

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|----------|------------|
| Planning Officer recommendation: | MP | 09/05/24 |
| Team Leader authorisation / sign off: | ML | 10/05/2024 |
| Assistant Planner final checks and despatch: | ER | 10/05/2024 |

Application: 24/00341/FULHH **Town / Parish:** Bradfield Parish Council

Applicant: Mr and Mrs Paternoster-Nye

Address: Street Farm Heath Road Bradfield

Development: Two storey side/rear extension with solar panels to the roof.

1. Town / Parish Council

Bradfield Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

92/01184/FUL (Street Farm, The Street, Little Clacton) Approved 05.01.1993
Workshop for mechanical repairs and servicing of motor vehicles including facility for bodywork paint touch-up

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 (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 a residential property known as Street Farm, which is sited along the south-eastern section of Heath Road, which falls within the parish of Bradfield. The existing property is a two storey, detached residential dwelling, and the surrounding area consists of a significant level of residential development to the north-east and south-west, which includes a range of single, 1.5 storey and two storey dwellings.

The site is located within the Settlement Development Boundary Bradfield within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks planning permission for the erection of a two-storey extension to the side and rear of the property, which would create an extended lounge to the ground floor and two additional bedrooms and en-suites to the first floor, which in turn will create a four bedroom dwelling. The extension will be finished in cladding and plain clay tiles.

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, however, will partly be visible from views along Heath Road from the south-west in particular. Officers consider that the host dwelling is of a traditional appearance and proportions, as are surrounding properties in this location. The proposed extension, however, would appear at odds with this, instead creating a far more urbanised appearance not in-keeping. Specifically, the front elevation would appear too wide, the chimney is of a large and unsightly design, the southern side elevation is of a relatively bland and featureless appearance, and the rear gable is also too wide and out of keeping with the existing traditional proportions of the property. The combination of these features provide for an extension that is excessive by nature of its height, bulk and scale, and of a design that goes far

beyond the character of the host dwelling, to the detriment of visual amenity and contrary to the above local and national planning policies.

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 proposed development has the potential to impact upon two adjoining neighbouring properties, namely 84 Heath Road to the north-east and 'Flinders' to the south-west. With respect to Number 84 Heath Road, given that the works are located to the southern section of the property, there is a significant separation distance. Therefore, whilst the extension will be visible there would not be significant harm in respect of it appearing oppressive or resulting in a significant loss of daylight/sunlight. There is one first floor side elevation window that has the potential to overlook the rear garden area, however given there is significant separation distance and buildings in-between the extension and the neighbouring garden area, on balance Officers do not consider this harm to warrant recommending a reason for refusal.

In respect of 'Flinders' it is noted that the two storey extension would be in extremely close proximity, being approximately 1.5 metres from the boundary and approximately 2 metres from the property itself. Given such close proximity, the proposed extension would appear highly prominent, however Officers do equally note that the depth of the extension would align with the depth of the neighbouring property, which greatly reduces the extent of how oppressive it would appear. There is one first floor side elevation window that could feel the full impact of the extension, both in terms of oppression and loss of privacy, however it would appear that this window serves a landing, an area less likely to be regularly occupied. Therefore, on balance, the harm identified is not to such a significant extent that Officers can justify recommending a reason for refusal.

In addition, there is one rear elevation first floor window serving a bedroom that will overlook the garden area of 'Flinders', however it would have views to the rear section of the garden, which is not likely to be regularly frequented. There is an existing first floor rear elevation window as well and given this the harm is not so significant that Officers can justify a refusal reason.

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 a side and rear extension 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 a side and rear extension 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

Bradfield Parish Council have not provided any comments.

There has been one letter of support received, outlining that the proposal would result in the renovation of a house that has been disrepair for a long period of time.

Conclusion

The proposal will see the erection of a of a two storey side and rear extension. On balance, it is considered that the harm to both neighbouring properties is not so significant that it warrants recommending a reason for refusal. However, Officers have raised concerns with the visual impact of the development, as the extension is at odds with the traditional design and proportions of the host dwelling, instead appealing visually harmful through elements such as being too wider to the front and rear, having a poorly designed chimney, and the southern elevation appearing relatively bland and featureless. Accordingly, the application does not comply with local and national planning policies and is therefore recommended for refusal.

8. Recommendation

Refusal.

9. Reason 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 proposed works are located to the side and rear of the dwelling, however, will partly be visible from views along Heath Road from the south-west in particular. The host dwelling is of a traditional appearance and proportions, as are surrounding properties in this location. The proposed extension, however, would appear at odds with this, instead creating a far more urbanised appearance not in-keeping with the traditional proportions of the existing property. Specifically, the front elevation would appear too wide, the chimney is of a large and unsightly design, the southern side elevation is of a relatively bland and featureless appearance, and the rear gable is also too wide and out of keeping with the existing proportions. The combination of these features provide for an extension that is excessive by nature of its height, bulk and scale, and of a design that goes far beyond the character of the host dwelling, to the detriment of visual amenity and contrary to the above local and national planning policies.

10. Informatives

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 P01 (received 19th March 2024), P02 (received 22nd March 2024) and P03 (received 5th March 2024).

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.

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 |