

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	03/11/2023
Planning Manager / Team Leader authorisation:	ML	06/11/2023
Planning Technician final checks and despatch:	BB	06/11/2023

Application: 23/01378/FULHH **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr and Mrs Miller

Address: Baytrees Oatlands Elmstead

Development: Proposed single storey side and rear extensions, infill side extension to garage and front porch/ canopy.

1. Town / Parish Council

Elmstead Parish Council No objections

2. Consultation Responses

Not required

3. Planning History

23/01378/FULHH Proposed single storey side and rear extensions, infill side extension to garage and front porch/ canopy. Current

4. Relevant Policies / Government Guidance

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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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>. In summary, without prejudice, the weight that should be applied to Neighbourhood Plans can be understood as follows:

- Stage 1: Designated neighbourhood area (Limited Weight)
- Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
- Stage 3: Pre-submission publicity and consultation (Limited Weight)
- Stage 4: Submission of a neighbourhood plan (Limited Weight)
- Stage 5: Independent Examination (Limited/Significant Weight)
- Stage 6: Referendum (Significant Weight)
- Stage 7: Adoption by LPA (Full Weight)

Elmstead Neighbourhood Plan

The Elmstead Neighbourhood Plan and Neighbourhood Development Order consultation period has now ended and the submission of these documents for independent examination will be undertaken shortly.

Therefore, the Elmstead Neighbourhood Plan, and any relevant policies therein, can be understood as reaching 'Stage 4' and can only be given limited weight at this time.

At this stage, there is no need to include or consider the draft plan policies.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a detached bungalow and accompanying garage located within the development boundary for Elmstead Market.

Proposal

This application seeks planning permission for single storey side and rear extensions, infill side extension to the garage and front porch/ canopy.

Assessment

Visual Impact

The proposed additions will be sited to each of the side walls of the main house and therefore would represent noticeable additions within views from Oatlands. These enlargements will be single storey in design and will be lower in height compared to the host dwelling allowing them to appear subservient to the main house.

The extensions will be set back from the front boundary thereby reducing their prominence and preventing a significant harmful impact to the appearance/ character of the local area.

The use of cream boarding to the front will differ from the brick already on the existing house, however, this is considered a suitable contrast which will prevent an expanse of brickwork and would be consistent with other houses within the vicinity and would not be harmful to the visual appearance of the house or locale in this instance.

The proposed extensions will slope away from each of the boundaries allowing for suitable open space to be retained between houses, preventing a cramped appearance within the streetscene.

The proposed additions are therefore considered suitable to the main house and would not result in an adverse impact to the appearance/ character of the house or streetscene.

Impact to Neighbours

The proposal will be visible to the neighbouring sites; however, it will be set off of each shared boundaries with much of it being screened by existing boundary fencing. The enlargements will be single storey in nature with roof areas sloping down towards boundaries meaning that views to the neighbours will be reduced. As such, due to the single storey nature of the additions and roof orientation/form, the development is not considered to result in a significant adverse impact upon adjacent resident's outlook or the level of light they currently receive to their garden areas.

The plans show that there will be no first-floor openings and therefore the proposal is considered to pose no significant threat of overlooking or loss of privacy to the adjacent neighbouring dwellings.

Highway Safety

The ECC Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space.

The new porch will encroach upon the existing driveway however the land to the front of the house is suitable in size for the off-street parking of two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

Other Considerations

Elmstead Parish Council have no objections to the proposal.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. 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 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.

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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.