

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	17.03.2023
Planning Manager / Team Leader authorisation:	AN	21/03/23
Planning Technician final checks and despatch:	ER	22/03/2023

Application: 23/00218/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Nina Ubhi

Address: 28 Cambridge Drive Lawford Manningtree

Development: Erection of first floor side extension over existing ground floor structure.

1. Town / Parish Council

Lawford Parish Council – No objections

2. Consultation Responses

None required

3. Planning History

13/00452/OUT	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/cycle routes and boundary landscaping. The erection of 'approximately 700m ² ' of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	Approved	23.06.2014
14/01050/DETAIL	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/ cycle routes and boundary landscaping. The erection of approximately 700m ² of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	Approved	17.11.2014
18/00468/FUL	Proposed single storey side extension.	Approved	15.05.2018
23/00218/FULHH	Erection of first floor side extension over existing ground floor structure.	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

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 semi detached dwelling located within the development boundary.

The house is of a brick construction with a previous extension to the side. The house and its neighbour are set back from the front boundary and tucked away in a cul de sac location. The adjoining neighbour benefits from an existing two storey side extension also constructed from brick.

Proposal

This application seeks planning permission for erection of first floor side extension over existing ground floor structure.

Background

The plans have since been amended to show that the addition will be constructed from brick to match the host dwelling and the forward facing window will match others already on the host dwelling. These amendments will allow the proposal to be better in keeping with the host dwelling and appearance of the streetscene.

Representations

One letter of objection has been received raising concerns over the loss of outlook, light and privacy from the proposal.

The below report addresses these concerns.

Assessment

Design and Appearance

The proposal will be sited to the side of the existing house and on top of a previously approved single storey side extension detailed above. The proposal will be lower in height compared to the main house and significantly set back from the front boundary reducing its prominence within the streetscene.

The proposed extension will copy the size and design of the extension already in situ at the adjoining house ensuring that the properties appear symmetrical having a more visually appealing impact on the appearance of this set of semi detached dwellings.

The addition will be set off the shared boundary and be lower in height allowing for some open space to be retained and prevent a cramped appearance within the streetscene.

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

The proposal is a suitable addition to the main house which would not appear as an incongruous feature to appearance/ character of the existing house or streetscene.

Impact to Neighbours

The proposal will not be visible to the adjoining neighbour as it will be screened by the host dwelling.

The proposal does incorporate one first floor rear facing window which will look out onto neighbouring gardens however given that most of the houses are two storey with rearward facing windows these gardens already have little to no privacy. It would therefore be unreasonable to refuse permission upon the loss of privacy in this instance.

Sited to the north is 14 Cambridge Drive which will achieve views of the new extension. The extension will be sited at least 1.5m from the shared boundary and will be sited along the side elevation which is slightly orientated away from this neighbour. This positioning and distance from the shared boundary will reduce the prominence of the proposal and any loss of light and outlook resulting from such would not be so significant as to refuse permission upon in this instance.

Other Considerations

Lawford Parish Council have no objections to the proposal.

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 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

SITE PLAN -REC 09/02/23
02A
01A

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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.