

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	08.10.2021
Planning Development Manager authorisation:	JJ	11/10/2021
Admin checks / despatch completed	CC	12.10.2021
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Application: 21/00914/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr and Mrs Grainger

Address: Graingers'een 31 Plough Road Great Bentley

Development: Proposed extension, new roof and conversion of garage to form additional living space.

1. Town / Parish Council

Great Bentley Parish Council No Comments Received

2. Consultation Responses

Highways It is noted that the proposal is to retain the vehicular access at its existing location onto Plough Road (secondary distributor) and would appear to retain parking space(s) and turning in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

From a highway and transportation perspective the impact of the proposal with regard to the re-positioning of the fence is not acceptable to the Highway Authority as it is considered to encroach onto the publicly maintainable highway and could impact on the visibility splays for the existing junction of Plough Road and St Mary's Road. The lack of such visibility would result in an unacceptable degree of hazard to all highway users to the detriment of highway safety. [Officer Note: The re-positioning of the fence has now been removed from the scheme].

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Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
TR7 Vehicle Parking at New Development

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also 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 national policy. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopted Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

5. Officer Appraisal

Site Description

The application site is located on the eastern side of Plough Road at the junction with St Marys Road. The site comprises of a two storey semi-detached dwelling with a long frontage, which forms the majority of the amenity area to this and the neighbouring dwelling No. 32. The main vehicular access is from Plough Road and there is hardstanding leading up to a flat roof garage and utility building with is attached to the main dwelling.

The surrounding area is residential in nature, forming part of the Aingers Green village and is within the settlement development boundary in the Adopted Tendring District Local Plan 2007 (part superseded), however this settlement boundary has been removed in its entirety in the Tendring

Proposal

The application seeks planning permission to extend the existing garage building, form a new pitched roof over and to convert the garage to additional habitable accommodation.

The extended building has a maximum width of some 8.8m and a maximum depth of some 8.2m, with an eaves height of 2.5m and a maximum height of 4.1m.

The external materials proposed are painted render, concrete interlocking tiles and uPVC windows and doors which would harmonise with the main dwelling. The extended building would provide a lounge, shower room, utility room and workshop

The initial scheme submitted included moving the fence line out towards the highway, however there was a Highways Objection raised to this element of the proposal and this has now been removed from the proposal.

Appraisal

Principle of Development

Despite the transitional position with regard to the settlement development boundary of Aingers Green, the proposal involves residential extensions only and therefore there is no objection to the principle of extending the residential dwelling.

The existing garage is currently attached to the rear of the main dwelling and does contain some habitable accommodation in the form of a utility room. Given the increase in size of the garage and its conversion to habitable accommodation, the resultant building is considered to be of a size (approx 60sqm) capable of operating as a self-contained annexe. There is no objection to this in principle as long as the accommodation provided remains ancillary to the main dwelling i.e. it does not form a separate planning unit operating independently from the main house.

On balance, therefore it is considered that it would be reasonable to add a condition to any grant of planning permission, in order to ensure the extended building is not occupied at any other time other than for the purposes ancillary to the residential use of the main dwelling, Graingers'een 31 Plough Road Great Bentley. All other relevant material planning considerations are discussed below.

Design and Impact on the Character of the Area

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. The 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.

It is considered that the design, size, sitting and scale of the proposed extension to the garage building is such that it would not result in any significant harm to the character and appearance of the main dwelling or the wider streetscene. The proposal extends the garage building forward by some 2.5m and adds a pitched roof to the building with a ridge height of some 4m and maintains

an acceptable degree of subservience to the main dwelling and is not considered to form a prominent or overbearing feature within the streetscene or to the neighbouring dwelling to the north. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

Therefore the proposed extension is acceptable and policy compliant in these regards.

Impact to 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 dwelling is neighboured by No. 32 Woodgreen Estate, St. Marys Road and Higoaks, St Marys Road (to the east) and Sans Etage (to the north).

No 32 is the other half of the semi-detached pair and is a two storey dwelling. The rear garden of this neighbour is not as deep as that of the application site and the extended building is sited away from the rear boundary of this neighbour and its main amenity area which is located to the side of the property. Given the presence of the existing building, it is not considered that the increase in roof height of the building would impact on this neighbour in terms of overshadowing or an undue sense of enclosure.

The existing building is sited around 1m from the rear boundary with the property to the east, Higoaks, which is a detached bungalow with a relatively small west facing rear amenity area. Whilst the proposal would increase the height of the roof to some 4m, the roof is hipped away from the boundary and given the orientation of the rear garden of Higoaks, any potential loss of sunlight to the rear garden would be minimal and occur towards the end of the day.

The two new rear windows to the building are high level and serve the utility room and workshop. However it is considered reasonable to add a condition to any grant of planning permission to ensure that these windows are obscure glazed in order to prevent any actual or perceived overlooking or loss of privacy impacts to the occupiers of the neighbouring dwellings, No. 32 and Higoaks.

Sans Etage to the north is a detached chalet bungalow, which was extended to form a first floor under planning permission 12/00723/FUL. The overall height of this extended dwelling is around 6.5m. The roof of the extended building is again hipped away from this shared boundary and given the presence of the existing building, close to this shared boundary, it is not considered that the proposal would be overbearing or result in an undue sense of enclosure to this neighbour. The roof height of the building is lower than the window in the side dormer of the neighbouring dwelling, therefore the proposal is not considered to result in a loss of light and outlook to this window, which is the sole window to a first floor bedroom. However the proposed window in the rear elevation of the extended building is in close proximity to the shared boundary with Sans Etage, which has side windows facing this shared boundary. Therefore, similar to the rear windows, it is considered reasonable for this window to also be obscure glazed to prevent any overlooking or loss of privacy concerns arising.

The proposal is therefore considered to be acceptable and policy compliant in these regards.

Highways issues

Saved Policy TR7 states that the adopted parking standards will be applied. Emerging Policy SPL3 states that for new development, access to the site is practical and the highway network will be able to safely accommodate the additional traffic.

The conversion of the garage would remove the existing garage for parking purposes. The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres. It is considered that the existing driveway to the front of the extended building can accommodate the required two parking spaces and retains the existing vehicular access from Plough Road.

The proposal is considered to be acceptable and policy compliant in these regards.

Consultation Responses

Two representations from the same address 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.

Summary of Matters Raised

- Loss of light and privacy to rear garden due to increased height of building and rear windows
- Devalue the price of our property
- Overhang of guttering to neighbouring fence.

All relevant material planning considerations have been considered in the main appraisal section of the report above.

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

- 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(s): P01b, P02b

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.

- 3 The building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Graingers'een 31 Plough Road Great Bentley and shall not be sold, let or used as an independent residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties and to prevent additional parking demand which cannot be met within the application site, in accordance with Policy QL11 of the Adopted Tendring District Local Plan 2007 (part superseded) and Policy SP7 and emerging Policy SPL3 of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO