

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	20/10/2021
Planning Development Manager authorisation:	AN	21/10/21
Admin checks / despatch completed	ER	21/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.10.2021

Application: 21/01029/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Jones

Address: Holly House Chapel Lane Ardleigh

Development: Erection of two storey side extension and single storey rear extension, front porch extension and new roof incorporating dormers to the front and rear roofslopes

1. Town / Parish Council

Ardleigh Parish Council
15.07.2021

This is a holding response, the more time is needed to consult with Parish Councillors about this application.

20.07.2021

As this is a re-application of lapsed permission Ardleigh Parish Council has no objection.

2. Consultation Responses

Tree & Landscape Officer
24.08.2021

The garden of the host property is set to grass and contains several shrubs and established trees of a mixed age range.

The boundary with the adjacent highway is demarcated by a clipped hedge which helps to screen the existing dwelling. The site is also relatively well screened by trees situated on, or close to, the boundary with Chapel Lane

In terms of the proposed extensions to the existing dwelling the proposed extension off the southern elevation will not adversely affect any significant trees or other vegetation

The extension off the western elevation will be close to trees situated on, or close to the garden boundary and may have an adverse impact on their health and viability by way of disturbance to their roots. These trees are set back from the highway and do not meet the criteria under which the merit protection by means of a tree preservation area.

Consequently the development proposal will not result in the loss of any important trees or cause significant harm to the local tree population.

Taking into account the location of the application site and the degree to which it is populated with established trees and other vegetation there appears to be little need for, or public benefit to be gained by, new soft landscaping associated with proposed development

3. Planning History

93/00067/FUL	Proposed extensions, alterations and detached garages	Approved	12.03.1993
07/00025/FUL	Extensions, including increase in ridge height. Erection of detached garage.	Approved	16.03.2007
10/00269/FUL	Extensions, including increase in ridge height. Erection of a double garage. (Extension of time of previously approved application 07/00025/FUL).	Approved	16.04.2010
16/01461/OUT	Construction of a one bedroom detached bungalow.	Approved	07.11.2016
18/00907/FUL	Two storey and single storey extensions, addition of front porch, and new roof incorporating dormers to the front and rear roof planes.	Approved	02.08.2018
21/01029/FUL	Erection of two storey side extension and single storey rear extension, front porch extension and new roof incorporating dormers to the front and rear roof slopes	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)

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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)

SP7 Place Shaping Principles

SPL3 Sustainable Design

SPL2 Settlement Development Boundaries

PPL4 Biodiversity and Geodiversity

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

Proposal

The application seeks permission for the erection of two storey side extension and single storey rear extension, front porch extension and new roof incorporating dormers to the front and rear roof slopes to the detached dwelling of Holly House which is situated outside of any settlement development boundary. The application site lies immediately east of the protected woodland of Churn Wood, which is a County Wildlife Site and a site of importance for nature conservation.

History

The same proposal was granted planning permission under 18/00907/FUL and which only expired on 2nd August 2021. Previous extensions and alterations in 2007 and 2010 were also granted planning permission but never constructed.

Design and Appearance

The proposals utilise the footprint of the existing dwelling and increase this by extending from the western elevation at single storey and to the south side elevation at two storey. The existing dwelling is increased in height to accommodate first floor rooms with dormers to the front and rear. Although the proposal substantially increases the size of the existing dwelling, the scale of the extensions can be comfortably accommodated on the application site without having an adverse impact upon the rural character of the area. The renovation and extensions will only be visible above the established mature hedgerow along Chapel Lane which offers screening and privacy thereby ensuring there will be no significant impact to the street scene.

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal meets the criteria set out in Policy HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

Impact on Residential Amenities

There is no neighbouring property to the south of the application site. The proposal is located a distance of 6.5 metres to the northern side boundary shared with detached bungalow granted permission in 2017. A two metre boundary fence offers a degree of separation between the proposal and the neighbouring bungalow. One first floor side facing window serves an en suite

bathroom where the existing dwelling has a north facing first floor bedroom window ensuring there will be no significant impact in respect of loss of light, loss of privacy or outlook to this neighbour.

The area currently used as a driveway and for off road parking at the north of the dwelling will remain unaffected. Over 600 square metres of private amenity space remains ensuring more than adequate provision.

Wildlife and Nature Conservation

The application site borders the large ancient woodland site of Churn Wood which is of mixed structure, broadleaved and coniferous. The ancient woodland is a site of importance for nature conservation and a County Wildlife Site. Ancient woodland is an irreplaceable habitat. The National Planning Practice Framework paragraph 180c) states that

“Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exist”.

In this case, the application site is adjacent to the ancient woodland, rather than within it. The proposal is a distance of 5.7 metres to the rear boundary of the application site which is adjacent to the ancient woodland. The minor nature of the proposal and its position adjacent to the ancient woodland is not considered to have a significant impact on the woodland itself or the wildlife habitats. None of the ancient woodland will be lost.

Tree Preservation Orders do not protect individual trees or groups of trees within Churn Wood, therefore any overhang of trees onto the application site can be cut back to the boundary to allow construction of the extension.

The Council's Tree and Landscape Officer has been consulted as there are trees within close proximity of the proposal. He concludes that the development proposal will not result in the loss of any important trees or cause significant harm to the local tree population.

Taking into account the location of the application site and the degree to which it is populated with established trees and other vegetation there appears to be little need for, or public benefit to be gained by, new soft landscaping associated with proposed development

Other Considerations

Ardleigh Parish Council has no objection to the application.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, 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 plans: Drawing Number 1.1 Rev 00 Location Plan and Block Plan, and Drawing Number 1.1 Rev 00 Existing and Proposed Floor Plans and Elevations.

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