

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	14/05/2024
Team Leader authorisation / sign off:	AN	16/05/24
Assistant Planner final checks and despatch:	ER	16/05/2024

Application: 24/00345/FULHH **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr Lewis Martin

Address: Fornham Ramsey Road Dovercourt

Development: Householder Planning Application - two storey extension to rear and single storey extension to side and rear.

1. Town / Parish Council

Ramsey and Parkeston Parish Council Application and site plan is different to what is on application. Ramsey and Parkeston Parish Council objects on the grounds it is too close to the neighbouring boundary.

2. Consultation Responses

Not Applicable

3. Planning History

23/01335/FULHH	Proposed two storey extension to rear with new roof (including raising its height) and single storey extension to side and rear.	Approved	02.01.2024
24/00183/NMA	Non Material Amendment to application reference 23/01335/FULHH to retain existing roof and chimney to main house with the location of 2 small pitched roofs with valley box gutters over new first storey rear extension. Lower pitch to ground floor extension from 30 degrees to 25 degrees, relocate rear ground floor extension bedroom window from rear to side elevation and finally add a velux roof window serving the reception room to the rear ground floor extension.	Withdrawn	06.03.2024
24/00345/FULHH	Householder Planning Application - two storey extension to rear and single storey extension to side and rear.	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

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 northern side of Ramsey Road and consists of a two storey detached dwelling which faces south. The site is separated from the highway via a dense hedgerow behind which lies a large area of hardstanding. The rear garden is predominately laid to lawn and is enclosed by close board fencing and mature vegetation.

Proposal

This application seeks planning permission for a two storey extension to rear and single storey extension to side and rear. This application is an alteration to the design of the proposal originally approved under planning permission 23/01335/FULHH.

Assessment

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

Design and Appearance

The majority of the proposal is located to the rear of the site and will predominantly be screened by the bulk of the main dwelling; however, the single storey extension will be visible to the streetscene. This being said, the proposal is setback a significant distance from the dwelling's frontage, which will prevent it from appearing as a prominent addition. The footprint and siting of the proposals are the same as approved under planning permission 23/01335/FULHH

The proposed two storey extensions will infill the sides of the existing T shaped dwelling, creating a square main footprint. The proposal seeks to retain the original roof style with the two storey extensions matching the existing hipped roof to the rear including the height. This differs to planning permission 23/01335/FULHH which sought to increase the height of the roof. Instead this will help the extensions appear as subservient additions to the host dwelling.

The proposed single storey extension is to the side and rear of the property. This application seeks to install a new roof light in the roof slope of the extension. To accommodate this, the pitch of the roof has been reduced which has resulted in the overall height of the proposal decreasing from 4.3m to 4.1m. The window originally proposed on the northern facing elevation will be relocated to western facing side elevation.

The two storey and single storey extensions will be finished in red brick with uPVC windows and doors, complete with a tiled roof. The use of finishes which match the host dwelling, will help tie the development in, significantly reducing the potential harm the proposal may have upon the visual amenities of the area. Further, the site 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

Due to their siting, the proposals will only impact the neighbouring properties known as Llamedos to the east and Landrecies to the west.

The proposed single storey extension will be sited close to the shared boundary with Llamedos; however, its overall height is now 0.2m less than what was originally approved. This reduction combined with the screening provided by the existing fencing, and the proposals northern facing orientation means the proposed extensions are not considered to pose any significant harm to this neighbouring property. This is further supported by a separation distance of approximately 4.1m between the single storey extension and neighbouring property, which will ensure there is no significant loss of light or outlook to this property.

The two storey extension will be visible to Landrecies; nevertheless the screening provided by the existing fencing and mature vegetation, the neighbouring extension which is sited close to the shared boundary and lack of openings on the side elevation of the neighbouring property, will result in the proposal posing no significant harm to this neighbouring property's amenities.

The proposal comprises two new openings on the first floor facing rearward. These openings will permit views of the neighbouring gardens. As the surrounding properties are all two storey in nature they have an established outlook over one another's gardens and benefit from very little privacy. The placement of these windows is therefore, considered not to result in such an increase of overlooking that would warrant the refusal of this application as such a reason will be difficult to sustain in the event of a planning appeal. It is also noted there are two rear facing windows on the existing dwelling.

A new opening is proposed on the western facing side elevation at first floor level; however, this window serves a bathroom and will therefore be conditioned to be obscure glazed. 1 no. velux window is also proposed in the roof slope of the single storey extension. However, as a result of its positioning, the proposed velux window is 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. 3 no. windows and 1 no. patio door

are to be inserted at ground floor level. These will be heavily screened by the existing boundary treatment and pose no harm.

Other considerations

Ramsey and Parkeston Parish Council object to the proposal citing the following concerns:

- Application and site plan is different to what is on application. (*Whilst the property's name differs, the site location is correct with the plans submitted as part of this application matching those of the Ordnance Survey map.*)
- The proposal is too close to the neighbouring boundary. (*This has been addressed in the above report.*)

No other 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 householder applications so 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

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. 002.A

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: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window on the western facing side elevation at first floor level which serves a bathroom shall be glazed in obscured glass before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

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>