

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	26/04/24
Team Leader authorisation / sign off:	ML	26/04/2024
Assistant Planner final checks and despatch:	ER	26/04/2024

**Application:** 24/00258/FULHH **Town / Parish:** Lawford Parish Council  
**Applicant:** Mr Stephen Spires  
**Address:** 61 Gainsborough Drive Lawford Manningtree  
**Development:** First floor side and rear extension including ground floor extension to create bike storage area.

### 1. Town / Parish Council

Lawford Parish Council      No comments received.

### 2. Consultation Responses

N/A

### 3. Planning History

16/01108/FUL	Front and rear extension.	Approved	21.10.2016
17/00162/FUL	Front and rear extension.	Approved	03.04.2017
21/01387/NMA	Non-material amendment for 17/00162/FUL to change of materials of front extension from facing brick/white render and boarding to monocouche render.	Approved	07.09.2021

### 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.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## **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 (2023)  
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:  
SP1 Presumption in Favour of Sustainable Development  
SP3 Spatial Strategy for North Essex  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2:

SPL1 Managing Growth  
SPL3 Sustainable Design  
PPL4 Biodiversity and Geodiversity

Supplementary Planning Guidance:  
Essex Design Guide (2005)

## 7. Officer Appraisal

### Site Description

The application site is 61 Gainsborough Drive, which is a two storey, detached residential dwelling within the parish of Lawford. The dwelling includes a single storey extension to the rear of the property.

The character of the area is urban in nature, with significant levels of residential properties located in all directions. Approximately 350 metres to the south is the Manningtree Sports Centre and Manningtree High School.

The site is located within the Settlement Development Boundary for Lawford and Manningtree within the adopted Local Plan 2013-2033.

### Description of Proposal

This application seeks planning permission for the erection of a first-floor side and rear extension on top of the existing single storey element, which would measure 7.5 metres height and 7.6 metres width and be finished in white render. The extension would provide for larger bedrooms and an additional room to serve as an office.

### Site Description

Under reference 16/01108/FUL, planning permission was granted in October 2016 for the erection of a two storey front extension and a single storey rear and side extension. Following this, in March 2017 under reference 17/00162/FUL, planning permission was granted for a similar scheme with a revised design.

### Assessment

#### 1. Scale, Layout and Appearance

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, 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 proposed works are located to the side and rear of the dwelling, and due to the nature of the site and immediate surrounding area, it will largely not be visible from along Gainsborough Drive. In addition, the use of white render, while not necessarily in-keeping with the host dwelling, does align with the existing single storey extension and would overall provide for a contrast to the buff brick and therefore is not objected to.

The above notwithstanding the overall proposal, by way of its height, bulk, scale and massing in relation to the host dwelling is not in-keeping. The current single storey extension appears as an incidental addition to the host dwelling, however that proposed is of a large and domineering appearance that is excessive in comparison to the original building footprint, with a wide rear gable extending well beyond and would be particularly harmful given the high density of the site and surrounding properties.

Officers acknowledge that the footprint matches that of the existing extension, however, would note that this is currently single storey only, and therefore the overall visual impacts are greatly reduced than that being proposed.

## 2. Impact to Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) 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 surrounding area is densely populated and therefore the proposed development has the potential to impact upon a number of adjoining neighbouring properties, most notably 59 and 63 Gainsborough Drive to the east and west respectively, and 24 and 26 Taylor Drive to the south.

With respect to 24 Taylor Drive and 59 Gainsborough Drive, whilst it is noted that the development would be visible to the occupants of these properties, given the separation distances and angle of the properties in relation to the proposed works, Officers do not consider there would be significant harm in respect of overlooking, loss of daylight/sunlight or the proposal appearing significantly oppressive.

However, in respect of Number 26 Taylor Drive and 63 Gainsborough Drive, it is noted that the two-storey extension would be in extremely close proximity, adjoining the side boundary to Number 63 and partly adjoining the rear boundary of Number 26. The separation distances to the properties themselves are also approximately 1.5 metres to Number 63 and approximately 7 metres to Number 26. Given such close proximity the proposed extension would appear highly prominent, and by reason of its excessive height, bulk, scale and overall footprint, would result in a significantly overbearing and harmful impact on the occupiers of these two neighbouring dwellings. This harm is further exacerbated with the inclusion of two large first floor rear elevation windows that would directly overlook both neighbouring private amenity areas, although Number 26 Taylor Drive to a much greater extent.

It is noted that the proposed room to be served as an office has one side elevation window to the first floor that has the potential to overlook the private amenity area of Number 26 Taylor Drive. However, views from this window would be to the rear area of the private amenity space, an area less likely to be regularly occupied. As such the harm would not be so significant that it forms part of the overall refusal recommendation.

The proposed development therefore fails to deliver a well-considered, practical and usable site layout and fails to provide a good standard of amenity for residents of the aforementioned neighbouring dwellings. The development of the dwelling as proposed is therefore contrary to the above local and national planning policies.

## 3. Ecology and Biodiversity

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

### **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. However, the proposal is for side and rear extensions to an existing residential property. On this occasion it is not considered necessary or reasonable to include a condition to secure soft landscaping details, however an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

### **Protected Species**

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal is for side and rear extensions to an existing dwelling and 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.

### Other Considerations

Lawford Parish Council have not provided any comments.

There have been no other letters of representation received.

### Conclusion

The proposal will see the erection of a first-floor side and rear extension on top of the existing single storey element. Officers raise concerns on this occasion that the extension, by way of its height, bulk, scale and massing in relation to the host dwelling, is of a large and domineering appearance that will appear visually harmful. Furthermore, the proposed extension will appear significantly oppressive to Number 63 Gainsborough Drive and Number 26 Taylor Drive, with this harm exacerbated with the inclusion of two large first floor rear elevation windows that would directly overlook both neighbouring private amenity areas. Consequently, the application is not considered to comply with local and national planning policies and is therefore recommended for refusal.

## 8. Recommendation

Refusal.

## 9. Reasons for Refusal

- 1 Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, 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 overall proposal, by way of its height, bulk, scale and massing in relation to the host dwelling is not in-keeping. The current single storey extension appears as an incidental addition to the host dwelling, however that proposed is of a large and domineering appearance that is excessive in comparison to the original building footprint and would be particularly harmful given the high density of the site and surrounding properties, thereby contrary to the above local and national planning policies.

- 2 Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

In respect of Number 26 Taylor Drive and 63 Gainsborough Drive, it is noted that the two-storey extension would be in extremely close proximity, adjoining the side boundary to Number 63 and partly adjoining the rear boundary of Number 26. The separation distances to the properties themselves are also approximately 1.5 metres to Number 63 and approximately 7 metres to Number 26. Given such close proximity the proposed extension would appear highly prominent, and by reason of its excessive height, bulk, scale and overall footprint, would result in a significantly overbearing and harmful impact on the occupiers of these two neighbouring dwellings. This harm is further exacerbated with the inclusion of two large first floor rear elevation windows that would directly overlook both neighbouring private amenity areas.

The proposed development therefore fails to deliver a well-considered, practical and usable site layout and fails to provide a good standard of amenity for residents of the aforementioned neighbouring dwellings. The development of the dwelling as proposed is therefore contrary to the above local and national planning policies.

## 10. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

## Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Numbers 0103 Rev A, 2001 Rev A, 2002, 2,100 and the documents titled 'Location Plan' and 'Design and Access Statement'.

### **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