

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	09/07/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	ML	12/07/2024
Assistant Planner final checks and despatch:	ER	12/07/2024

Application: 24/00644/FULHH **Town / Parish:** Tendring Parish Council

Applicant: Mrs Paula Mockford

Address: Brambles The Street Tendring

Development: Householder Planning Application - rear extension, front porch and increase in roof height to provide accommodation at first floor level, including the provision of roof lights and a rear facing dormer.

1. Town / Parish Council

Tendring Parish Council No objections to this application.

2. Consultation Responses

Not Applicable

3. Planning History

24/00644/FULHH Householder Planning Application - rear extension, front porch and increase in roof height to provide accommodation at first floor level, including the provision of roof lights and a rear facing dormer. 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>

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

PPL8 Conservation Areas

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 on the northern side of Thorpe Road and consists of a single storey detached dwelling, which faces south. The site has an open frontage where a mix of hard and soft landscaping encompasses the front garden. The side and rear garden are predominately laid to lawn and can easily be accessed from the front of the site. Close board fencing encloses the site on the eastern and western boundaries, whilst a chain link fence has been installed to the rear. The surrounding properties are a mixture of single and two storey dwellings.

Proposal

This application seeks planning permission for a rear extension, front porch and increase in roof height to provide accommodation at first floor level, including the provision of roof lights and a rear facing dormer.

Assessment

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

Design and Appearance

The openness of the site and the relatively modest height of the boundary treatment between dwellings, combined with the scale of the proposed additions/alterations means the proposals will be visible to the streetscene; however, the rear extension and covered balcony area will only be visible from an oblique angle.

The proposal seeks to increase the height of the existing property to facilitate the addition of a first floor, whilst maintaining the prominent gable design of the original dwelling. The element of the property which faces north and south will have a slightly higher ridgeline than the section of property facing east and west. The two ridgelines will connect via a mini-hipped roof. The proposed

increase in height of 2.2m, whilst noticeable, is an acceptable alteration that parallels similarly sized two storey dwellings within the locale. As such, the proposal is considered not to pose a significantly detrimental impact to the streetscene to warrant refusal of this application.

A total of 12 no. Velux windows will be inserted into the roof whilst a gabled dormer with attached balcony is proposed on the rear facing roof slope. Rooflights and PV panels are a prominent feature on the front elevation of the two-storey neighbour Ferndale so would not appear overly incongruous in the street scene. The proposal additionally seeks the erection of a modestly sized porch with a mono pitch roof on the primary elevation and the installation of a rear extension to infill an opening in the north facing elevation. The extension, which is considered moderate in size, will finish flush with the existing side elevation but slightly short of the rear elevation whilst matching the design and pitch of the proposed roof alterations. The infill will alter the layout of the dwelling from a T shape to an L shape.

The property as a whole will be finished in white render with vertical cedar boarding to the front elevation, dark grey uPVC/aluminium windows and slate to the roof. This is a divergence from the aesthetics of the host dwelling as originally designed; however, the use of render is considered sympathetic to the locale with several of the neighbouring properties having used similar materials. Whilst the boarding does not match the existing appearance of the host dwelling it is considered in-keeping with the semi-rural nature of the area and does not pose demonstrable harm to the character of the locale to warrant refusal. Further, as the property still retains its Permitted Development rights, the boarding could be installed to the property at a later stage without requiring planning permission. The existing dwelling is a neutral feature in the streetscene, the proposed changes will result in a more prominent and unique property; however, it is considered that subject to securing slate and cedar boarding samples the proposal will result in an enhancement to the current appearance of the dwelling.

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 the majority of the doors and windows on the ground floor will be altered with all openings finishing flush with the elevations of the property. These works are deemed to be Permitted Development and therefore do not form part of this assessment.

Impact to Neighbours

The site adjoins the properties known as Ferndale to the east and White Cross Lodge to the west. The porch and rear extension are single storey in nature and have an adequate separation distance of 3.8m from the closest proposal to the nearest neighbouring property. Additionally, the screening provided by the existing boundary treatment and the siting of the porch in the middle of the L shape, will result in the aforementioned proposals posing no significant harm to the amenities of the neighbouring dwellings.

The steep pitch of the front projecting gable end combined with its modest floor to ceiling height will result in the velux windows on the eastern facing roof slope having a greater outlook over the neighbouring property to the east. The distance to the boundary and neighbouring dwelling at Ferndale increases as you move back through the dwelling. The front rooflight serves the garage loft space, the second serves Bedroom 3, third is high level serving a shower room, and the fourth serves a gym and yoga area. The adjacent property is set further forward of the host dwelling, with views from the velux windows over Ferndale being the blank western facing side elevation and a small section of the rear garden and not directly into the various openings present on the rear elevation of the property. Additionally, the velux window serving the bedroom is separated from the neighbouring property boundary by a distance of 9.7m. Therefore, on balance the velux windows are considered not to pose a significant material harm to the privacy of this neighbouring property.

The velux windows on the western facing roof slope will overlook White Cross Lodge; however, the majority of the neighbouring property will be screened by the increased bulk of the host dwelling. The gabled dormer with balcony will provide a vantage point over the surrounding area at the rear of the site. Whilst Ferndale will be screened from view, elements of White Cross Lodge will be

visible from the west. However, the adjacent property is sited further back and at a slight angle resulting in the rear half of the side elevation and the rear garden being the most visible features. Whilst there will be a slight loss of privacy to White Cross Lodge, this property is already overlooked by a neighbouring two storey dwelling to the east. As a result, a refusal for this part of the proposal on the grounds of loss of privacy cannot be justified.

Due to an adequate separation distance between the host dwelling and both neighbouring properties, the increased roof height and rear gabled dormer will result in no material loss of outlook or light.

Heritage Impact

The application site lies adjacent the Conservation Area for Tendring and whilst it is customary to consult Essex County Council's Heritage Department (Place Services) when a proposal could affect a heritage asset or its setting, the proposed finish of white render and cedar boarding is considered sympathetic to the locale, with boarding often found on properties within semi-rural areas, whilst render is a prominent feature on several properties within the Tendring Conservation Area.

Further, the existing dwelling is not considered to have any significant visual importance having a rather bland appearance with its red facing brickwork, white uPVC windows/doors and concrete roof tiles. The proposed materials, as outlined above, will help the dwelling blend with its semi-rural setting and combined with a separation distance of 26m from the site's boundary to the edge of the Conservation Area, would greatly lessen any visual harm the proposal may pose to setting of the heritage asset. As such it's been considered there is no need to consult Essex County Council's Heritage Department.

On this basis, the proposal is considered to preserve the setting of the Conservation Area.

Other Considerations

Tendring Parish Council have raised no objections.

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 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. 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

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.

Drawing No. 13 Revision A
Drawing No. 4 Revision C
Drawing No. 5 Revision C
Drawing No. 6 Revision C

Drawing No. 7 Revision C
Drawing No. 8 Revision A
Drawing No. 9 Revision B
Drawing No. 11 Revision B
Drawing No. 12B 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.

3 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

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

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