

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	15/03/23
Planning Manager / Team Leader authorisation:	SCE	17.03.2023
Planning Technician final checks and despatch:	ER	17/03/2023

**Application:** 23/00137/FULHH **Town / Parish:** Wix Parish Council

**Applicant:** Benjamin Swallow and Carolyn Hill

**Address:** 11 Council Houses Colchester Road Wix

**Development:** Proposed first floor addition to rear extension.

### 1. Town / Parish Council

Wix Parish Council                      No comments received.

### 2. Consultation Responses

N/A

### 3. Planning History

22/00339/FULHH      Proposed single storey rear extension and front porch.                      Approved                      08.04.2022

### 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)

SP1      Presumption in Favour of Sustainable Development

SP3      Spatial Strategy for North Essex

SP7      Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1      Managing Growth

SPL2      Settlement Development Boundaries

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**

### **Site Description**

The application site is 11 Council Houses, which is a two storey semi-detached property located on the northern section of Colchester Road within the parish of Wix. The dwelling is set back from the front boundary and constructed with red brick and cream render. The rear garden area is of a long and narrow nature, bounded by 1.8 metre high timber fencing.

The site is in a row of semi-detached dwellings which are all fairly uniform in design and materials however there are a select few which have chosen to erect porches. These surrounding porches vary in design and size from modest canopies to those of a sizeable construction finished in a range of boarding, render and brick.

The site falls within the Settlement Development Boundary for Wix within the adopted Local Plan 2013-2033.

### **Description of Proposal**

This application seeks full planning permission for a first floor addition to the previously approved rear extension, to make a two storey extension.

The extension will have a height of 6.3 metres, a depth of 4.05 metres and a width of 4.5 metres.

### **Site History**

Under planning reference 22/00339/FULHH, permission was granted in April 2022 for the erection of a single storey rear extension and front porch. Upon undertaking a site visit, Officers note that the porch has been constructed and the rear extension is currently under construction. This permission has therefore been implemented and remains extant indefinitely.

### **Assessment**

#### **1. Scale, Layout and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The proposed development will see the addition of a first floor element to the previous single storey rear extension approved under reference 22/00339/FULHH, resulting in a two storey extension measuring 6.3 metres in height, 4.5 metres in width and a depth of just in excess of 4 metres.

Following the undertaking a site visit, it is clear there are no other similar examples of two storey rear extensions along this section of Colchester Road, while Officers note that the proposed eaves height exceeds the existing eaves. Therefore, the proposed development, by way of its height, bulk, and scale would be out of proportion with the host dwelling and will result in an excessively visually intrusive development harmful to the character and appearance of this area.

## 2. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed development is within close proximity to two neighbouring properties; Number 10 to the west and Number 12 to the east. In terms of the impacts to Number 12, it is noted that the two properties adjoin, and the proposed extension is therefore in close proximity. However, Officers note that the extension has been designed to be set back from the neighbouring boundary and therefore retains approximately 2.7 metres separation. Given this, and that the roof is pitched, Officers conclude that while there will be a level of harm to the neighbouring property, this level will not be significant enough to justify recommending a reason for refusal.

In relation to the neighbouring property to the west, Number 10, there is an approximate separation distance of 1.7 metres to the boundary. The two storey extension is only slightly set in from the existing house, and due to its height, bulk and depth, will appear as a dominant and overbearing feature to the significant detriment of the neighbouring occupants. Moreover, this harm is exacerbated given that there would be a significant loss of daylight and sunlight during the morning given that the sun rises in the east and sets in the west. The proposal is therefore contrary to the aims of the above national and local plan policies.

### Other Considerations

Wix Parish Council have provided no comments.

There have been no other letters of representation received.

### Conclusion

The application proposes the erection of a first floor extension to the previously approved single storey rear extension under planning permission 22/00339/FULHH. However, by way of its height, bulk, and scale the extension would be out of proportion with the host dwelling, while significant harm is identified to the neighbouring property to the west through appearing oppressive and resulting in loss of daylight/sunlight. Accordingly, the application is not compliant with local and national planning policies and is therefore recommended for refusal.

## 6. **Recommendation**

Refusal.

## **7. Reasons for Refusal**

- 1 Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The proposed development will see the addition of a first floor element to the previous single storey rear extension approved under reference 22/00339/FULHH, resulting in a two storey extension measuring 6.3 metres in height, 4.5 metres in width and a depth of just in excess of 4 metres. There are no other similar examples of two storey rear extensions along this section of Colchester Road, and the proposed eaves height exceeds the existing eaves height. Therefore, the proposed development, by way of its height, bulk, and scale would be out of proportion with the host dwelling and will result in an excessively visually intrusive development harmful to the character and appearance of this area, contrary to the above local and national planning policies.

- 2 Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There is an approximate separation distance of 1.7 metres to the boundary of the neighbouring property to the west, Number 10. The two storey extension is only slightly set in from the existing house, and due to its height, bulk and depth, will appear as a dominant and overbearing feature to the significant detriment of the neighbouring occupants. This harm is exacerbated given that there would be a significant loss of daylight and sunlight during the morning given that the sun rises in the east and sets in the west. The proposal is therefore harmful to the amenities of this neighbouring property, contrary to the aims of the above national and local plan policies.

## **8. Informatives**

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.