

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	01.08.2022
Planning Development Manager authorisation:	AN	1/8/22
Admin checks / despatch completed	SH	01.08.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	01.08.2022

Application: 22/00545/FULHH **Town / Parish:** Mistley Parish Council

Applicant: Hannah Saverymuttu

Address: Dormy Lodge 83 New Road Mistley

Development: Proposed removal of existing flat roof extension. Construction of new single-storey rear extension.

1. Town / Parish Council

Mistley Parish Council
07.04.2022

The Parish Council at its Planning Committee Meeting on the 7 April 2022 discussed the history of this property and that a dialogue has been in place with the LPA's Heritage Officer. Approval was recommended.

2. Consultation Responses

Essex County Council
Heritage

The application is for proposed removal of existing flat roof extension. Construction of new single-storey rear extension. Comments were previously provided regarding pre-applications 21/30080/PREAPP (dated 26th April 2021) and 21/30248/PREAPP (dated 29th October 2021) for previous iterations of the proposals. A site meeting was also undertaken on 16th April 2021 as part of this previous pre-application. The property is located within Manningtree and Mistley Conservation Area, is mentioned in the Conservation Area Character Appraisal, and is considered a non-designated heritage asset for its architectural and historic interest associated with the now demolished Mistley Place. The building was previously a gate lodge to Mistley Place, demolished in 1945. The former relationship to Mistley Place can be seen in the excerpt of the first edition Ordnance Survey mapping of the area shown below. It is located in close proximity to the Grade II listed Church of St Mary and St Michael (List UID: 1074933). Following our previous advice, the applicant submitted a heritage statement as part of the current application providing information regarding the significance of the heritage assets affected, including any contribution made by their setting, a requirement set out in Paragraph 194 of the NPPF. A further site meeting was also carried out in order to agree a design which would not affect the significance of the non-

designated heritage asset and the character and appearance of the Conservation Area.

The revised proposal is now considered to be generally acceptable, except for the following issues:

- I do not support the proposed rooflight to the north-east lobby roof, this is a non-traditional form of fenestration which would introduce an incongruous feature within the Conservation Area and detract from the significance of the non-designated asset;
- It is not clear whether the door between bedroom 1 and the lounge is an original feature; in which case, if this is in fair condition, I would advise it is retained on site after blocking up the existing opening;
- At this stage, no information on the new flat roof material have been submitted, this shall be a high quality roof finish;
- The proposal would require significant structural works to the original fabric, therefore I advise structural information and method statement are submitted for approval prior commencement of any work.

If alterations as above are made to the proposal, there would be no objection to the current application, subject to the following conditions:

- Prior to commencement of above ground works/installation, a schedule of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- Prior to commencement of any work, structural information and a method statement explaining how the original building will be protected by any damage due to ongoing building works, shall be submitted and approved in writing by the Local Planning Authority;
- Prior to installation, a schedule of drawings that show details of all proposed windows, rooflights and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such. Preference is for the retention of historic windows.
- Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

Officer Note – Amended plans have been received since original submission of the application. Essex County Council have confirmed via email they are happy with the changes and the proposal is now deemed acceptable.

Tree & Landscape Officer
14.04.2022

The private amenity space associated with the existing dwelling contains 4 significant trees: an Austrian Pine, 2 Sycamore and a Tree of Heaven. Other smaller trees on the site are not a significant

constraint on the development potential of the land. The development proposal has the potential to have an adverse impact on the viability of the trees.

The trees are not protected by a Tendring District Council Tree Preservation Order however all are afforded formal legal protection by way of their position within the Mistley and Manningtree Conservation Area. No works to the trees is permitted unless formal notice has been given to the Council (a Section 211 Notice).

The important trees are to the east of the existing dwelling and the proposed extensions are to the south and to the east. The development as proposed would result in an incursion into the Root Protection Area (RPA) of the Pine as shown on drawing No. 0305/PL/05 submitted with the application.

In order to show how retained trees will be physically protected for the duration of the construction phase of any development the applicant has submitted an Arboricultural Impact Assessment (AIA) as part of a Tree Survey and Report. The AIA shows how the RPA's will be physically protected for the duration of the construction phase of the proposed development and provides some details relating to specialist construction techniques for foundations. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

With regard to the positioning of the proposed Summerhouse the AIA describes the need to provide details of the construction of the foundations to ensure that tree roots are not harmed.

The AIA contains general comments relating to specialist construction techniques and if these were to be correctly installed then it is considered that the development proposal could be implemented without causing harm to trees.

The AIA also describes the need to provide detailed specification for the construction of the foundations for the extension to the existing dwelling and for the summerhouse. Therefore details of foundation construction specification and methodologies should be provided prior to the determination of the application or secured by a planning condition forming part of any planning permission that may be granted.

Should an indication be given that consent would be likely to be granted then a soft landscaping condition should be attached to secure details of new planting to soften and enhance the appearance of the development.

3. Planning History

21/30080/PREAPP	Erection of single storey side/rear extension	Refused	29.04.2021
22/00545/FULHH	Proposed removal of existing flat roof extension. Construction of new single-storey rear extension.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL6 Strategic Green Gaps

PPL8 Conservation Areas

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a single storey rear extension and summer house.

Amended plans have been received since original submission of the application following advice from Essex County Council Heritage. These plans have removed the original rooflight shown on the North East elevations, and have include the flat roof rooflights to the South West, North West and North East elevations. It is these amended plans that have been assessed in this report.

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. Policies SP1, SP7 and SPL 3 of

the Tendring District Local Plan 2013-2033 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 extension will be replacing the existing rear flat roof extension. The proposed extension is considered to be of an acceptable size and scale in relation to the host dwelling. A site visit has been conducted by the case officer to confirm the application site is able to accommodate for a proposal of this size and scale whilst retaining adequate private amenity space. Although located to the rear of the dwelling, parts of the proposed extension may be visible to the streetscene of New Road, due to the open character of the locality, however it will be largely shielded by the host dwelling and will not appear overly prominent. The extension will be constructed using brickwork to match that of the host dwelling, it will have a flat roof design to match the existing rear structure (being replaced) and is therefore considered to be of an acceptable in keeping design and appearance in relation to the host dwelling and its locality. The proposed extension does not have any significant harmful effect on visual amenities.

The proposed summer house will be located north east of the site. An express grant of planning permission is required for the summer house due to its location past the side elevation of the host dwelling within a conservation area. The summer house is considered to be of an appropriate size and scale, with the application site able to accommodate for this whilst retaining adequate private amenity space. The proposed summerhouse is considered to be of an acceptable design and appearance with no significant adverse effect on the visual amenities of the area.

Impact on Conservation Area and Listed Buildings

Policy PPL8 of the Tendring District Local Plan seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

Policy PPL9 of the Tendring District Local Plan requires new developments that affect a listed building or its setting will only be granted permission if they protect its special architectural or historic interests, its character, appearance and fabric. Proposals should demonstrate that they are justifiable through an informed assessment of the significance of the heritage asset, and are of a scale and design that respects the significance of the listed building and its setting.

Due to the sites location within the Manningtree and Mistley Conservation Area, and its close proximity to a Grade II Listed building, Essex County Council Heritage have been consulted and have submitted the following comments;

“The application is for proposed removal of existing flat roof extension. Construction of new single-storey rear extension. Comments were previously provided regarding pre-applications 21/30080/PREAPP (dated 26th April 2021) and 21/30248/PREAPP (dated 29th October 2021) for previous iterations of the proposals. A site meeting was also undertaken on 16th April 2021 as part of this previous pre-application.

The property is located within Manningtree and Mistley Conservation Area, is mentioned in the Conservation Area Character Appraisal, and is considered a non-designated heritage asset for its architectural and historic interest associated with the now demolished Mistley Place. The building was previously a gate lodge to Mistley Place, demolished in 1945. The former relationship to Mistley Place can be seen in the excerpt of the first edition Ordnance Survey mapping of the area shown below. It is located in close proximity to the Grade II listed Church of St Mary and St Michael (List UID: 1074933).

Following our previous advice, the applicant submitted a heritage statement as part of the current application providing information regarding the significance of the heritage assets affected, including any contribution made by their setting, a requirement set out in Paragraph 194 of the NPPF.

A further site meeting was also carried out in order to agree a design which would not affect the significance of the non-designated heritage asset and the character and appearance of the Conservation Area.

The revised proposal is now considered to be generally acceptable, except for the following issues:

- I do not support the proposed rooflight to the north-east lobby roof, this is a non-traditional form of fenestration which would introduce an incongruous feature within the Conservation Area and detract from the significance of the non-designated asset;
- It is not clear whether the door between bedroom 1 and the lounge is an original feature; in which case, if this is in fair condition, I would advise it is retained on site after blocking up the existing opening;
- At this stage, no information on the new flat roof material have been submitted, this shall be a high quality roof finish;
- The proposal would require significant structural works to the original fabric, therefore I advise structural information and method statement are submitted for approval prior commencement of any work.

If alterations as above are made to the proposal, there would be no objection to the current application, subject to the following conditions:

- Prior to commencement of above ground works/installation, a schedule of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- Prior to commencement of any work, structural information and a method statement explaining how the original building will be protected by any damage due to ongoing building works, shall be submitted and approved in writing by the Local Planning Authority;
- Prior to installation, a schedule of drawings that show details of all proposed windows, rooflights and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such. Preference is for the retention of historic windows.
- Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such."

Since receiving these concerns amended plans have been received and Essex County Council Heritage have confirmed via email exchange with the case officer that these amended plans have addressed their concerns and the application is now considered acceptable.

The proposed development is therefore considered to be of an acceptable design and scale with no harmful effects on the amenities or special architectural nature of the Conservation Area.

Impact on Coastal Protection Belt

The application site is located within a Coastal Protection Belt. Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 seeks to ensure that the Council will protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional need and that development within the Coastal Protection Belt will be of a design that responds appropriately to the landscape and historic character of its context.

The proposed extension and proposed summer house are of an in keeping design and appearance to the existing dwelling and surrounding area. As the proposal is replacing the existing rear extension it will have little effect on the open character of the area and is therefore compliant with the aforementioned policy.

Impact on the Strategic Green Gap

Policy PPL 6 of the Tendring District Local Plan 2013-2033 states that planning permissions for developments located within the strategic green gaps will only be permitted if the development demonstrates a functional need and it does not compromise the open setting between settlements or neighbourhoods.

The proposed single storey rear extension, will be replacing an existing rear structure at the site. The development will not appear out of character with the area and is not considered to harm the open character of the strategic green gap due to its minor nature. The proposal is therefore compliant with the aforementioned policy.

The proposed summerhouse is considered to be of a minor nature with minimal impact on the open character of the locality. It is not considered to harm the amenities of the strategic green gap and is considered compliant with the aforementioned policies.

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 SPL 3 of the Tendring District Local Plan 2013-2033 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The application site is located in a largely rural location with limited neighbouring dwellings. There is one adjacent neighbouring dwelling located north of the property. 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.

Due to the siting of the proposed extension in relation to the adjacent dwelling, the proposal has no effect on the loss of light to this neighbouring dwelling.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Essex County Council Heritage Support this application following the submission of amended plans.

Tendring District Council's Tree and Landscape officer has been consulted on the application and has submitted the following comments;

"The private amenity space associated with the existing dwelling contains 4 significant trees: an Austrian Pine, 2 Sycamore and a Tree of Heaven. Other smaller trees on the site are not a significant constraint on the development potential of the land. The development proposal has the potential to have an adverse impact on the viability of the trees.

The trees are not protected by a Tendring District Council Tree Preservation Order however all are afforded formal legal protection by way of their position within the Mistley and Manningtree Conservation Area. No works to the trees is permitted unless formal notice has been given to the Council (a Section 211 Notice).

The important trees are to the east of the existing dwelling and the proposed extensions are to the south and to the east. The development as proposed would result in an incursion into the Root Protection Area (RPA) of the Pine as shown on drawing No. 0305/PL/05 submitted with the application.

In order to show how retained trees will be physically protected for the duration of the construction phase of any development the applicant has submitted an Arboricultural Impact Assessment (AIA) as part of a Tree Survey and Report. The AIA shows how the RPAs will be physically protected for the duration of the construction phase of the proposed development and provides some details relating to specialist construction techniques for foundations. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations. With regard to the positioning of the proposed Summerhouse the AIA describes the need to provide details of the construction of the foundations to ensure that tree roots are not harmed.

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Should an indication be given that consent would be likely to be granted then a soft landscaping condition should be attached to secure details of new planting to soften and enhance the appearance of the development”

As this proposal involves only modest extensions/outbuildings to a single dwelling it is not considered reasonable to request further soft landscaping than already exists on site.

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 plans;

Drawing No. 0305/PL/03A
Drawing No. 0305/PL/05A
Drawing No. 0305/PL/04B

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

- 3 Prior to commencement of any above ground works a schedule of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - To protect the special character and architectural interest and integrity of the Conservation Area.

- 4 Prior to commencement of development, structural information and a method statement explaining how the original building will be protected from any damage due to ongoing building works, shall have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason - To protect the special character and architectural interest and integrity of the Conservation Area.

- 5 Prior to installation, a schedule of drawings that show details of all proposed windows, roof lights and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall have been submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such. Preference is for the retention of historic windows.

Reason - To protect the special character and architectural interest and integrity of the Conservation Area.

- 6 Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

Reason - To protect the special character and architectural interest and integrity of the Conservation Area.

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.

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