

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	20/06/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	20/06/2024
Assistant Planner final checks and despatch:		ER	21/06/2024

Application: 24/00241/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Mr Andrew Harbach

Address: 14 Merivale Road Lawford Manningtree

Development: Erection of two storey side extension.

1. Town / Parish Council

Lawford Parish Council Lawford Parish Council has no objection to this application.

2. Consultation Responses

N/A

3. Planning History

N/A

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 are no neighbourhood plans in place for this location.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework (2023)
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:
SP1 Presumption in Favour of Sustainable Development
SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2:

SPL1 Managing Growth
SPL3 Sustainable Design
PPL4 Biodiversity and Geodiversity

Supplementary Planning Guidance:
Essex Design Guide (2005)

7. **Officer Appraisal**

Site Description

The application site is 14 Merivale Road, which is a two-storey semi-detached residential dwelling within the parish of Lawford.

The character of the area is typically urban in nature, with significant residential development located to all sides. Approximately 150 metres to the north is Manningtree High School.

The site is located within the Settlement Development Boundary for Lawford within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks planning permission for the erection of a two-storey extension to the side of the property, in lieu of an existing single storey extension. The proposed extension will measure 7.6 metres in height, 2.7 metres in width, and have a depth of 7.1 metres.

Assessment

1. Scale, Layout and Appearance

Paragraph 135 of the National Planning Policy Framework (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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The proposed extension is located to the side of the property, however, will be prominent within the street scene along Merivale Road. That said, Officers acknowledge that there is an existing single storey side extension in situ, and the adjacent property to the west also has a two-storey side extension of a similar design to that being proposed. Given this, the proposal is in-keeping and there is not considered to be significant visual harm to the area's existing character.

The extension has been designed to ensure that the height is slightly reduced from the host dwelling and is also set back from the front of the host dwelling. This aids in both reducing the impact of the extension, but also to clearly distinguish it as not part of the host dwelling, which is

supported by Officers. Furthermore, whilst the proposed materials of render and Hardiplank black cladding are not necessarily in-keeping with the predominant character of brick buildings along Merivale Road, they again clearly distinguish the proposal as an extension and would not necessarily be a harmful addition. Therefore, despite not conforming with the existing character, the harm identified is not so great that it would warrant recommending a reason for refusal.

2. Impact to Neighbouring Amenities

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 and future 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 application site is within a heavily urbanised area with residential properties to all sides. Those most likely impacted are adjacent to the east and west, as well as further out to the south.

In respect of the properties to the east and south, Officers acknowledge that due to the location of the extension it will largely not be visible and is in any case a sufficient separation distance apart to ensure no significant loss of existing amenities.

The proposal will be far more prominent to the neighbouring property adjacent to the west. However, the extension has been designed in such a way to reduce these impacts, notably by ensuring there are no side elevation windows that would directly overlook, and with the one additional first floor rear elevation window serving an en-suite and therefore being obscure glazed. Furthermore, given the sun rises in the east and sets in the west, the proposal would not result in any loss of sunlight to the neighbouring garden area. How oppressive the extension would appear is also reduced given that there is only one existing side elevation window on the neighbouring property, which likely does not serve a main habitable room.

Taking all the above into consideration, Officers conclude that the proposal will not generate significant enough harm to existing neighbouring amenities to warrant recommending a reason for refusal.

3. Ecology and Biodiversity

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 25sqm 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.

Other Considerations

Lawford Parish Council has no objections to the application.

There have been no other letters of representation received.

Conclusion

The proposal will see the erection of a two storey side extension in lieu of an existing single storey extension. Officers raise no concerns with the visual impacts of a two storey extension, and whilst the design/materials differs from the typical character of the area this is not considered to be significantly harmful. In addition, it is not considered the proposal would result in significant harm to the amenities of neighbouring properties. Accordingly, the application is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

- 1 **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 **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.

Drawings titled 'Site Block Plan', 'Proposed Front (North) Elevation', 'Proposed Ground Floor Plan, Proposed First Floor Plan', 'Proposed Side (West) Elevation, Proposed Rear (South) Elevation', 'Typical Section Through' and the untitled Site Location Plan received 6th March 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.

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.

Biodiversity Enhancements 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