

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	08.12.2023
Planning Manager / Team Leader authorisation:	ML	08.12.2023
Planning Technician final checks and despatch:	ER	08/12/2023

**Application:** 23/01367/FULHH

**Town / Parish:** Elmstead Market Parish  
Council

**Applicant:** Mrs Sharon Sciachettano

**Address:** Spring Cottage Chapel Lane Elmstead

**Development:** Retrospective application for construction of conservatory, greenhouse and reconstruction of section of boundary wall.

### **1. Town / Parish Council**

Elmstead Market Parish Council      No comments received

### **2. Consultation Responses**

Essex County Council Heritage  
09.11.2023      The application is for construction of conservatory, greenhouse and reconstruction of section of boundary wall (retrospective).

The proposal site is Grade II Listed Spring Cottage.

The proposed development is limited in scale and subservient to the historic cottage and is generally considered to preserve the special interest of the listed building. The proposed roof material could be more high quality and sympathetic to the historic character of the building, however their visibility is very limited and could therefore be considered acceptable in this specific case.

There is no objection to this application.

### **3. Planning History**

94/00042/FUL	Extensions and improvements	Approved	15.03.1994
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94/00047/LBC	(Spring Cottage, Chapel Lane, Elmstead Market) Extensions and alterations	Approved	15.03.1994
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23/01367/FULHH	Retrospective application for construction of conservatory, greenhouse and reconstruction of section of boundary wall.	Current	
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23/01368/LBC	Retrospective application for construction of conservatory, greenhouse and reconstruction of section of boundary wall.	Current	
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#### **4. Relevant Policies / Government Guidance**

##### **NATIONAL:**

National Planning Policy Framework July 2023 (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

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL9 Listed Buildings

##### **Supplementary Planning Guidance:**

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

#### **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>

#### **5. Officer Appraisal (including Site Description and Proposal)**

##### **Application Site**

The application site serves a Grade II Listed detached cottage known as Spring Cottage, located to the north of Chapel Lane, Elmstead. The neighbouring dwelling west of the site is also Grade II listed known as Tudor House. The host dwelling is sited back in its plot and so does not appear overly dominant to the public views of the area. The cottage is of a single storey nature with thatched roof design and one gabled dormer. Chapel Lane is comprised from a mixture of bungalows and 1.5 storey dwellings of an attractive design and appearance.

##### **Proposal**

This application seeks retrospective planning permission for the construction of a conservatory, greenhouse and the reconstruction of section of boundary wall.

## Assessment

### Design and Visual Amenities

Paragraph 130 of the National Planning Policy Framework (NPPF) 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.

Policy SP7 of the Tendring District Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of the Local Plan also require 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 conservatory is located to the rear of the dwelling and is therefore shielded from the views of the streetscene. The conservatory is of a minor size and scale, with the application site able to accommodate for this whilst retaining adequate private amenity space. The conservatory is of a single storey nature with flat roof design. The exterior walls are a facing brick dwarf wall with glazing above. The conservatory is considered to be of an acceptable design and appearance, in keeping with that of the host dwelling and is therefore consistent with the above-mentioned policies.

The greenhouse is also located to the rear of the site, just east of the dwelling. The greenhouse is considered to be of a minor size and scale and is not visible to the public views of the area. The site can comfortably accommodate for this structure whilst retaining adequate private amenity space. The greenhouse is of a single storey nature, again portraying dwarf brick walls with glazing above and a pitched glazed roof. The greenhouse is considered to be of a design and appearance in keeping with the host dwelling and its locality and has no significant harmful impacts on visual amenities.

The reconstruction of the boundary wall is located to the rear of the site, along the shared neighbouring boundary line. This part of the wall is situated between the conservatory and greenhouse. The wall is of the same height to that of the existing wall and is finished in render with brick to the top so that it blends with the design and appearance of the existing. It is therefore considered to be of an acceptable design and appearance with no significant adverse impacts on visual amenities.

### Impacts on Heritage Assets

Policy PPL9 of the Tendring District Local Plan requires new developments that affect a listed building, or its setting will only be granted permission if they protect its special architectural or historic interests, its character, appearance and fabric. Proposals should demonstrate that they are justifiable through an informed assessment of the significance of the heritage asset and are of a scale and design that respects the significance of the listed building and its setting.

Due to the site being Grade II listed and its close proximity to Grade II Listed Essex County Council Heritage (Place Services) have been consulted on this application. Their comments can be viewed in full above and have been summarised here. Place services have stated that the development preserves the special interests of the listed building and have raised no objection to this application.

The development is considered to be of an acceptable size, scale and design with no significant harmful impacts on the visual characteristics or special architectural nature of the listed cottage. It is therefore consistent with the above-mentioned policies.

### Impact on Neighbouring Amenities

Paragraph 130 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Policy SP7 of the Tendring District Local Plan requires that the amenity of existing and future residents is protected. Policy SPL3 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 conservatory and greenhouse are of a single storey nature and therefore pose no significant threat to overlooking or loss of privacy to the adjacent neighbouring properties.

The conservatory, greenhouse and boundary wall reconstruction are located an adequate distance from neighbouring properties as to have no impact on the loss of daylight/ sunlight.

#### Highway Safety

The development has no impact on the existing parking provisions at the site and causes no need for additional parking. The Local Planning Authority therefore deem the application acceptable in terms of highway safety.

#### Other Considerations

Elmstead Market Parish Council have not provided any comments on the application.

No letters of representation have been received.

#### Conclusion

The development is consistent with the above mentioned national and local planning policies. In the absence of material harm, the proposal is recommended for approval.

### **6. Recommendation**

Approval – Full

### **7. Conditions / Reasons for Refusal**

#### **1. 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. 2308/1

Drawing No. 2308/2

Drawing No. 2308/3

Drawing No. 2308/4

Block Plan - Received 13.10.2023

Site Plan - Received 13.10.2023

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.

## **9. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

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