

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	CC	31.01.2024
Team Leader authorisation / sign off:	JJJ	31/01/2024
Assistant Planner final checks and despatch:	ER	02/02

**Application:** 23/01822/FULHH **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr and Mrs Vaz Pastuhova

**Address:** Blenheim Bromley Road Ardleigh

**Development:** Erection of detached annex with verandah ancillary to host dwelling.

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

Ms Clerk to Ardleigh Parish Council  
Ardleigh Parish Council objects to this application which we consider to constitute overdevelopment of the site, especially when considered alongside recent permission (23/00837/FULHH) for extensions to the substantive property at front, rear and side and for a detached cartlodge.

Should permission be granted the Council would expect to see restrictions on the use of the annex with veranda such that it is permanently ancillary to the main dwelling and cannot be used/ sold as a separate dwelling.

### **2. Consultation Responses**

None Applicable

### **3. Planning History**

91/01200/ADV	Nursery sign.	Approved	23.12.1991
91/01201/ADV	Nursery name board.	Approved	23.12.1991
92/00664/FUL	(Blenheim, Bromley Road, Ardleigh) Two storey rear extension	Approved	15.07.1992
94/01332/FUL	Glasshouse for horticultural use	Approved	08.12.1994
23/00377/FULHH	Proposed erection of detached Cartlodge, 2 storey rear and front extension, internal alterations and single storey side extension.	Refused	22.05.2023
23/00837/FULHH	Proposed erection of detached Cartlodge, 2 storey rear and front extension, internal alterations and single storey side extension (Resubmission of refused planning 23/00377/FULHH).	Approved	15.08.2023

#### **4. 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.

#### **5. 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)

#### **6. Ardleigh Neighbourhood Plan – Examination Stage**

On the 14th of June 2023 a Planning Inspector was appointed as the Examiner for the Ardleigh Neighbourhood Plan. The Examination for the Ardleigh Neighbourhood Plan formally opened on Wednesday 12th July 2023.

On the 18th of August, the Examiner sent the Council an Interim Note of Findings which detailed several questions and matters of clarification.

Therefore, the Ardleigh Neighbourhood Plan, and any relevant policies therein, can be understood as reaching 'Stage 4' in terms of the weight that can be attributed to it in the decision-making process, and approaching 'Stage 5' in the near future.

#### **7. 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

SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
LP3 Housing Density and Standards  
LP4 Housing Layout

Draft Ardleigh Neighbourhood Plan 2020 – 2033 August 2022 (not yet adopted)

GDP General Approach to Development  
EP Natural, Built & Historic Environment  
TP Transport & Parking

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

## **8. Officer Appraisal**

### Application Site

The application site serves a detached dwelling located towards the north of Bromley Road. The site lies outside of any defined settlement development boundary, as identified within the Tendring District Local Plan 2013-2033 and beyond. The site is within the allocated area for the new Tendring & Colchester Borders Garden Community.

### Proposal

This application seeks permission for the erection of a detached annex with verandah, to be located in the far end of a relatively deep rear garden, and to be used ancillary to the host dwelling.

As mentioned, the proposed annex will be located towards the rear of the site, towards the western boundary. The annex will be of a single storey nature with monopitched roof design and a verandah located to the front. The annex will be finished in composite woodgrain effect cladding boards to the external walls, PVC plastisol coated roof sheets and UPVC framed double glazed windows.

The application form submitted with this application states that the works have begun without consent on the construction of the annex, however they have not been completed.

### Planning History

The site benefits from recent planning permission 23/00837/FULHH for the erection of a cartlodge, two-storey rear and front extensions, internal alterations and single storey side extension. This planning permission is extant and therefore forms a material consideration in the assessment of this current application.

### Assessment

#### Principle of development

The application site is located outside of any defined settlement development boundary as identified by the Tendring District Local Plan 2013-2033 and beyond. However, this application is for the erection of an annexe, which, if approved, will be used as ancillary to the host dwelling and a condition could also be implemented on any subsequent planning approvals to ensure its use remains as such. There is therefore no significant principle objection to the proposed development.

#### Design and Visual Amenities

Paragraph 135 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.

The proposed annex is considered to be of a reasonably large footprint in comparison to the existing dwelling, however, the dwelling is set over 2 storeys (whereas the proposed annex will be a single storey building) and the dwellings also benefits from recent planning permission 23/00837/FULHH permitting a two-storey rear and front extension and single storey side extension, thus increasing the footprint of the original dwelling and therefore helping the annex to appear more subservient in nature and ancillary to that of the host dwelling. Furthermore, the annex is located to the rear of the site and will be largely shielded from the public views of the streetscene by the existing dwelling when viewing the site from the front. The annex will however be visible from the views of the streetscene at the gap between the application site and the adjacent Blenheim Plant and Garden Centre, located to the west of the site. Due to its single storey nature and distance from the highway the annex is not considered to appear overly dominant within the area.

The proposed annex will be replacing existing outbuildings on this fairly deep site and rear garden, and due regard is given to the fact that the neighbouring property to the east also benefits from a rear garden, and the premises to the west is a garden centre, the application site is able to accommodate for the proposed annex whilst retaining adequate private amenity space.

The proposed finishing materials are considered to be of an appropriate design and appearance to the locality and will have no significant harmful impacts on the visual amenities of the area.

The proposal is therefore not considered to have any effect on visual amenities that is so harmful as to justify refusing planning permission.

#### Impact on Neighbouring Amenities

Paragraph 135 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 proposed annex is located towards the west of the site and is a significant enough distance from the adjacent neighbouring dwellings as to have no impact on the loss of daylight / sunlight to the neighbouring dwellings.

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

#### Highway Safety

Paragraph 114 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

The proposal is for an annex, to be used ancillary to that of the host dwelling. The highway access to the site remains unchanged and the proposal does not cause a need for additional parking. However, there is adequate space to the front of the site, including in the recently approved cartlodge under application reference 23/00837/FULHH, to accommodate parking for this site. The Local Planning Authority therefore deem the application acceptable in terms of highway safety.

## Neighbourhood Plan

Ardleigh Parish Council is working on a Neighbourhood Plan (NP, the plan is at stage 4 as set out above and only in draft. The relevant policies can therefore be given limited weight in the assessment of this application especially due to unresolved issues from the Planning Inspector so this gives it further reduced weight at this time.

## Other Considerations

Ardleigh Parish Council (PC) have objected to the application stating that it constitutes overdevelopment of the site, especially when considered alongside recent permission 23/00837/FULHH. The PC states that should permission be granted the Council would expect to see restrictions on the use of the annex with veranda such that it is permanently ancillary to the main dwelling and cannot be used / sold as a separate dwelling.

Officer Response – The proposed size and scale of the annex has been fully assessed in the above report. Each planning application should be assessed on its individual planning merits, and whilst the concept of overdevelopment is clearly a material consideration, for an application to constitute overdevelopment clear and harmful symptoms of overdevelopment should be identified. The application site is able to accommodate for the annex whilst retaining adequate private amenity space. Officers also considered that the extensions to the host dwelling recently approved under planning permission 23/00837/FULHH result in the annex appearing more subservient and ancillary to that of the host dwelling on a comparatively large site, and is therefore considered acceptable in this instance. A condition will be included on any subsequent approval to ensure that the use of the annex remains ancillary to that of the host dwelling.

One letter of support has been submitted with this application from the Blenheim Plant and Garden Centre, located to the west of the site. This letter states that the proposed annex will be replacing existing outbuildings on the site, which were deemed to be of an unsafe nature due to their state of disrepair. The proposal is considered to improve the visual amenities of the area.

Officer Response – Officers agree that the proposal is of an acceptable design and appearance.

No further letters of representation have been received.

## Conclusion

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

## **9. Recommendation**

Approval - Full

## **10. 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.

Site Plan - Received 22.12.2023

Drawing No. - END873/01

Drawing No. - END873/02

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.

## 3 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as Blenheim (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for

noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

#### NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions. "

### 11. 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.

### 12. 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)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

and ethnic or national origin)		
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

**13. Notification of Decision**

<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