

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	05/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	n/a	n/a
Team Leader authorisation / sign off:		AN	07/06/24
Assistant Planner final checks and despatch:		ER	07/06/2024

**Application:** 24/00392/FULHH **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Andrew Mullett-Merrick

**Address:** 68 Chapel Road Brightlingsea Colchester

**Development:** Householder Planning Application - single storey rear extension including a "catio" with new windows, french doors and glazed panels to suit. Removal of the existing roof in its entirety and replace with new dual pitch tiled roof. Proposed new dual pitch porch to the front of the property. New external insulation applied to the external of the building, rendered and painted.

### 1. Town / Parish Council

Brightlingsea Town Council – No objections

### 2. Consultation Responses

Not required for this application.

### 3. Planning History

24/00392/FULHH Householder Planning Application -Single storey rear extension, with new windows, french doors and glazed panels to suit. Removal of the existing roof in its entirety and replace with new dual pitch tiled roof. Proposed new dual pitch porch to the front of the property. New external insulation applied to the external of the building, rendered and painted. 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>

Brightlingsea Town Council submitted an area application to the District Council to begin their Neighbourhood Plan on 28 May 2021. The Area Application indicated that the Town Council intended to designate the entire Brightlingsea Parish as their Neighbourhood Plan Area. The designation of Neighbourhood Plan Areas (the first stage in preparing a Neighbourhood Development Plan) is a decision delegated to the Acting Director for Planning, in consultation with the Portfolio Holder for Planning.

The neighbourhood plan is therefore currently within its early stages of development and minimal weight can be given to this documents at present.

## **6. Relevant Policies / Government Guidance**

### **NATIONAL:**

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

### **LOCAL:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (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 Guidance:

Essex Design Guide

## **7. Officer Appraisal (including Site Description and Proposal)**

### **Site context**

The application site comprises of a detached bungalow type dwelling located within the development boundary. The house is set back from the front boundary with a vast amount of planting in situ along its front boundary as well as a vehicular access leading to driveway and garage.

Within the rear garden the area is mainly laid to lawn with a mixture of planting and fencing present along the shared boundaries.

### **Proposal**

This application seeks planning permission for single storey rear extension including a "catio" with new windows, french doors and glazed panels to suit. Removal of the existing roof in its entirety and replace with new dual pitch tiled roof. Proposed new dual pitch porch to the front of the property. New external insulation applied to the external of the building, rendered and painted.

### **Assesment**

#### **Visual Amenity**

Paragraph 135 of the 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The local area comprises of a mixture of houses which vary between single storey and two storey as well as appearance and materials. The proposal will result in the change of appearance of the existing house within Chapel Road allowing a single pitch roof to be formed in lieu of the two existing smaller ones. This will result in the change of height of the building to 5.8m with a forward facing gable finished in boarding and the remainder of the walls to be finished in render. The proposal will also allow the erection of a front porch.

The site itself sits within a row of bungalows within Chapel Road. The majority of these bungalows vary in terms of design, size and positioning with only a small view remaining consistent with one another. Another noticeable attribute is the variation in heights between these buildings which can be evident from Chapel Road. The proposed change in height and roof formation of the existing house will be noticeable however given the characteristics of the other nearby houses would not be out of keeping with the character already set here. The use of a single dual pitched roof will match others within the streetscene and the eaves height will be retained ensuring that the new ridge height of the house is consistent with others nearby and does not over dominate the streetscene.

The new porch will also match others within the locale and incorporate a smaller pitched roof inline with the host dwelling. The set back of the existing house will soften the impact of this new feature and due to the existence of others nearby will allow it to adhere to the local character.

The proposed rear extension will be largely screened by the host dwelling and its increase and alterations to the roof formation preventing prominent and harmful views onto Chapel Road.

The use of render and boarding will be similar to the existing house and that displayed within the local area at present allowing it to be a suitable choice in this case.

The site is of a large enough size to accommodate the proposal and still retain a sufficiently size spaced of private amenity to the rear.

The proposal is therefore considered a suitable change to the existing bungalow and would not result in a harmful impact to the appearance/ character of the streetscene.

#### Impact to Neighbours

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 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 rear extension will predominantly be screened by other aspects of the existing house and therefore not clearly visible to 66 Chapel Road. The alterations to the roof of the building will be visible however as the application house and this neighbour shared similar depths these would not impeach the views or sunlight received by their rearward facing windows in this instance.

The neighbour to the north 70 Chapel Road is shorter in depth and will achieve views of the alterations to the roof and rear extension. The extension (incorporating the patio) will be set off of the shared boundary to reduce its impact here and whilst some planting will be removed along the boundary the remainder along with boundary fencing will aid in screening it. The Essex Design Guides sunlight/ daylight calculations have been applied to the proposal and the 45 degree line in plan and elevation would only just touch the neighbouring dwelling and would not encompass or strike through the centre of this neighbour's windows. The proposal therefore passes the test and is considered not to result in such a significant loss of light/ outlook to refuse planning permission.

The neighbouring properties both have windows in situ along their side elevations which face onto the host dwelling and therefore receive little light and outlook. The increase in height of the building

will reduce this further however given their current levels of light and outlook received the impact would be low and unreasonable to refuse planning permission upon in this instance.

The proposed porch and external finishes within the proposal are of a smallscale nature and siting away from the shared boundaries which would not result in a loss of amenities to neighbours.

The proposed alterations will remove many of the sideways facing openings and therefore reduce the level of privacy already received to the neighbouring properties. The proposed rear elevation will provide a number of new openings however these are at ground floor level with their views obstructed by boundary treatments preventing clear views into neighbouring properties and their gardens in this instance.

## Habitats, Protected Species and Biodiversity Enhancement

### **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 householders 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.

#### **Other Considerations**

Brightlingsea Town Council have made no objections to the proposal. There have been no letters of representation received.

#### **Conclusion**

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

## 8. Recommendation

Approval - Full

## 9. Conditions

### 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.

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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**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO