

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	04/05/2022
Planning Development Manager authorisation:	SCE	04.05.2022
Admin checks / despatch completed	ER	04/05/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.05.2022

Application: 21/00660/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr and Mrs Siseman

Address: 24 Elmcroft Elmstead Colchester

Development: Retrospective application for the erection of a single storey sun room extension (following demolition of existing conservatory).

1. Town / Parish Council

Elmstead Parish Council No objection

2. Consultation Responses

Not applicable

3. Planning History

01/00067/FUL	Conservatory	Approved	25.04.2001
91/00756/OUT	Residential development and open space (renewal of permission TEN/2017/87)	Approved	10.03.1992
94/00430/DETAIL	(Land off Holly Way, Elmstead Market) Erection of 25 dwellings and associated garages with 2.22 acres of public open space (submission of details following outline planning permission TEN/91/0756)	Approved	03.08.1994
94/01274/FUL	Variation to condition No. 3 of planning permission TEN/94/0430 to increase height of certain boundary fences to 1.8m with trellis over. Also inclusion of additional land within the garden to Plot No. 4.	Approved	14.12.1994
21/00660/FUL	Retrospective application for the erection of a single storey sun room extension (following demolition of existing conservatory).	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

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 located within the development boundary. The existing house is constructed from brick with an attached garage and driveway to the side. The house and its neighbours look onto an area of open space.

Proposal

This application is a retrospective application for the erection of a single storey sun room extension (following demolition of existing conservatory).

At the time of the officers site visit the proposal had already been completed and occupied.

Background

Whilst an extension of this nature would normally be considered permitted development these rights have been removed on the original permission under condition 05 of planning permission TEN/91/756 In order to ensure a satisfactory development is suitable in terms of visual amenity, privacy and private amenity open space.

Assessment

Design and Appearance

The proposal is sited to the rear and therefore not publicly visible from the streetscene.

The proposed extension is of a suitable size and scale in relation to the existing house and has been finished in materials consistent with the host dwelling.

Prior to the proposal the site benefited from a private amenity space of approximately 79m² and since completion of the extension this has decreased to 62m². Whilst there is a reduction in private amenity space at the site it is noted that the site already has a small private amenity space and that which is left still remains as a usable space for the occupants. Due to the limited impact this proposal has the reduction in private amenity space is not considered so significant to refuse planning permission upon in this instance.

Impact on Neighbours

The proposal is sited a suitable distance from the shared boundaries with 26 and 28 Elmcroft and largely screened by the existing fencing preventing it from resulting in a significant impact to these neighbours.

Sited to the north is 22 Elmcroft which comprises of a two storey detached dwelling with garage. Due to its corner plot location this neighbour is orientated slightly differently on its plot with fencing and its garage along the boundary. The proposal is also of a lean to roof design decreasing in height as it protrudes outwards and will be positioned off of this shared boundary. As a result of its setting off of the boundary, partial screening by way of existing fencing and this neighbours positioning the new extension does not result in such a significant loss of amenities to warrant to grounds of refusal of this application.

The proposal is absent from any side facing windows and therefore does not result in a loss of privacy to this neighbour.

Other Considerations

Elmstead Parish Council have not objected to the proposal.
There have been no letters of representation received.

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 No conditions.

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.