

## DELEGATED DECISION OFFICER REPORT

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

**Application:** 24/00657/FULHH **Town / Parish:** Harwich Town Council

**Applicant:** Mr and Mrs Batchelor

**Address:** 5 Newton Road Dovercourt Harwich

**Development:** Householder Planning Application: Proposed single storey side and rear extension and porch, and detached garage with store.

### **1. Town / Parish Council**

Harwich Town Council      Harwich Town Council makes no objections to this application.

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

24/00657/FULHH      Householder Planning Application: Current  
Proposed single storey side and rear extension and porch, and detached garage with store.

### **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 currently no neighbourhood plans for this area.

### **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 at the end of a cul-de-sac on the northern side of Newton Road and consists of a single storey detached dwelling, which faces south. The site is separated from the highway via a low brick wall, behind which is a mixture of hard and soft landscaping. A driveway to the east leads to a garage which allows off road parking. The rear garden is predominately soft landscaping with fencing enclosing it on all sides. The surrounding properties are a mixture of single and two storey dwellings.

**Proposal**

This application seeks planning permission for a single storey side and rear extension and porch, and detached garage with store.

**Assessment**

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

**Design and Appearance**

Due to their siting, the proposed porch, side and rear extension will be visible to the streetscene, albeit the rear extension will only be visible from an oblique angle.

The side extension is single storey in nature with a gable roof complete with 4 roof lights. This connects to the host dwelling via a half-hipped roof. The proposal measures 12.3m in depth, 6.4m in width and has a height of 5.2m to the top of the gable and 5.7m to the top of the half hip. The porch is considered modest in size, measuring 2.0m in width, 0.7m in depth and 3.4m from the top of the gable roof. The rear extension seeks to infill a small step in the north facing elevation, finishing flush with the existing side and rear elevation whilst matching the existing height of the host dwelling.

The side and rear extension together with the front porch will be finished in grey cladding with uPVC/aluminium windows and doors capped with brown pantiles. Whilst the cladding does not

match the existing appearance of the host dwelling, it is not considered harmful to the locale to warrant refusal of this application. Further, as the property still retains its Permitted Development rights, the cladding could be installed to the property at a later stage without requiring planning permission.

The proposed garage and store is of a substantial size measuring 10.1m in width, 6.1m in depth and with an overall height of 4.4m. It is set out in an L shape with the garage portion of the structure being the more prominent of the two. As a result and because the lack of screening on the front boundary, the garage and store will be visible to the streetscene. This being said, it is adequately set back from the highway by a distance of 17m. In addition, the proposed finish of the garage and store ties in with the aesthetics of the main dwelling and locale, which will significantly reducing the potential harm the proposal may have upon on the visual amenities of the area.

The site is considered to be of a sufficient size to be able to accommodate all proposals whilst still retaining adequate amenity space.

The plans indicate a door on the east facing side elevation will be repositioned within the same elevation. These works are deemed to be Permitted Development and therefore do not form part of this assessment.

### Impact to Neighbours

The site abuts the property known as 3 Newton Road to the west. As a result of the proposals single storey nature, the screening provided by the existing boundary treatment and an adequate separation distance of 9.9m between the closest proposal and neighbouring property, it is considered that the proposals collectively will pose no significant harm to the amenities of this neighbouring property.

Similarly, 7 Newton Road will not be adversely impacted by the side and rear extension or the front porch due to their separation distance from the neighbouring property. However, due to its proximity the proposed garage and store could pose a degree of harm. This being said, the neighbouring dwelling is set significantly further forward and away from the outbuilding and will be heavily screened by the neighbouring property's garage preventing any significant harm to their amenity.

The dwellings known as 499 Main Road and 451 Main Road to the north, are positioned 63.4m from the shared boundary with the application site and therefore no harm will befall these.

### Other Considerations

Bradfield Parish Council have submitted no comments.

No letters of representation have been received.

## **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. Further, the proposed development is consistent with the above mentioned national and local planning policies and, in the absence of material harm the proposal is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. Conditions / Reasons for Refusal**

### 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.

Site Location Plan - Rec'd 01/02/2024  
Drawing No. BNR-02 Revision C

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