

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	16/12/2021
Planning Development Manager authorisation:	SCE	04.01.2022
Admin checks / despatch completed	ER	05/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	05.01.2022

Application: 21/01915/FULHH **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Cooper

Address: Randale Weeley Road Aingers Green

Development: Proposed demolition of 3 No. single garages and replace with 1No. double garage with storage area. With demolition of existing conservatory, erect new single storey rear extension, with part two storey extension to the rear. Changes to materials on front and side elevation.

1. Town / Parish Council

Great Bentley Parish Council No Objections

2. Consultation Responses

Not applicable

3. Planning History

21/01915/FULHH	Proposed demolition of 3 No. single garages and replace with 1No. double garage with storage area. With demolition of existing conservatory, erect new single storey rear extension, with part two storey extension to the rear. Changes to materials on front and side elevation.	Current
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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Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)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)
SP7 Place Shaping Principles
SPL3 Sustainable Design

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 semi detached bungalow type dwelling. The house is set back on its plot with a driveway and vehicular access at the front.

Proposal

This application seeks permission for;

- Erection of rear double garage
- Erection of single storey and part two storey extension to the rear.
- Change of materials to front of house.

Following demolition of the existing garages and conservatory.

Upon the officers site visit the existing garages had already been demolished.

The proposed scheme has also been amended to remove the balustrade from the first floor opening removing this Juliet balcony feature. The removal of this feature came after concerns that a balcony here would significantly result in a loss of privacy to neighbouring sites. Amended plans have since been provided showing this change.

Assessment

Design and Appearance

The proposal will be largely to the rear with some views of the side being achieved through the open spaces between houses. These views will be minimal as the proposal will be set back from the front boundary and therefore will not be detrimental to the appearance and character of the streetscene.

The proposed extension will incorporate a first floor addition which will extend from the roof and incorporate a pitched roof design. This approach will differ greatly from the character of the existing bungalow however given its rearward location and that the attached neighbour has an extension similar in design and scale the use of such a design would not detract from the appearance or character of the dwelling and streetscene.

The use of white render and oak boarding will be applied to the proposal and the remainder of the house to allow all elements to appear consistently with one another. The use of these materials will differ from the brick already in situ on the house however given the range of materials present in the streetscene the use of such would not be out of keeping with the locale.

The removal of the garages will be welcome in the garden as this will create additional space in the rear garden and between houses. The introduction of a garage to the rear would not be out of keeping with other properties within the area who currently benefit from existing outbuildings in their rear gardens. This element is of a suitable size for its plot and will also be finished in boarding to match the house.

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

Impact on Neighbours

The proposed garage will be sited to the rear of the garden and away from the existing neighbours houses. This element will also be partially screened by existing boundary fencing preventing it from resulting in a significant loss of residential amenities to neighbouring sites.

The change of materials will not result in a loss of residential amenities due to its nature. The neighbouring dwelling of Pendee currently benefits from its own rear extension at ground and first floor. This proposal will match this extension in design and will not protrude past its rear wall preventing it from resulting in a loss of outlook or light to this neighbour.

The neighbouring property known as "Windward" has a small number of openings along its side elevation which currently face onto the host dwelling. This neighbour also has an existing conservatory structure which would've had clear views of the triple garage and boundary fencing. The proposed extension will be visible to this neighbour however as it will be sited a minimum of 2.7m from the boundary and will be largely screened by existing boundary fencing and due to the orientation of the plots the proposed extension would not significantly reduce the amount of light or outlook received. Furthermore the loss of the triple garage sited along this boundary has actually enhanced this neighbours levels of views and light.

The side facing windows of this neighbour currently look onto the host dwelling thereby already receiving limited views and light. Whilst the proposal will contribute to this loss further as they are already in receipt of limited light and outlook the loss of such would be considered unreasonable grounds to refuse planning permission upon in this instance.

The introduction of first floor openings will result in a loss of privacy to the neighbours however due to their positioning the views achieved will be primarily to the rearward parts of their gardens. It is also noted that many of these properties are already overlooked thanks to existing extensions and dormer windows. As a result any loss of privacy therefore would not be so significant to refuse planning permission upon in this case.

There are no neighbouring properties to the rear.

Other Considerations

Great Bentley Parish Council have not objected to the proposal.

There have been no letters of representation received in relation to the application.

Conclusion

In the absence of material harm resulting from the proposed 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:

A1.4 A

A2.2 A

A2.3

A1.5

A1.0

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The outbuilding shall not be occupied at any time other than for a residential garage in ancillary to the residential use of the dwelling known as Randale, Weeley Road, Aingers Green, Colchester, Essex, CO7 8NE

Reason - The site is unsuited for this outbuilding to be used as separate residential dwelling and to reduce the impact on the amenities of neighbouring sites.

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.