

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	28.09.2022
Planning Development Manager authorisation:	AN	27/9/22
Admin checks / despatch completed	CC	28.09.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	28/09/2022

Application: 22/01335/FULHH **Town / Parish:** Beaumont Parish Council

Applicant: Mr and Mrs Smith

Address: Birchwood Lodge Harwich Road Beaumont

Development: Proposed erection of conservatory.

1. Town / Parish Council

Beaumont Parish Council No comments

2. Consultation Responses

Not Applicable

3. Planning History

19/00358/COUNOT	Proposed conversion of agricultural buildings to three x 1 bedroom residential dwelling houses.	Determination	23.04.2019
19/00909/FUL	Proposed replacement of three poultry units with 1 x three bed dwelling (in lieu of prior approval 19/00358/COUNOT).	Approved	12.12.2019
20/00861/FUL	Proposed three bed dwelling (repositioning of dwelling as approved under planning permission 19/00909/FUL).	Approved	14.10.2020
21/00353/FUL	Erection of new double garage	Approved	16.04.2021
22/01335/FULHH	Proposed erection of conservatory.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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 rear conservatory.

Planning History

Planning permission for the construction of the host dwelling was granted under planning permissions 19/00909/FUL for the replacement of three poultry units with 1x three bed dwelling (in lieu of prior approval 19/00358/COUNOT) and application 20/00861/FUL for the erection of a three bed dwelling (repositioning of dwelling as approved under planning permission 19/00909/FUL). The approval for the erection of the host dwelling is subject to the following condition;

6. The proposed dwelling shown on drawing no. BHR-101 Revision C hereby permitted shall not be occupied until all of the existing agricultural buildings as shown on the Demolition Plan scanned 6th August as approved under 19/00909/FUL, have been demolished and the resulting demolition materials removed from the site.

Reason - In the interests of protecting and enhancing the rural character and appearance of the area.

Following neighbouring objections stating that this condition has not been adhered to, the case officer has visited the site and can confirm that the previous agricultural buildings shown on the demolition plan scanned onto application reference 20/00861/FUL on 6th August, as approved under application reference 19/00909/FUL, have now been demolished and the host dwelling therefore considered compliant.

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 conservatory will be located to the rear of the host dwelling and will therefore be largely shielded to the streetscene. The case officer has visited the site to confirm that the application site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space. The conservatory is considered to be of an appropriate size and scale in relation to the host dwelling and its locality. The conservatory will be finished in brickwork to match that of the host dwelling with a pitched polycarbonate roof design. The conservatory is deemed to be of an appropriate design and appearance with no significant harmful 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 application site is not located immediately adjacent to any neighbouring dwellings and therefore has no impact on the loss of light, privacy, or harm to the amenities of the neighbouring sites.

Highway issues

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

Other Considerations

Two letters of objections have been received from members of the public. These letters have been summarised and responded to in the table below;

Concern / Reason for Objection	Officer Response
Non-compliance with the original obligations entered into at the time of the original application to erect the host dwelling, relating to a Unilateral Undertaking which required all three plots noted thereon to be demolished, along with a further structure hatched black, before commencement of building. Two of these structures remain to this day.	The case officer visited the site on 06.09.2022 to assess whether the Unilateral Undertaking has been complied with. The case officer confirmed that the three buildings shown on the demolition plan, as scanned under application reference 20/00861/FUL have been demolished. The site is therefore compliant.
At the planning committee meeting where the initial application for building Birchwood Lodge was put before the Committee and decision to approve was made. The Chairman of the Committee made the comment "there should be no further development at this site". an approval of this application would go against the Chairman's stricture.	The application site is subject to a condition, imposed on planning application reference 20/00861/FUL which removes the permitted development rights of the property. This condition reads as follows; "5. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)

	<p>(England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling shown on drawing no. BHR-101 Revision C hereby permitted shall not be extended or ancillary buildings or structures shall be erected within the curtilage, without the prior written approval of the Local Planning Authority.</p> <p>Reason - In the interests of protecting and enhancing the rural character and appearance of the area.”</p> <p>This condition does not however mean that no further development can happen on the site. All development will require an express grant of planning permission. Any comments which have been made during the Committee meeting but not conditioned cannot be enforced.</p> <p>The applicants are seeking full planning permission and the Council is therefore required to consider the proposal on its merits.</p>
<p>We are owner occupiers of the property immediately to the east of the applicant's property and note that we have not received any notification of the application either by the council or by the applicant, an omission which we believe to be deliberate and designed to exclude us from the due process of consultation. Notice of the application cannot be viewed at the site from an accessible vantage point</p>	<p>Only those sites which are connected to the boundary of Birchwood Lodge would receive notification in writing of the development.</p> <p>The applicants themselves are under no obligation to notify neighbours / members of the public.</p> <p>An orange site notice was posted by the site, clearly visible from the highway, on the 06.09.2022. This is to advertise the development to any members of the public who may have an interest and provides information on the development with links to the drawings and information relating to the development.</p>

Beaumont Parish Council have submitted no comments on the application.

No other letters of representation have been received.

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 plan; Drawing No. BHR-201 Revision 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