

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	24.07.24
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO		
Team Leader authorisation / sign off:		JJJ	25/07/2024
Assistant Planner final checks and despatch:		ER	25/07/2024

Application: 24/00743/FULHH **Town / Parish:** Great Bromley Parish Council

Applicant: Mr Pasque

Address: Midhurst Ardleigh Road Great Bromley

Development: Householder Planning Application - Proposed single storey annexe to rear of Midhurst.

1. Town / Parish Council

Great Bromley Parish Council No comments received

2. Consultation Responses

N/A

3. Planning History

96/00926/FUL	Extension to front of bungalow (modification to size and design of addition approved under ref TEN/0330/89)	Approved	28.08.1996
97/00069/FUL	Front extension (variation of design of approved application No. TEN/96/0926 - Addition of window)	Approved	14.02.1997
24/00743/FULHH	Householder Planning Application - Proposed single storey annexe to rear of Midhurst.	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.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

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 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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
CP1 Sustainable Transport and Accessibility
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

Essex Design Guide

[Technical housing standards](#): nationally described space standard Published 27 March 2015
Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. **Officer Appraisal**

Application Site

The application site is a detached bungalow located to the north-east of Ardleigh Road, Great Bromley. The site benefits from a very long rear garden and follows the predominantly ribbon residential development along this side of the road located between two detached dwellings with a row of residential dwellings also located on the opposite side of the road. To the rear of the site is Shaftesbury House and it's associated outbuilding which fronts onto Briar Road.

The site is not located within a Conservation Area and the property's permitted development rights remain in tact.

Planning History

Permission for a front extension was granted under application reference 97/00069/FUL, however from visiting site it does not appear that this has been implemented. There is no other relevant planning history.

Proposal

The application seeks planning permission for the erection of an outbuilding in the rear garden of Midhurst which will create a new annexe accommodation.

The outbuilding would measure approximately 2.9m in height, 11m in depth and 7.6m in width. Materials would consist of red facing brickwork and black painted timber cladding for walls with a single ply roof membrane and Anthracite Grey Upvc Windows & Doors.

Assessment

Principle of development

The application site is located outside the Settlement Development boundary of Great Bromley as identified by the Tendring District Local Plan 2013-2033 and beyond. Notwithstanding this, the application is for a new outbuilding to create an annexe, which, if approved, will be used as ancillary to the host dwelling and can be conditioned as such (if approved). Therefore, the principle of development is considered acceptable because no policy conflict insofar as the principle of an annex in a rear garden, to be used in connection with the main dwelling, can be identified.

Design & Visual Impact

Paragraph 135 of the National Planning Policy Framework (NPPF) 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. Policy SP7 of the Tendring District Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

The new annex will be located in the rear garden of Midhurst and therefore will not be immediately visible from the street scene. Views of the building will be visible from the neighbouring properties to the north-west, and south-east however their siting is approximately 100m away from their rear elevations. To the rear of the site is a large outbuilding with negligible visual impact identified. The site benefits from a generous rear garden and the footprint of the extended building will still appear subservient to the host dwelling. Due to its single storey nature and distance from the highway the annex is not considered to appear overly dominant within the area.

The proposed finishing materials are considered to be of an appropriate design and appearance to the locality and will have no significant harmful impacts on the visual amenities of the area.

The proposal is therefore not considered to have any effect on visual amenities that is so harmful as to justify refusing planning permission.

Impact on Neighbouring Amenities and trees

Paragraph 135 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Policy SP7 of the Tendring District Local Plan requires that the amenity of existing and future residents is protected. Policy SPL3 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 proposed annex is located towards the north-east of the site and is a significant enough distance from the adjacent neighbouring dwellings as to have no impact on the loss of daylight / sunlight to the neighbouring dwellings. The LPA questions the functional relationship between the proposed annex and the dwelling due to the significant distance, however the annex will clearly be in the rear garden and therefore there will be a link between the two and weight is given to the fact that the only way to access the annex will be through the main dwelling or along the side access of the main dwelling, which on balance is considered acceptable and sufficient for a functional relationship and link to remain between the two. With the above in mind a condition is considered necessary and reasonable to ensure no fence(s) or other structures such as garage(s) etc can be constructed on the site without planning permission.

Whilst there appear to be trees to the rear the application form states that no trees will be affected, the LPA has no conclusive evidence that this will not be the case, moreover, the trees to the rear of the site do not appear to be subject to any TPO's

The annex is of a single storey nature and therefore poses no significant threat of overlooking or loss of privacy to the adjacent neighbouring residents.

Highway Safety

Paragraph 114 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

The proposal is for an annex, to be used ancillary to that of the host dwelling. The highway access to the site remains unchanged and the proposal does not cause a need for additional parking.

However, there is adequate space to the front of the site, to accommodate parking for this proposal. The Local Planning Authority therefore deem the application acceptable in terms of highway safety.

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 for a householder development and is therefore not 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

No letters of representation have been received.

Conclusion

The proposal 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

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 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 Numbers. A-102B, A103A, A-201A

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 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal

dwelling known as Midhurst, Ardleigh Road, Great Bromley, CO7 7TL (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

4. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS BUILDINGS, STRUCTURES AND ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

10. **Informatives**

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>

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 / Negative / Positive
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive
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 / Negative / Positive
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral / Negative / Positive

12. Notification of Decision

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