

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	25/02/2022
Planning Development Manager authorisation:	SCE	25.02.2022
Admin checks / despatch completed	ER	25/02/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	02.03.2021

**Application:** 22/00052/FULHH **Town / Parish:** Mistley Parish Council

**Applicant:** Mr Richard Saunders

**Address:** 25 Kiln Lane Mistley Manningtree

**Development:** Proposed part removal of existing conservatory and erection of replacement with tiled roof and new glazing.

### 1. Town / Parish Council

Mistley Parish Council  
03.02.2022

At its Planning Committee Meeting on the 3 February 2022, the Parish Council recommended approval of this application.

### 2. Consultation Responses

Essex County Council  
Heritage  
02.02.2022

The application is for proposed part removal of existing conservatory and erection of replacement with tiled roof and new glazing.

The development site is located within the Manningtree and Mistley Conservation Area. An application for similar development was submitted and approved under planning reference 21/01197/FUL. This revised proposal includes a different layout for external doors and windows to the new extension.

As previously advised, I am unposed to this application and recommend the following conditions are attached to any decision notice issued.

- Prior to commencement of above ground works, a schedule of external finish materials, including external brickwork, roofing including ridge tiles, fascias, soffits and barge boards to match existing, 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 installation, a schedule of drawings that show details of all proposed windows, including conservation 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, cills, finish, and ironmongery, 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.
- Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

### 3. Planning History

96/01496/OUT

( ) Construction of 27 new detached Approved 31.07.1997  
and linked 2, 3 and 4 bedroom  
houses with garages and  
communal parking.

	Construction of new access and estate road with associated infrastructure		
03/00101/FUL	Proposed alterations to approval 02/01346/DET, 11 proposed new terraced and detached houses, plot no's 23 to 33	Approved	28.03.2003
21/01197/FUL	Proposed part removal of existing conservatory and erection of replacement with tiled roof and new glazing.	Approved	21.09.2021
22/00052/FULHH	Proposed part removal of existing conservatory and erection of replacement with tiled roof and new glazing.	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  
LP4 Housing Layout  
PPL8 Conservation Areas

Local Planning Guidance  
Manningtree and Mistley Conservation Area Review

#### **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 comprises of a two storey detached dwelling which is brick in construction and also has an existing rear conservatory. Sited to the side of the house is an existing driveway and garage. The rear elevation of the existing house can be seen from the car park to the rear of the site which has a wall in situ along the boundary.

The neighbouring sites are constructed from a variety of brick and light colour render or boarding detailing. Many of these surrounding dwellings also have rear conservatories and existing UPVC windows.

The site benefits from an existing planning permission under 21/01197/FUL for Proposed part removal of existing conservatory and erection of replacement with tiled roof and new glazing.

##### Proposal

This application seeks permission for proposed part removal of existing conservatory and erection of replacement with tiled roof and new glazing.

The plans have since been amended to use white frames in the walling instead of the original grey. This would be more appropriate to the character of the area and consistent with others nearby.

#### Site history

Whilst a proposal of this size and design would meet the requirements of permitted development the following condition has been imposed upon the original planning permission for the house; Condition 06 of 96/01496/0UT states the following;

"Notwithstanding the provisions of Article 3 of the Town and country Planning (General permitted Development) Order 1995, no garages, extensions or separate buildings shall be erected without express planning permission.

Reason - In order to ensure a satisfactory development in terms of visual amenity, privacy and private amenity open space."

#### Assessment

##### Design, Appearance and Heritage Impact

The proposal will be sited to the rear and not publicly visible when viewing the front of the house however sited to the rear is an existing car park where some views of the proposal will be achieved.

The proposal is of a suitable size and scale in relation to the main house and its single storey design will prevent it from appearing as a prominent or harmful feature. Whilst there will be some views of the proposal from a public area these are likely to be minimal due to the small scale nature of the proposal and will not infringe upon the overall character and appearance of the existing dwelling and area. The materials proposed will also be consistent with other houses and extensions within the area.

The site itself is located in a Conservation Area and consideration must be taken to ensure that the proposal does not result in a harmful impact to such. As the proposal will be sited to the rear with minimal impact to the overall appearance of the house and streetscene it is considered that the alterations would not diminish the overall character of the conservation area. The site itself is also not specifically awarded special mention within the Conservation area appraisal for the area.

The Heritage team at Essex County Council have been consulted and raise no objections to the proposal and have suggested conditions requesting for further information on windows, materials and the colour of the rain water pipes. As a result of the small scale of the proposal and the minimal impact it will have on visual amenity it is considered that the information provided within the application is sufficient enough in this case and therefore the conditions regarding materials and window details are not considered necessary to the permission.

The completion of the proposal will result in a loss of private amenity space with the resultant space left being approximately 58m<sup>2</sup>. Whilst there will be a reduction sites existing private amenity space is already relatively small and as the footprint of the proposal is similar to the existing conservatory this will not be significantly altered further allowing for a "usable" space to be maintained. It is therefore considered that the reduction in private amenity space in this instance would be unreasonable grounds to refuse planning permission upon.

##### Impact on Neighbours

The proposal will not result in a significant loss of residential amenities to 23 Kiln Lane as it will be of a similar size to the conservatory which it is replacing and will be predominantly screened by the existing boundary wall which will reduce the impact to this neighbour.

The proposal will be ample distance away from 27 Kiln Lane and will not result in a loss of residential amenities to this neighbour.

##### Other considerations

Mistley Parish Council have no objection to the proposal.

One letter of objection has been received from the Kiln Lane Management Ltd which is a company that was established when the Kiln Lane development was completed covering 17 properties of which, No.25, is the subject of the above planning application.

Their concerns can be summarised below;

- The houses within the development are bound by covenants which restrict development.
- This includes the use of UPVC Windows which is part of the proposal and is not in line with Covenant restrictions.

It is noted that the planning application process does not take into account covenants on land and the implementation of such would not be a reason to refuse planning permission upon. The officer has spoken to the applicant in regards to the covenant who has confirmed they will ensure they are in compliance with this and seek legal advice should they need to.

- The proposed change of roof will break and destroy the continuity of the glazed roof conservatories which set a precedent for the views of the rear of the dwellings when looking at them from the car park.

Currently within the car park views are achieved of the rears of the dwellings along with their conservatories. Many of these additions have not received planning permission although they are required to do so by the above condition and they all vary in terms of size, design and materials. Whilst they do have minimal impact to the visual amenity of the area due to their minor nature due to the variety of designs and materials there is no real continuity between these additions and therefore they fail to enhance the visual amenity of the area. The proposed change of roof and remodelling of the existing structure will allow this addition to appear better inkeeping with the existing house and other more permeant extensions in the area allowing it to be a more visually appealing feature within this area.

- Use of grey in the proposal.

This element has since been amended by the agent to show as white to be consistent with other conservatories and UPVC windows in the area.

### Conclusion

In the absence of material harm resulting from the proposal 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:

252-05 Rev B

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.