

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	11/04/2024
Team Leader authorisation / sign off:	JJJ	12/04/2024
Assistant Planner final checks and despatch:	ER	12/04/2024

Application: 24/00008/FULHH **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Ms Lesley Beresky

Address: Corner House Station Road Thorpe Le Soken

Development: Replace existing conservatory with single storey rear extension.

1. Town / Parish Council

Thorpe-le-Soken Parish Council have submitted no comments

2. Consultation Responses

Essex County Council Heritage
31.01.2024

The proposal site is a 19th century cottage within the Thorpe Le Soken Conservation Area and in close proximity to Grade II Listed Bowling Green Cottage and Thorpe Hall Registered Park and Garden. The cottage is visible in 19th century historic maps and was likely originally two cottages in the same ownership of Bowling Green Cottage. The site is a vernacular cottage and positively contributes to the character and appearance of the Conservation Area.

There is no objection in principle to the demolition of the existing uPVC conservatory, which is a modern addition, to be replaced with a single storey rear extension. However, the proposed extension is not considered to be in keeping with the character and appearance of the Conservation Area due to its scale and design.

The proposed extension is considerably higher than the existing rear ranges and would be highly visible in views from Station Road towards the Conservation Area and from the adjoining Grade II Listed Bowling Green Cottage and Thorpe Hall Park, forming an incongruous addition to a mostly traditional roofscape.

In terms of design, the proposed extension does not relate well to the historic context, failing to make a positive contribution to local character and distinctiveness and to the setting of Bowling Green Cottage, as set out in Paragraphs 203c and 212 of the NPPF (December 2023).

In its current form the proposal does not preserve the character or appearance of the Conservation Area. With regards to the National Planning Policy Framework (2023), the level of harm is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 208.

There might be the potential here to replace the existing conservatory with a well-designed rear extension providing that this is subservient in scale and design to the cottage and in views from the Conservation Area and from the identified heritage assets. A heritage assessment providing sufficient information regarding the significance of the heritage assets affected, including any contribution made by their setting, might be beneficial to inform any further proposal for this site. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance, a requirement set out in Paragraph 200 of the NPPF.

3. **Planning History**

98/01673/FUL	Retain fencing in excess of 2m	Approved	16.02.1999
04/00777/FUL	Infill corner of building to create dining room	Approved	08.06.2004
24/00008/FULHH	Replace existing conservatory with single storey rear extension.	Current	

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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

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>

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December 2023 ([NPPF](#))
National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (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
PPL8 Conservation Areas
PPL9 Listed Buildings

Supplementary Planning Documents
[Essex Design Guide](#)

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is located on the south-eastern side of Station Road and consists of a two storey detached dwelling which faces north-west. Close board fencing separates the site from the highway. Behind this is an area of hardstanding which allows off road parking. The rear garden is a mixture of hard and soft landscaping and is encompassed by close board fencing on all sides. The site is located within the Conservation Area for Thorpe-le-Soken and is situated adjacent a Listed Building to the north-east and a garage to the south-west.

Proposal

This application seeks planning permission to replace the existing conservatory with a single storey rear extension.

Assessment

The key considerations of this application will be Design and Appearance, Heritage Impact, Impact upon the Neighbours and Other Considerations.

Design and Appearance

The development is located to the rear of the site. Due to the host dwelling being sited further forward than the neighbouring garage, a small portion of the roof lantern will be visible to the streetscene from an oblique angle; however, the majority of the development will not. The site benefits from an ample plot of land which can easily accommodate the proposal and still retain adequate private amenity space.

The rear extension measures 6.5m in width, 4.9m in depth with an overall height of 3.1m. The proposal will be similar in size to the existing extension albeit with the depth being 0.9m longer. The proposed extension is considered to be of a scale and nature appropriate to the host dwelling, site and surrounding area.

The proposal consists of a flat roof with roof lantern and will be finished in white render with red/brown roof tiles and grey coated aluminium windows and doors. The use of these finishes will help tie the development in with the host dwelling, significantly reducing the potential harm the proposal may have upon on the visual amenities of the area.

Heritage Impact

The application site is located within the Thorpe-le-Soken Conservation Area and adjacent a Grade II listed Heritage Asset known as Bowling Green Cottage. Essex County Council's Heritage Department (Place Services) where consulted on the original plan. Their comments have been provided in full above.

Following this, the applicant amended the plans based on the advice given. As such, the proposal is considerably smaller than original planned, with its proposed size now appearing as a more subservient addition to the host dwelling. The extension will also be constructed from materials which match the host dwelling greatly reducing the visual impact it may pose upon the special character of the area. Further, the existing close board fencing along the north-eastern boundary will help screen a large portion of the rear extension from view of the Listed Building mitigating the harm the extension may pose to its setting.

On this basis, the proposal is considered to preserve the setting of the two heritage assets.

Impact to Neighbours

The site is situated between the neighbouring property known as Bowling Green Cottage to the north-east and a garage known as KD Tyres to the south-west. The proposal will have an opening on the side elevation which faces towards the neighbouring dwelling. However, the proposal is situated 9m away from the adjacent property and will be heavily screened by an existing close board fence, therefore it is considered no harm will be posed to the amenities of this neighbouring property to warrant refusal of this application.

The proposal will be sited close to the shared boundary with the garage; however, as the adjacent site is being used for business purposes, the proposed rear extension will pose it no harm.

Other considerations

Thorpe-le-Soken Parish Council have submitted no comments.

No letters of representation have been received.

Ecology and Biodiversity

General Duty on all Authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Conclusion

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

8. Recommendation

Approval - Full

9. 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.

Document titled; Amended Site Plan – Rec'd 05.03.2024 (Drawing No. 2000 Revision B)

Document titled; Amended Proposed Block Plan – Rec'd 05.03.2024 (Drawing No. 2001 Revision B)

Document titled; Amended Proposed Roof and Floor Plans – Rec'd 05.03.2024 (Drawing No. 2002 Revision B)

Document titled; Amended Proposed Elevations – Rec'd 05.03.2024 (Drawing No. 2100 Revision B)

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.

10. 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.

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:
<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. 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

12. Notification of Decision

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