

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		BB	04/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	04/06/24
Assistant Planner final checks and despatch:		JJ	05/06/24

Application: 24/00416/FULHH **Town / Parish:** Bradfield Parish Council

Applicant: Mr Neil Deakin

Address: 6 Dairyhouse Lane Bradfield Manningtree

Development: Householder Planning Application - Erection of rear sun room with balcony above.

1. Town / Parish Council

Bradfield Parish Council Have submitted no comments

2. Consultation Responses

Not Applicable

3. Planning History

12/00851/FUL Two storey side extension and porch Approved 11.09.2012
entrance.

24/00416/FULHH Householder Planning Application - Current
Erection of rear sun room with balcony
above.

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 south-west of Dairyhouse Lane and consists of a semi-detached two storey dwelling, which faces north-east. The site has an open frontage and the front garden consists of shingle. The rear garden is of a considerable size and is predominately laid to lawn with fencing enclosing it on all sides.

Proposal

This application seeks planning permission to erect a single storey rear extension with balcony above.

Assessment

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

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the

development relates well to its site and surroundings particularly in relation to its siting, height, scale and design.

The single storey extension is sited to the rear of the dwelling and therefore will not be visible to the streetscene. The proposed rear extension measures 5.1m in width, 4.4m in depth and has an overall height of 2.5m with the balcony increasing this by an additional 1.1m. The site is considered to be of a sufficient size to be able to accommodate the proposals and still retain adequate private amenity space.

The proposed rear extension is single storey with a flat roof design, whilst the balcony runs along the perimeter of the extension. The proposal will be finished in materials similar to the host dwelling, which will significantly reduce the potential harm the proposal may have upon on the visual amenities of the area.

Impact on Neighbouring Amenity

The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Section 1 Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in Section 2 Policy SPL3.

Due to its siting, the proposal will predominately impact the properties known as 5 Dairyhouse Lane to the east and Whitefield Lodge, 84 Heath Road & Street Farm to the west. The existing boundary treatment and section of the neighbours' properties will help screen the single storey rear extension; however, the balcony element which covers the entirety of the rear extension roof is fully exposed with little to no screening available or proposed. Whilst the rear facing windows of the host dwelling have an established outlook over the neighbouring gardens, these views are rearward and do not look directly into the neighbouring dwellings. The proposed balcony is close to the boundary and due to its size will allow a number of users to accommodate the space at any one time which could generate significant noise. Further, the close relationship will allow users to achieve direct views back into elements of the neighbouring dwelling, thereby significantly reducing the level of privacy already experienced by the neighbouring residents.

The proposal is therefore considered to pose a significant detrimental impact upon the amenities of the neighbouring properties which is contrary to the aims of the above-mentioned national and local plan policies.

Other Considerations

Bradfield Parish Council have submitted no comments.

3 letters of representation have been received, with two expressing the concern the proposal will impact the privacy of the neighbouring dwellings, whilst the 3rd letter raised no objection with the proposal. The concerns about privacy have been addressed in the report.

Conclusion

The proposed balcony by virtue of its size and scale will allow expansive views over the neighbouring properties which will significantly and detrimentally harm their amenities, contrary to the aforementioned national and local policies. It is not considered that this harm could be overcome by a condition requiring the installation of high level screening as this would need to be extensive and would result in a poor design. The application is therefore recommended for refusal.

8. Recommendation

Refusal - Full

9. Conditions / Reasons for Refusal

- 1 The proposed first floor balcony by virtue of its size and scale in combination with its close proximity to the neighbouring sites to the east and west will allow views into the neighbouring dwellings and gardens resulting in a significant loss of privacy and potential noise disturbance.

The proposed development therefore fails to accord with paragraph 135 of the National Planning Policy Framework (2023), and Policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond.

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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 No. 0482/PL/04 – titled; Site Plan.

Drawing No. 0482/PL/03 – titled; Proposed Elevations.

Drawing No. 0482/PL/01 – titled; Floor Plans.

Document titled; 6, Dairyhouse Lane, Bradfield, Essex, CO11 2XB – Rec'd 08/04/2024

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>