

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	CC	30.11.2022
Planning Manager / Team Leader authorisation:	ML	30.11.2022
Planning Technician final checks and despatch:	ER	30/11/2022

Application: 22/01683/FULHH **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Kyle

Address: Allegro Aingers Green Road Aingers Green

Development: Proposed single storey rear extension with glazed roof lantern and first floor rear extension.

1. Town / Parish Council

Parish Clerk For Great Bentley
10.11.2022

The Parish Council noted that the ground floor extension had been allowed under permitted development however with the addition of a first floor rear extension the council are concerned about the privacy of adjacent properties.

2. Consultation Responses

Not Applicable

3. Planning History

22/01683/FULHH	Proposed single storey rear extension with glazed roof lantern and first floor rear extension.	Current
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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

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 single storey rear extension with glazed roof lantern and first floor rear extension.

This application follows pre-application advice where it was stated the overall bulk of the first floor rear extension needs to be reduced to be considered acceptable in terms of its impact on the visual amenities of the area. The plans submitted with the application appear to follow this pre-application advice.

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 extensions are located to the rear of the dwelling and will therefore be largely shielded to the streetscene of Aingers Green Road by the host dwelling. The first floor rear extension will be visible from the streetscene of St Marys Road as a result of open spaces between the dwellings, however it is well set back from the highway and will not appear overly dominant within the area.

The proposed ground floor rear extension has a flat roof design incorporating a flat roof lantern, the exterior walls will be finished in render to blend with the host dwelling. The proposed first floor rear extension will have a double hipped roof design finished in a roof tile to match the host dwelling. The exterior walls will also be finished in a matching painted render to blend with the host dwelling. The use of matching materials will help the proposed extensions to blend with the host dwelling and lessen any impacts on the visual amenities of the area.

The case officer has visited the site to confirm that the application site can accommodate for the proposed development whilst retaining adequate private amenity space. The proposed extensions are considered to be of an acceptable size and scale in relation to the host dwelling. The surrounding area is comprised from dwellings of differing sizes and irregular layouts to their rear elevations. The proposal is not considered to appear out of character with the locality.

The proposed development is therefore considered to be of an acceptable design and appearance with no significant harmful effects 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 proposed ground floor extension is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings. The ground floor extension will be largely shielded to the neighbouring dwellings known as 'Louise Cottage' and 'Sardiz' by the existing outbuildings along the shared neighbouring boundary line. The ground floor extension is located an adequate enough distance from the neighbouring properties as to have no significant impact on the loss of light.

The proposed first floor extension is located an adequate enough distance from the neighbouring dwellings as to have no significant impact on the loss of light. The first floor extension will include the installation of three rear facing windows at first floor level. These windows will provide views overlooking into the rears of the neighbouring properties and therefore result in a loss of privacy. However, the existing dwelling already has three rear facing windows at first floor level, the proposal will therefore not be providing any new additional views to the dwelling and therefore cannot be said to have any more of a significant impact on the loss of privacy than that which already exists. Furthermore, these proposed new windows will be serving a bedroom and two bathrooms, these areas are not deemed to be primary living spaces and therefore reducing their impact on the loss of privacy further.

The proposal is therefore deemed acceptable in terms of residential / neighbouring amenities.

Highway issues

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

Other Considerations

Great Bentley Parish Council noted that the ground floor extension had been allowed under permitted development however with the addition of a first floor rear extension the council are concerned about the privacy of adjacent properties.

Officer Response – The ground floor rear extension has not been granted as permitted development. It has been fully assessed in the above report and deemed acceptable. The impact of the first floor rear extension has also been fully assessed above. It is not considered to have any impact on the loss of privacy so significant as to justify refusing planning permission.

One letter of representation has been received from a neighbouring resident. This letter states that the extension has been built without planning permission and now includes an upper level. They feel this development very close to their property to be unacceptable and will result in a loss of privacy and overlooking into their windows. They therefore argue that the upper storey should be refused. The letter goes on to state that the ground floor extension already in place increases the original house size by at least 50%, should this have gone ahead without planning permission?

Officer Response – With regards to the ground floor rear extension being built without planning permission, the case officer has visited the site and observed that works to the ground floor extension had started but this extension had not been fully constructed. The extension has been fully assessed in terms of its visual impacts and impacts on neighbouring residents above and has been deemed acceptable. The ground floor extension has not been assessed in terms of permitted development. With regards to the concerns over the first floor rear extension, this element has been fully assessed above and is not considered to have any impact on the loss of privacy which is so significant as to justify refusing planning permission.

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 drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

Drawing No. 01 C

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.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>