey dwelling located within the development boundary of Elmstead, on a corner plot between Oatlands and Harvest Way. The dwelling is finished in painted render, red facing brickwork and hanging tiles, with a pitched tiled roof. To the front of the site is a brick driveway with a low wall and shrubbery along the site boundary.

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 conservatory will be located to the rear of the site and will measure 7.5 metres wide by 3.8 metres deep with an overall pitched roof height of 4.2 metres. The conservatory is deemed to be of an appropriate size and scale in relation to the existing dwelling with the site retaining adequate private amenity space.

The proposed conservatory will be finished in a matching red facing brickwork to that of the original dwelling, with a pitched roof design finished in matching Redland tiles to the existing roof. To the rear elevation will be dark brown conservatory (bi-fold) doors with a dark brown velux roof light installed on the east elevation. Although the conservatory will be to the rear of the site it will be visible from the streetscene of Harvest Way. Due to the use of matching materials the conservatory will blend with the host dwelling and will not have any significant adverse effect on visual amenities.

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 proposed conservatory is located towards the east of the site, away from any shared neighbouring boundary lines. It is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy. It does not result in the loss of light or outlook to the neighbouring dwellings. The proposal is therefore considered to have no significant impact or harm to the amenities of the adjacent neighbouring dwellings.

Highway issues

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

Other Considerations

Elmstead Market 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 plan; Drawing No. 1, Scanned 21 July 2021

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.

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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