

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	06.06.2023
Planning Manager / Team Leader authorisation:	JJ	06/06/2023
Planning Technician final checks and despatch:	CC	06.06.2023

Application: 23/00532/FULHH **Town / Parish:** Brightlingsea Town Council

Applicant: Mrs Kate Holland

Address: 57 Hurst Green Brightlingsea Colchester

Development: Proposed removal of existing conservatory and install new single storey extension with glazed gable end wall.

1. Town / Parish Council

Brightlingsea Town
Council

Supports Application

2. Consultation Responses

Essex County Council
Heritage
04.05.2023

The application is for proposed removal of existing conservatory and install new single storey extension with glazed gable end wall.

The proposal site is a 19th century dwelling within the Brightlingsea Conservation Area. This area is characterised by the historic Hurst Green and the band of buildings surrounding it, which together contribute to a sense of wide space and openness. The buildings overlook the green, and are predominantly two-storey dwellings, typically red brick and cream painted render.

The proposed extension would not be visible from the public view and visibility from the adjoining properties would be very limited. There is therefore no objection in principle to replacing the existing conservatory with a rear extension of similar footprint.

However, the proposed extension is generally not considered to be in keeping with the local character in terms of proposed design, particularly regarding the flat roof side extension, the high-level side windows and the glazed panel above the bi-folding doors to the gable end. revising the proposed openings layout and design and retaining the lean-to roof layout of the lobby and shower room extension would be beneficial in order to achieve a more sympathetic design and holistic scheme.

In terms of materials, the use of uPVC windows and doors is generally not supported in Conservation Area, and I advise these are replaced with timber or metal frame features.

In their current form, the proposed fail to make a positive contribution to local character and distinctiveness, as set out in

Paragraph 197c of the NPPF. Should the proposed design being revised, then there is no objection to the current application, subject to the submission of schedule of all proposed external materials and details of all proposed windows and doors.

3. Planning History

92/01353/FUL	Continued use of two ground floor rooms for purpose of supplying vinyl lettering	Approved	02.02.1993
95/01486/FUL	Continued use of two ground floor rooms for purpose of supplying vinyl lettering (renewal of planning permission TEN/92/1353)	Approved	29.01.1996
99/00317/FUL	Continued use of shed for purpose of supplying vinyl lettering	Approved	19.04.1999
23/00532/FULHH	Proposed removal of existing conservatory and install new single storey extension with glazed gable end wall.	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

PPL8 Conservation Areas

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 removal of the existing conservatory and installation of new single storey extension with glazed gable end wall.

Application Site

The application site serves a semi-detached two-storey dwelling. The site is located towards the south of Hurst Green, within the settlement development boundary of Brightlingsea. The site also falls within the Brightlingsea Conservation Area.

Assessment

Design and Appearance

The proposed works are located to the rear of the dwelling and are therefore not visible from the public views of the streetscene. The extension will therefore not appear overly dominant in the area and its effects on the visual characteristics of the location are limited to the host site.

The extension is of a single storey nature, whilst the design of the replacement extension will be modern in its nature, the exterior walls will be finished in render to match that of the host dwelling. The rear extension includes an infill element located to the side of the host dwelling, this comparatively small element will have a flat roof design. The remaining rear extension will have a pitched roof finished in a paint tile to match that of the host dwelling. The use matching materials will help the proposal to blend with the site and its locality, thereby reducing any negative impacts on visual amenities.

The application site can accommodate for the proposed development whilst retaining adequate private amenity space, it is therefore deemed to be of an acceptable size and scale.

The proposal is therefore deemed to be of an acceptable design and appearance with no significant harmful impacts on the visual amenities of the area.

Impact on the Conservation Area.

Due to the sites location within the Brightlingsea Conservation Area, Essex County Council's Heritage department (Place Services) have been consulted on this application. Their comments have been included in full above.

Place Services have argued that the proposed extension is not considered to be in keeping with the local character in terms of its proposed design, particularly regarding the flat roof side extension, the high-level side windows and the glazed panel above the bi-folding doors to the gable end. They have also argued that the use of UPVC is not supported in a Conservation Area. Place Services have concluded that the proposal fails to make a positive contribution to the local character.

In this instance, the Local Planning Authority believe it is important to note there are modern features observable from the public views of Hurst Green, including the use of UPVC in the area, and visible from Hurst Green, and a dwelling of a more modern design and materials (No. 70 Hurst Green). As discussed above, the extension is cleared designed to appear as a later addition to the main dwelling and is deemed to be of an in keeping design and appearance to that of the host dwelling and will not be visible from the public views of the streetscene. The existing dwelling

currently has UPVC doors and windows. The objection from ECC Heritage is noted however the level of harm is not quantified. It is considered that any harm the proposal may have on the character and appearance of the Conservation Area is deemed to be less than substantial and at the very low end of the scale for the reasons given above, and is outweighed by the public benefits of extending a family dwelling in a sustainable location, of which there is a known shortage in the district.

The public benefit outlined above is considered to outweigh the low level of less than substantial harm as identified.

Impacts on Neighbouring Amenities

The proposed extension is of a single storey nature and therefore poses no significant threat to overlooking or loss of privacy to the adjacent neighbouring dwellings.

The proposal will be replacing the existing conservatory and is of a similar footprint, with slightly increased depth. The proposal is not considered to have any more of a significant impact on the loss of light to the neighbouring dwellings than that which is already posed by the conservatory. Furthermore, due to the single storey nature of the proposal, any loss of light would first be intercepted by the existing fence line. The proposal is not deemed to have any impact that is so significant as to justify refusing planning permission.

Other Considerations

The proposal does not alter the existing parking arrangements at the site, nor does it cause a need for additional parking. The Local Planning Authority therefore deem it to be acceptable in terms of highway safety.

Brightlingsea Town Council support this application.

No other letters of representation have been received.

Conclusion

Despite the objection received from Place Services, the proposal is deemed to result in a low level of less than substantial harm on the character of the Conservation Area, and the impact of the harm is further tapered for the reasons given in the report above, and this is considered to be outweighed by the public benefit of improving a family dwelling. In the absence of other material harm the proposal is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried

out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

Drawing No. 0076-A-001

Drawing No. 0076-A-002

Drawing No. 0078-A-200 01

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 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