

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		BB	23/05/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	23/05/24
Assistant Planner final checks and despatch:		ER	23/05/2024

Application: 24/00458/FULHH

Town / Parish: Lawford Parish Council

Applicant: Miss Sarah Hanness

Address: Scola Wignall Street Lawford

Development: Householder Planning Application - Proposed extension to outbuilding with new raised roof above outbuilding and extension.

1. Town / Parish Council

Lawford Parish Council
have submitted no
comments.

2. Consultation Responses

Not Applicable

3. Planning History

TPC/19/89	Various		
TPC/98/129	Deadwood 5 Pine trees		01.12.1998
48/00009/FUL	Additions to school	Approved	30.07.1948
10/00091/TCA	Fell 1 no. Pine.	Approved	23.02.2010
13/00170/TCA	Tree A - Pine (Larch) - remove. Tree C - Pine - remove two branches.	Approved	14.03.2013
14/00894/TCA	1 No. Pine - fell	Approved	24.07.2014
24/00458/FULHH	Householder Planning Application - Proposed extension to outbuilding with new raised roof above outbuilding and 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

PPL3 The Rural Landscape

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 Wignall Street and consists of a north facing, semi-detached dwelling. The site is located close to the highway with a low brick wall and a small parcel of soft landscaping defining the front of the curtilage. A driveway runs along the property's western elevation, which ends at the outbuilding. The site has an unusual relationship with its neighbours given the deep siting of the outbuilding away from the host dwelling, and the significant changes in levels.

Proposal

This application seeks planning permission to extend the outbuilding and to install a new raised roof.

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 proposal is situated to the rear of the dwelling and whilst it is setback a distance of 35 metres, it is visible to the street scene.

The proposal seeks to extend the existing outbuilding to the side by 1.2m bringing the total width to 5.4m, whilst the rear elevation will extend out by 1.8m increasing the total depth to 7.9m. The existing roof will be raised by 0.5m to have an overall height of 5.6m. This will allow the creation of a first floor which is to be used as an additional bedroom with bathroom. The roof design will be altered from a gable to a dual pitch. Due to the increased depth, the roof will be set at a lower pitch which will help reduce the prominence of the outbuildings overall height.

The proposal will be finished in timber stained dark brown cladding with clay plain tiles, timber door and charcoal grey aluminium windows. Whilst the choice of materials will not match those of the host dwelling or the appearance of the existing outbuilding, the use of timber cladding is considered sympathetic to the locale and is often used on outbuildings within Conservation Areas. Further, the existing outbuilding is not considered to have any historic or architectural importance being a 1970s addition and is overly prominent in its appearance through the use of pale render. The installation of timber stained brown cladding will help the outbuilding blend in with the parcel of land to the rear of the site which consists of tall mature trees, dense hedgerow/bushes and lawn.

2 no. velux windows are proposed on the front roof slope which will be visible to the streetscene; however, they will be finished in a colour considered sympathetic to the locale. Further, the outbuilding is sited 35m away from the highway and combined with the pitch of the roof in addition to their relatively modest size will result in the velux windows not appearing overly dominant within the locale. A door, bi-fold door and 2 no. windows are also proposed, however these are situated to the side and rear of the outbuilding and will therefore pose no harm.

Impact on Neighbouring Amenities

The majority of the proposal is already established in the form of the existing garage and is set back an adequate distance of 12m from the neighbouring properties. This combined with the ancillary use, relatively minor increase in height, width and depth, lack of new openings to the north and western facing elevations and adequate screening provided by the existing boundary treatment, will result in the proposal posing no detrimental impact to the neighbouring properties outlook, light or privacy.

Heritage Assessment

The application site lies within Lawford Conservation Area. The use of timber cladding is considered sympathetic to the locale and is a traditional material often used as a finish on outbuildings within Conservation Areas.

Further, the existing outbuilding is not considered to have any historic importance being a 1970s addition and appears stark within its setting with its pale render. The installation of timber stained brown cladding will help the outbuilding blend with its setting and, combined with a separation distance of 35m from outbuilding to the highway would ensure the proposal would preserve the character and appearance of the Conservation Area.

Other Considerations

Lawford Parish Council have submitted no comments.

1 letter of representation has been received expressing the following concern:

- The outbuilding will be used as a separate self-contained living (*This would require separate planning permission.*)

- The outbuilding could be sold or let as a separate dwelling, independent of the main property. *(A condition will be placed which restricts the outbuildings use to be incidental and ancillary to the host dwelling.)*
- There will be an increase in activity. *(Any increase in activity would be modest given the ancillary use and modest extension to the existing building)*
- There is limited parking space. *(The remaining parking meets the requirements as set out within Essex County Council Car Parking Standards.)*
- Additional concerns regarding the scale, location, privacy and not being in line with the local areas character. *(These concerns have been addressed within the report.)*

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. 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.

Drawing titled; Location Plan - Rec'd 28/03/2024

Drawing No. 0466/PL/02

Drawing No. 0466/PL/03

Drawing No. 0466/PL/04

Document titled; Heritage Design & Access Statement for: Scola, Wignall Street, Lawford, CO11 2JJ – Rec'd 28/03/2024

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: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as Scola (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

4 EXTERNAL MATERIALS DETAILS

CONDITION: The materials used in the construction/extension/alteration of the outbuilding shall be as per the document titled; Heritage Design & Access Statement for: Scola, Wignall Street, Lawford, CO11 2JJ, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of local character and preserving the appearance of the conservation area.

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>