

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	06/01/2022
Planning Development Manager authorisation:	SCE	07.01.2022
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Application: 21/01972/FULHH **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs P Smalley

Address: 2 Hunters Chase Ardleigh Colchester

Development: Proposed erection of part single / part two storey rear extension.

1. Town / Parish Council

Ardleigh Parish Council No Objections received

2. Consultation Responses

Not applicable

3. Planning History

03/01694/FUL	2 Storey extension, single storey entrance hall and conservatory.	Approved	30.09.2003
18/00718/FUL	Proposed rear extension to existing dwelling and changes to existing facade, proposed conversion of existing barn into private annexe for main dwelling and change of use for rear land to residential use from agricultural.	Approved	09.08.2018
19/00552/FUL	Demolish and rebuild barn exactly as approved under application 18/00718/FUL to be used as an annexe.	Approved	31.05.2019
21/01972/FULHH	Proposed erection of part single / part two storey rear extension.	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Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SPL3 Sustainable Design
SP7 Place Shaping Principles

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. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two storey semi detached dwelling which is brick in construction with a small rendered single storey porch to the front. The site shares its access with the adjoining neighbour of 1 Hunters Chase which is similar in terms of design but does not have its own porch.

The house is set back from the front boundary and benefits from a driveway area to the front, large garden area to the side and rear and an existing barn to the side.

Proposal

This application seeks permission for a proposed erection of part single / part two storey rear extension.

Upon initial receipt of the application the proposal also included an enlargement to the front of the house which was deemed to be uncharacteristic and prominent and therefore following negotiations with the agent has since been removed from the application. The description and plans have been amended accordingly.

Assessment

Design and Appearance

The proposed extensions will be sited to the rear of the existing house and due to open spaces between plots and its countryside setting will attract some views from the streetscene. These views are likely to be minimal due to the extensions set back from the front boundary and predominant screening by way of the host dwelling preventing them from appearing as prominent features within Hunters Chase.

The proposed additions are of a size and scale which are suitable to the host dwelling and will be finished in materials which are consistent with the existing house.

The site is of a large enough size to accommodate the proposal and retain sufficient private amenity space.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

Impact on Neighbours

The house itself is sited ample distance from the shared boundary to the east and therefore the introduction of these extensions would not result in a significant impact to the residential amenities of this neighbouring site.

Sited to the west is the adjoining neighbour of 1 Hunters Chase which is similar in terms of size and design and has a fence in situ along the boundary. The extensions will be two storey in height and will then decrease to single storey as it approaches this neighbours house.

The proposal will result in a loss of outlook to this neighbours rear window, the impact of which has been reduce by the reduction in height between the two elements. This element of the proposal will be predominantly screened by the existing fencing and will not exceed 3m in height thereby reducing the level of outlook lost to this neighbour. The impact of such in this case is therefore considered not so significant enough to refuse planning permission upon in this case.

The two dwellings are south facing which allows for the majority of the sunlight to be received to their frontages. The decrease in the heights of the extensions and the use of a flat roof immediately adjacent to this neighbours boundary will additionally reduce any loss of light to this house preventing it from resulting in such a significant disturbance in this regard to warrant the need to refuse permission upon in this instance.

The proposal does include a first floor Juliet balcony which will achieve views into this neighbours garden and will be sited significantly away from the shared boundary. Due to the nature of the existing dwellings these gardens area already overlooked and therefore any loss of privacy in this instance would be unreasonable grounds to refuse permission upon.

Other Considerations

Ardleigh Parish Council have not objected to the scheme.
There have been no letters of representation received.

Conclusion

In the absence of material harm resulting from the porposed 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 plan:

2021070-01 A

2021070-04 B

2021070-05 D

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.