

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	27.07.2022
Planning Development Manager authorisation:	AN	27/7/22
Admin checks / despatch completed	CC	27.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

Application: 22/00613/FULHH **Town / Parish:** Little Oakley Parish Council

Applicant: Toni Wrenn

Address: 40 Harwich Road Little Oakley Harwich

Development: Proposed two storey rear extension and front porch for private use.

1. Town / Parish Council

Little Oakley Parish
Council
19.05.2022

Little Oakley Parish Council OBJECT to this amended application on the following grounds:

1. The size of the rear extension is considered overdevelopment as the ground floor still extends 4.5m further out from the existing structure and the first floor extends 2.7m further out from the existing structure. Therefore it is still not in keeping with the majority of neighbouring properties in that row (nos. 34 to 44) and will still cause a loss of daylight to nos. 38 and 42.
2. To the front of the house, the street view is considered to be altered unsympathetically, in that the front porch is still considerably larger than any of the existing porches in that row of properties.
3. The Juliet balcony on the first floor (Bedroom 1) will cause a loss of privacy in neighbouring gardens, not just to nos. 38 and 42 but further NE and SW too, because it extends out past the existing property line. Although this room might not currently be considered a habitable room during the day, the full length windows does encourage a lounging / sitting area next to them thereby making the room much more habitable during the day. This loss of privacy would be amplified if the room were converted in to a lounge or an office in the future.
4. Continued non-compliance with the application form, section 10 where it states that all planting to the site boundaries will remain. All planting from all the boundaries has been removed but this could be remedied with compensatory planting of a natural hedgerow, especially on the south boundary adjoining the farmer's field.

2. Consultation Responses

Not Applicable

3. Planning History

04/00784/FUL	First floor rear extension	Approved	08.06.2004
22/00613/FULHH	Proposed two storey rear extension, roof extension and roof alteration and front porch for private use.	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

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 two storey rear extension and front porch for private use.

Amended plans have been received since original submission of this application with the original roof alterations and extensions, included the installation of a balcony, being omitted from the application. Also, the first floor level of the extension has been considerably reduced in size to lessen any impact on the neighbouring dwellings.

It is these amended plans which have been assessed within 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 porch will be located to the front of the dwelling and therefore visible to the streetscene. It will measure 1.6 metres deep by 3.2 metres wide with a maximum height of 3 metres. The porch will be finished in a matching brickwork to blend with the host dwelling. Although this will be visible to the streetscene, the dwelling is set back from the highway and so the additional porch is not thought to appear overbearing. The porch is considered to be of an acceptable size, scale and appearance in relation to the host dwelling and its locality. It is not thought to have any significant harmful effect on the visual amenities of the area.

At ground floor level the proposed rear extension will measure 4.5 metres deep by 6.5 metres wide. This proposed extension will be connected to the existing rear element of the host dwelling and is therefore considered to be large in nature. However, a site visit has been conducted by the case officer to confirm that the application site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space. The ground floor rear extension can therefore not be said to be of a size and scale inappropriate to the host site. As this extension is located to the rear it will not be visible to the streetscene. It will be finished in a matching render to the host to help the proposal to blend, with a hipped tiled roof. The ground floor rear extension is considered to be of an in keeping design and appearance, with no significant harmful effects on the visual amenities of the area.

The proposed first floor rear extension will measure 2.7 metres deep by 4.2 metres wide. It will be finished in render with a pitched tiled roof to blend with the design and appearance of the host dwelling. As this element is also connected to the existing rear element at the site it is considered to be of a large nature. However the amended plans received have reduced the size of this extension to be more in keeping with the host dwelling. The first floor rear extension is considered to be of an in keeping design and appearance with no significant effect on the visual amenities of the area.

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 proposed porch has no significant harmful effect on the amenities of the neighbouring properties.

The proposed ground floor rear extension poses no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings due to its single storey nature.

The first floor rear extension includes the installation of a Juliet balcony at the rear elevation which will provide views overlooking onto the rears of the neighbouring dwellings and therefore result in a loss of privacy. However, this Juliet balcony will be serving a bedroom, an area not deemed to be a primary living space, which therefore reduces its impact on the loss of privacy. Furthermore the existing dwelling already has rear facing windows at first floor level and so the proposal will not be providing any new additional views, it can therefore not be said to have any significant adverse effect on the loss of privacy that would justify refusing planning permission on these grounds.

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 rear extensions roof it has been found that the proposed extensions do not cause any more of a significant harmful effect on the loss of light than that which is already posed by the existing dwelling. The proposal can therefore not be said to have an adverse effect on the loss of light which is so significant as to justify refusing planning permission.

Highway issues

There is adequate space located to the front of the dwelling to accommodate parking for a dwelling of this size and scale.

Other Considerations

Little Oakley Parish Council OBJECT to this amended application on the following grounds:

1. The size of the rear extension is considered overdevelopment as the ground floor still extends 4.5m further out from the existing structure and the first floor extends 2.7m further out from the existing structure. Therefore it is still not in keeping with the majority of neighbouring properties in that row (nos. 34 to 44) and will still cause a loss of daylight to nos. 38 and 42.
2. To the front of the house, the street view is considered to be altered unsympathetically, in that the front porch is still considerably larger than any of the existing porches in that row of properties.
3. The Juliet balcony on the first floor (Bedroom 1) will cause a loss of privacy in neighbouring gardens, not just to nos. 38 and 42 but further NE and SW too, because it extends out past the existing property line. Although this room might not currently be considered a habitable room during the day, the full length windows does encourage a lounging / sitting area next to them thereby making the room much more habitable during the day. This loss of privacy would be amplified if the room were converted in to a lounge or an office in the future.
4. Continued non-compliance with the application form, section 10 where it states that all planting to the site boundaries will remain. All planting from all the boundaries has been removed but this could be remedied with compensatory planting of a natural hedgerow, especially on the south boundary adjoining the farmer's field.

Officer response;

1. The size and scale of the proposal has been assessed in the above report, the proposal is considered to be of an acceptable size and scale with the application site able to accommodate for this whilst retaining adequate private amenity space. The impact the proposal will have on the loss of light to the neighbouring dwellings has also been assessed, using the 45 degree rule as set out in the Essex Design Guide, and found to have no more of a significant impact than that which already exists.

2. The size and scale of the porch has been assessed and considered appropriate in this instance. The dwelling is set back from the highway and so the porch will not appear over bearing. It is also finished in matching materials to help it blend with the host dwelling and is therefore considered to be of an acceptable appearance.
3. The effect of the Juliet balcony on the first floor extension has been assessed and is not considered to have any significant harmful effect due to the reasons set out in the above report.
4. Planting to the site boundaries is not protected and is not considered to be a material planning consideration and has not been assessed in this case.

4 letters of objection have also been received by members of the public outlining the following concerns;

- Loss of light to neighbouring properties
- Financial implications to neighbouring properties due to loss of light causing increased need for the use of electric lights.
- Loss of privacy to neighbouring properties
- The size of the porch being considered too large
- The overall size and scale of the development being out of character with the area.
- Removal of boundary hedgerows, removal of chimney and blocking-up of front door and window
- The installation of the side windows causing a loss of privacy
- Concerns over the machinery and building materials on the shared driveway

Officer response;

The proposals impact on the loss of light has been assessed in the above report and does not have any more of a significant impact than that which is already caused by the host dwelling. The proposal can therefore not be said to have a significant harmful effect on the loss of light which would justify refusing planning permission. With regards to the comments made on the financial impacts the proposal may have, unfortunately this is not a material planning consideration and so cannot be considered.

The impact the proposal will have on the loss of privacy has been assessed above and deemed to have no significant harmful effect which would justify the refusal of planning permission.

The size and scale of the development has been assessed above and has been deemed to be appropriate with no significant harmful effect to amenities.

The removal of the hedgerows, chimney and blocking up of the front door and windows do not require an express grant of planning permission and have not been assessed for this reason.

The concerns over the machinery and building materials on the shared driveway is not a material planning consideration. This is a civil matter and should be dealt with as such.

One letter of support was received but had no attached comments submitted.

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. 07-2022-03 PC

Drawing No. 07-2022-04 PC

Drawing No. 07-2022-05 PC

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.

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