

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	31/08/2022
Planning Development Manager authorisation:	AN	2/9/22
Admin checks / despatch completed	MR	02/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	02/09/2022

**Application:** 22/00975/FULHH **Town / Parish:** Great Bentley Parish Council

**Applicant:** Miss Charlee Shadbolt

**Address:** 18 Hill Cottages Flag Hill Great Bentley

**Development:** Proposed single storey rear extension to enlarge the kitchen/diner to add a utility room.

### **1. Town / Parish Council**

Gt Bentley Parish Council  
08.07.2022

No Comment

### **2. Consultation Responses**

ECC Highways Dept

**From a highway and transportation perspective the impact of the proposal for a dropped kerb is NOT acceptable to the Highway Authority for the following reasons:**

The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

The drop kerb proposed would provide vehicular access to the front garden/area of no. 18, where the available space for the parking of a vehicle is inadequate and not suitable to provide off-street parking in accordance with the Parking Standards.

The proposal if permitted would set a precedent for future similar proposals which would likely lead to inappropriate parking detrimental to the general safety of all highway users.

The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### **Informative:**

1: Essex Highways vehicle crossing criteria stipulates that any parking space (within the property boundary) must have a depth of 5 metres (at approximately right angles to the road) by a width of 2.5 metres. Please note – Essex Highways will not allow any vehicle crossing (drop kerb) where the depth of the frontage parking space is less than 5 metres by a width of 2.5 metres.

2: Due to the level difference to the side of the porch and the

position of the porch at the front of the property the proposed space is substandard in length and width.

3: Of particular concern is the potential for a vehicle parked in this space overhanging and obstructing the footway due to the lack of depth at the front of the property, as a consequent this could have a detrimental impact on highway safety particularly pedestrians using the footway.

4: Parallel parking to the carriageway is not acceptable at the front of the property as this would lead to oblique vehicle manoeuvres, with restricted visibility, which would be detrimental overall highway safety.

### **3. Planning History**

22/00975/FULHH	Proposed single storey rear extension to enlarge the kitchen/diner to add a utility room.	Current
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### **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  
PPL3 The Rural Landscape  
PPL2 Coastal Protection Belt

### **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 terraced dwelling outside of the development boundary.

#### Proposal

This application seeks planning permission for a single storey rear extension to enlarge the kitchen/diner to add a utility room.

The original application included a new access however when this was objected to by ECC highways and has since been removed from the description.

## Assessment

### Design and Appearance

The proposed extension will be to the rear of the existing house and largely screened by the host dwelling and its adjoining neighbour. In the event that views are achieved between the open space between the host dwelling and its southern neighbour these will be minimal and will not diminish the character and appearance of the existing house or streetscene.

The proposal is of a suitable size and scale to the existing house and will be finished in materials which are consistent with the host dwelling.

The site is located outside of the development boundary of Great Bentley however given the minor nature of the proposal along with its minor impact in terms of visual amenity is considered not to result in a significantly harmful impact to the appearance and character of the countryside.

The proposal will result in a decrease in private amenity space however will still allow for a suitable and usable space to be retained to the rear for the occupants of the house.

### Other Considerations

Great Bentley Parish council have no objections to the proposal.

Two letters of objection have been received with their concerns summarised below

- Concerns over loss of light.
- New driveway has already been installed

These shall be addressed in the below assessment.

### Impact on Neighbours

Sited to the north the adjoining neighbour of 17 Hill Cottages is similar in terms of design to the host dwelling with its own rear extension. This proposal will not extend past this neighbour's rear extension and will therefore be screened from this neighbour preventing it from resulting in a loss of amenities to this adjoining house.

Sited to the south of the house is the neighbour of 19 Hill Cottages which matches the design of the host dwelling benefiting from an existing conservatory to the side and rear. Between the two properties is a walkway which serves both properties and either side there is fencing and walling. The application site's walling is low in terms of height. The proposal will be sited at least 1m from this boundary and have a parapet roof measuring 3m in height. The proposal will result in a loss of light and outlook to this neighbour's conservatory structure.

This conservatory feature currently looks onto the side of the application dwelling and boundary fencing thereby already receiving a reduced amount of daylight and outlook. This boundary fencing could be increased at both sites to 2m under permitted development which would potentially screen the majority of the proposal from this neighbour reducing the impact which it would have. It is also noted that the houses are east facing meaning that due to the direction of the sun the proposal would not result in a significant loss of sunlight to this neighbour.

Given this neighbour's existing views, the proposal's siting off of the boundary along with allowances under permitted development to increase the boundary walling and fencing at both sites it is considered the loss of light and outlook resulting from the proposal would not be so significant to refuse planning permission upon in this instance.

The plans show that the proposed extension will not have any windows within its side elevation which face this neighbour preventing it from resulting in a loss of privacy.

The new access has since been removed from part of the application due to objections from ECC Highways. The applicant has been advised of these comments and should they decide to pursue this element then they should speak to ECC Highways about how to overcome their concerns and apply for planning permission accordingly. Upon the site visit alterations to the front had been finished however there was no vehicular new access which would require planning permission.

### 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:

Drawing No 4 - Proposed Floor Plan

Drawing No 5 - Proposed Rear and Side Elevations

Drawing No 6 - Proposed Block Plan

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.