

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	26/06/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	27/06/2024
Assistant Planner final checks and despatch:		ER	27/06/2024

**Application:** 24/00676/VOC **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Keith Moore

**Address:** Marsh Barn The Causeway Lawford

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Approved plans) of application 22/00792/FULHH to allow for revised design of the annex.

### 1. Town / Parish Council

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

### 2. Consultation Responses

Suffolk Coast and Heaths Area of Outstanding Natural Beauty  
04.06.2024

Thank you for consulting the National Landscape team on the application to vary condition 2 of application 22/00792/FULHH to revise plans for the annexe at the site.

The proposed revisions to the Annexe will not result in major impacts on the natural beauty features of the National Landscape and a such raises no major issues of concern.

### 3. Planning History

22/00792/FULHH	Proposed two storey and single storey extensions to existing dwelling and annexe.	Approved	29.06.2022
23/01674/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of Condition 2 (approved plans) of 22/00792/FULHH to allow revision of roof pitch to annex.	Refused	07.02.2024

### 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 (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  
PPL1 Development and Flood Risk

Local Planning Guidance:  
Essex Design Guide

## 7. Officer Appraisal

### Site Description

The application site is Marsh Barn, which is located on the northern section of The Causeway, and which serves a large, detached dwelling constructed of painted render with a pitched tiled roof, within a spacious plot featuring a large lawn to the west and surrounded by mature boundary planting.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033 and is also within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and Flood Zones 2 and 3.

### Planning History

Under planning permission 22/00792/FULHH, in June 2022 planning permission was granted for two storey and single storey extensions to the existing dwelling and annexe respectively. This permission has since commenced.

Following this, in February 2024 planning permission was refused (reference 23/01674/VOC) for the variation of Condition 2 of 22/00792/FULHH in order to allow for a revised design to the extension to the annexe, which included a taller pitched roof. The application was refused on the grounds that the proposed design saw a significant increase in height, a poorly designed roof form and materials not in-keeping with the rural character of the area.

## Description of Proposal

This application again seeks planning permission for the variation of Condition 2 (approved plans) of 22/00792/FULHH to vary the design of the extension to the annexe, however the proposal is much reduced in comparison to that submitted within 23/01674/VOC. The overall height will now measure 3.7 metres (previously 5.1 metres) and the external materials are now black painted weatherboarding.

## Assessment

### 1. Visual Impacts

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 design differs from that previously granted planning permission under 22/00792/FULHH, with the overall height increasing from approximately 3.4 metres to 3.7 metres through a revised, taller, roof pitch. However, whilst Officers raised concerns with the amended design proposed within 23/01674/VOC, it is acknowledged that the design now proposed is far reduced and more in-keeping with both the previously approved scheme and the character of the area. In addition, during the determination of the application amended plans have been provided to ensure that the weatherboarding will be painted black. Given this, Officers no longer raise any concerns with the visual impacts of the proposal and consider that it would be in accordance with the more rural character of the surrounding area.

### 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.

Given the isolated nature of the application site and significant separation distance to any neighbouring plots, Officers consider that the minor alterations proposed will generate a neutral impact to existing neighbouring amenities.

### 3. Flooding Issues

The application site falls within Flood Zones 2 and 3, an area at most risk of flooding in the event of such an incident. However, given that this matter was addressed within the determination of 22/00792/FULHH, and the current proposal simply seeks to alter the design/height of the annexe, Officers raise no objections in this regard.

## Other Considerations

Lawford Parish Council has no objection to the application.

There have been no other letters of representation received.

### Conclusion

This application seeks alterations to the previously approved height/design of the extension to the annexe building. Whilst concerns were raised with the visual impacts of the proposal within an earlier scheme (reference 23/01674/VOC), these have now been addressed due to a reduced scheme that will be more in-keeping with the character of the area. Furthermore, the proposed alterations will result in a neutral impact to neighbouring amenities and the flooding risks associated with the site. 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 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.

22/00792/FULHH:

Drawing Numbers 03-2022-04P, 03-2022-05P and 03-2022-08P (Scanned 4th May 2022)

24/00676/VOC:

Drawing Number AX-03 Revision B.

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.

- 2      **CONDITION:** The annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Marsh Barn, The Causeway, Lawford, CO11 1QJ.

**REASON:** The site is unsuitable for an independent residential unit because of the location of the building and the nature of the site.

- 3      **CONDITION:** The hereby approved alterations to the annexe building shall have been fully completed within 9 months from the date of this decision.

**REASON:** To ensure the changes proposed are completed in a reasonable period of time, in the interest of visual amenity.

## **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