

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	27/07/2022
Planning Development Manager authorisation:	AN	27/07/22
Admin checks / despatch completed	CC	27.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AN/CC	27.07.2022

Application: 22/00734/FULHH **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Danny Gross

Address: Newholme Plough Road Great Bentley

Development: Resubmission of application 20/01648/FUL for proposed erection of two storey rear extension.

1. Town / Parish Council

Great Bentley Parish
Council
07.07.2022

The Parish Council of Great Bentley have made the following comments: No Comments.

2. Consultation Responses

Not applicable

3. Planning History

05/00230/FUL	Two storey side extension, single storey rear extension and conservatory and detached double garage	Refused	13.04.2005
05/00857/FUL	Side & rear extensions and conservatory and detached garage	Approved	04.07.2005
05/01837/FUL	Two storey side extension and a single storey rear extension.	Approved	14.12.2005
20/01648/FUL	Erection of proposed two storey rear extension.	Refused	10.06.2021

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)

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)

Application Site

The application site serves a semi-detached 1.5 storey dwelling finished in painted render with a tiled roof, with two rear roof dormers. The application site is located outside of any defined settlement development boundary.

Proposal

This application seeks planning permission for the resubmission of application 20/01648/FUL for the proposed erection of a two storey rear extension.

Planning History

Planning application 20/01648/FUL was refused planning permission for the erection of a two storey extension due to the excessive size, scale height and bulk. The proposal would also cause an overbearing nature to the neighbouring dwelling.

Design and Appearance

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The application has been amended since the submission of application 20/01648/FUL. The ground floor extension will have a depth of 5 metres, width of 5.6 metres and will extend out to be in line with the neighbouring property. The extension incorporates a roof light to serve the dining area, due to the location of the roof light to the rear and as it will be used for light purposes only, the proposal is acceptable. The materials proposed will match the host dwelling and it is considered that the ground floor element is acceptable in size, scale and appearance.

The first floor element which was considered excessive in size and scale under planning application 20/01648/FUL, has been reduced in depth to incorporate two first floor gable projections. The northern first floor gable projection accommodating the master bedroom has been reduced in depth to 3.8 metres with the addition of a Juliet balcony. Although there will be glimpses of the proposal from the highway, due to the set back of the proposal as well as the use of matching materials to the host dwelling, it is not considered to cause any significant visual impact.

The southern first floor gable projection has been amended to a depth of 2.1 metres to address previous concerns in regards to the impact upon the neighbouring amenities and the design. The extension will accommodate a bedroom with a window located to the western rear elevation. The

materials proposed will again match the host dwelling and the proposal is considered acceptable in terms of design and appearance.

Impact upon Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

To the north of the application site is 'Moss Cottage', however due to the distance to the neighbouring dwelling as well as there being no first floor windows to the first floor side elevations, the proposal is not considered to cause any significant impact upon neighbouring amenities.

To the south of the application site is 'Fiddlers Folly'. The previous application deemed the two storey extension to be harmful to neighbouring amenities however this application incorporates amendments to alter the design of the rear extension to allow for the southern sided bedroom to be reduced in depth to lessen the impact upon the attached neighbouring dwelling.

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 extension roof would not intercept over half of any window on this neighbouring dwelling in both plan and elevation, the proposal can therefore not be said to have a significant harmful impact on the loss of light to this neighbouring dwelling. The proposal also does not extend further than this neighbouring dwelling at ground floor level and therefore has no significant impact on the loss of light at this level. The proposal is located away from other neighbouring dwellings and therefore has no impact on the loss of light.

The proposal will include the installation of windows and doors at first floor level to the rear elevation which will provide the dwelling with potential views over towards the rear and to the neighbouring dwellings garden. However as the existing dwelling already has windows at first floor level to the rear, the proposed extension will not be providing any additional impact.

Other considerations

Great Bentley Parish Council have no comments to make.

Two letters of objection have been received from the same address raising the following concerns:

- Concerns that the amended plans are out of proportion with the neighbouring property and that they only removed the proposed balcony.

The concern raised has been addressed within the report.

- Concerns that the proposal will be visible from the streetscene

In response to the concern above, although some parts of the proposal will be visible to the streetscene, due to the set back from the highway, it is not considered significant enough to warrant a reason for refusal.

- Concern that the proposed extension will impact the neighbouring property.

This concern has been addressed within the report.

- Concern in regards to the double garage which was passed on 4 July 2005 (05/00857/FUL) along with side and rear extensions and conservatory. However, these plans were

amended on 14 December 2005 (05/01837/FUL) and approved, and this was the extension that was built. The garage, however, was never built. Is the planning still current for the garage?

In response to the concern raised above, 05/00857/FUL was for the granting of a side & rear extensions and conservatory and detached garage. Planning permission was granted under reference 05/01837/FUL for a two storey side extension and a single storey rear extension. If the applicants built in accordance with 05/01837/FUL, the garage was not part of this permission.

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:

- Drawing No. 02 A

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