

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	13.10.2021
Planning Development Manager authorisation:	AN	14/10/21
Admin checks / despatch completed	DB	14.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.10.2021

**Application:** 21/01461/FULHH **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Ms Paula Churchman

**Address:** 5 Church Road Elmstead Colchester

**Development:** Proposed single storey rear extension and internal alterations.

### 1. Town / Parish Council

Elmstead Market Parish Council      No Comments

### 2. Consultation Responses

Not Applicable

### 3. Planning History

12/01154/FUL      Replacement dwelling.      Approved      07.12.2012

21/01461/FULHH      Proposed single storey rear extension and internal alterations.      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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

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 26<sup>th</sup> 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 29<sup>th</sup> June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> 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 single storey rear extension and internal alterations

### Application Site

The site is located towards the east of Church Road, within the development boundary of Elmstead. The application site serves a detached bungalow finished in yellow painted render with a pitched tiled roof. To the front of the site is a pebbled driveway with shrubbery along the site boundary. The surrounding streetscene is comprised from a mixture of two storey dwellings and bungalows of a similar appearance, largely finished in painted render and brickwork.

### 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 rear extension will measure 6 metres deep by 8.5 metres wide with an overall pitched roof height of 4.6 metres. It will be finished in painted render with a pitched roof design finished in clay roof tiles, the windows and doors will be UPVC double glazed. The proposal is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space, as the proposal will be finished in materials to match those of the existing dwelling it is considered to be of an in keeping design and appearance, the extension is located to the rear and so will not be visible to the streetscene. The proposed extension is therefore considered to be acceptable in terms of its design and appearance with no 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 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 the neighbouring dwellings in both plan and elevation. Any loss of light caused by the proposal can therefore not be said to be so significant as to justify refusing planning permission.

The proposal is of a single storey nature and therefore poses no significant threat of overlooking or loss of privacy to the adjacent neighbouring dwellings.

The proposal is therefore considered to have no significant harmful effect on residential / neighbouring amenities.

### 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.P002 C

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.

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