

## DELEGATED DECISION OFFICER REPORT

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

**Application:** 24/00428/FULHH **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr and Mrs Hopkinson

**Address:** 51A Church Road Elmstead Colchester

**Development:** Householder Planning Application - Single storey front extension to existing garage.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

N/A

### 3. Planning History

05/01926/FUL	Proposed demolition of house and change of use to form residential development comprising six dwellings	Withdrawn	20.12.2005
06/00760/FUL	Proposed demolition of house and change of use to form residential dev	Approved	23.06.2006
17/00542/TPO	1 No. Cedar - Dewooded. Crown cleaned and lifted. Remove badly pruned lower limbs. Slightly reduce some lateral limbs.	Approved	27.04.2017
23/01309/WTPO	1 No. Cedar - Reduce lower branches on house side by 3 metres.	Approved	24.10.2023
24/00428/FULHH	Householder Planning Application - Single storey front extension to existing garage.	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>

The weight that can be attributed to a neighbourhood plan depends on its progress. The stages of the process can be summarised as follows:

- Stage 1: Designated neighbourhood area (Limited Weight)
  - Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
  - Stage 3: Pre-submission publicity and consultation (Limited Weight)
  - Stage 4: Submission of a neighbourhood plan (Limited Weight)
  - Stage 5: Independent Examination (Limited/Significant Weight)
  - Stage 6: Referendum (Significant Weight)
  - Stage 7: Adoption by LPA (Full Weight)
- Elmstead Neighbourhood Plan

The examination of the Elmstead Neighbourhood Plan and Neighbourhood Development Order has commenced. The Examiner is yet to publish their report. Therefore, the Elmstead Neighbourhood Plan, and any relevant policies therein, can be understood as reaching 'Stage 5' and can only be given limited weight at this time. At this stage, in relation to this householder proposal there is no need to include the draft plan policies.

## **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 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

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 comprises of a two storey detached property located in a small cul-de-sac off of Church Road. The site is within the Settlement Development Boundary.

### Proposal

The application seeks planning permission for the proposed single storey front extension to existing garage. The application has been amended to reduce the depth of the proposed extension.

### Assessment

#### Visual Impact

The proposed extension is located to the front of the property so will be clearly seen from the street scene of Church Road. The extension will be in line with the principal elevation of the existing property, so will not look out of place or appear too prominent. The use of matching materials will help the extension blend with the existing property.

The application site can comfortably accommodate for the extension whilst retaining adequate private amenity space. It is therefore deemed to be of an acceptable size, scale and detailed design.

#### Impact to Neighbours

The proposed extension is of a single storey nature so poses no significant threat of overlooking or loss of privacy to the neighbouring dwellings. The proposed extension includes a door to the side elevation that will face towards the property known as 51 Church Road. Due to the distance between the extension and the neighbouring property as well as the garden fence this is unlikely to cause a loss of privacy to this neighbour.

The extension will not cause a loss of light or amenity to the neighbouring dwellings.

### 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.

### Other Considerations

The extension will create a bigger garage allowing for parking inside the garage, this will improve the parking provision on site as the depth of the current garage does not meet the parking standards.

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.

## **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).

Drawing No.s

P02

P01B

REASON: For the avoidance of doubt.

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.

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**

### 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>

### 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.

## **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>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO