

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	30/04/2024
Team Leader authorisation / sign off:	AN	01/05/24
Assistant Planner final checks and despatch:	ER	10/05/2024

Application: 24/00358/FULHH **Town / Parish:** Mistley Parish Council

Applicant: Mr Jerome Ingenhoff

Address: 16 Rosewood Park Mistley Manningtree

Development: Householder Planning Application - single storey rear extension

1. Town / Parish Council

Manningtree Parish Recommend Approval
Council

2. Consultation Responses

Not Applicable

3. Planning History

00/01709/FUL	Erection of 21 dwellings, garages, access road and off site highway improvements		19.09.2003
04/02371/TPO	1. Reduce lateral branch on Quercus Ilex. 2. Pollard 17 Quercus Ilex. 3. 50% reduction to 2 Quercus Ilex 4. 30% reduction to 1 Quercus Ilex 5. Coppice 1 Quercus Ilex. 6. Pollard 5 Tilia.	Approved	06.01.2005
05/00178/FUL	New or revised house types to plots 2-4 and 16-19. Previously approved under 00/01709/FUL	Approved	18.03.2005
06/01684/TPO	Line of Holm Oaks on boundary. Pollard 8 Holm Oak. Removal of basal growth of 29 Holm Oaks.	Approved	23.11.2006
07/01854/FUL	Erection of double garage to serve plots 17 and 18 as approved under planning permission 07/00424/FUL.	Approved	07.01.2008
08/01181/FUL	Erection of single storey extension to plot 18.	Approved	13.10.2008
24/00358/FULHH	Householder Planning Application - 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>

There is currently no neighbourhood plan for this area.

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

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 southern side of Rosewood Park and consists of a two storey detached dwelling which faces north. The sites frontage is open and comprises predominately of soft landscaping. An area of hardstanding runs along the eastern side of the dwelling which allows off road parking. The rear garden is a mixture of hard and soft landscaping and is enclosed on all sides. The site is located inside the Conservation Area for Manningtree and Mistley.

Proposal

This application seeks planning permission for the erection of a rear extension and the installation of 3 velux windows for a loft conversion.

Assessment

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

Design and Appearance

The majority of the development is located to the rear of the site and will be screened by the bulk of the main dwelling. However, 3 no. roof lights will be situated on both side roof slopes and will therefore be visible to the streetscene. Thisbeingsaid, the roof lights are not considered to appear overly dominant within the design of the dwelling or out of keeping with the prevailing character of the immediate area. Further, if the roof lights were to be obscure glazed they would not need planning permission but instead would conform with the requirements for Permitted Development.

The proposed rear extension is single storey with a mono pitched roof design, which incorporates 2 no. roof lights. The proposals will be finished in materials similar to the host dwelling and will closely resemble an existing rear projection. This will help tie the development in which will significantly reduce the potential harm the proposal may have upon on the visual amenities of the area. The proposed rear extension measures 5.0 metres in width, 3.2 metres in depth and has an overall height of 3.6 metres. The rear garden is considered to be of a sufficient size to be able to accommodate the proposals and still retain adequate private amenity space.

Impact to Neighbours

The site abuts 14 Rosewood Park to the west and 18 Rosewood Park to the east. As a result of the proposals single storey nature, adequate separation distance and screening provided by the existing boundary treatment, it is considered there will be no detrimental impact to the neighbouring properties outlook, light or privacy.

Due to their positioning within the roof slope the proposed velux windows are considered to provide light to the property, and will not provide the dwelling with any new additional views. It is therefore considered that the proposal will pose no harm to the amenities of the neighbouring dwellings.

Heritage Impact

The application site is located within the Manningtree and Mistley Conservation Area and within vicinity of the Grade II Listed Heritage Asset known as Maltings, Numbers 3 and 4 Adjacent to School Road, which is of significant importance.

Whilst it is customary to consult Essex County Council's Heritage Department (Place Services) when a proposal could affect a heritage asset or its setting, the proposal will 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 separation distance of 120m from the Listed Building and application site would result in the proposal posing no detrimental harm to the setting of the heritage asset and as such it's been considered there is no need to consult Essex County Council's Heritage Department.

On this basis, the proposal is considered to preserve the setting of the listed buildings and would preserve the character and appearance of the conservation area.

Other considerations

Manningtree Parish Council recommend approval.

No letters of representation have been received.

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.

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.

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.

Drawing No. L903-100
Drawing No. L903-101 Revision A
Drawing No. L903-105

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>