

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	24/07/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	JJJ	26/07/2024
Assistant Planner final checks and despatch:	ER	26/07/2024

Application: 24/00753/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Robert Forster and Nicole Carey

Address: 57 Harwich Road Lawford Manningtree

Development: Householder Planning Application – part single and double storey rear extension, new dormers to increase first floor accommodation and new front porch.

1. Town / Parish Council

Lawford Parish Council No objection to this application.

2. Consultation Responses

Not Applicable

3. Planning History

00/00291/FUL	Change of use of land for the display and sale of fencing, sheds, posts, trellis, plant pots, timber decking and associated items and sale and display of plants grown on the premises.	Refused	11.05.2000
97/00772/FUL	Change of use of land to garden	Withdrawn	13.08.1997
13/00876/FUL	Proposed replacement dwelling.	Approved	06.11.2013
14/01878/FUL	Variation of condition 2 of planning permission 13/00876/FUL to permit changes to the design of the proposed dwelling.	Approved	24.02.2015
15/01604/DISCON	Discharge of conditions 05 (landscaping) and 08 (construction method statement) of planning permission 14/01878/FUL.	Approved	03.12.2015
20/00477/FUL	Removal of conditions 3, 4 and 9 of permission granted under application 14/01878/FUL (originally approved under 13/00876/FUL) to allow the retention of the existing dwelling and access.	Approved	28.07.2020
24/00753/FULHH	Householder Planning Application - Current single and double storey rear extension.		

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

PPL3 The Rural Landscape

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 Harwich Road and consists of a two storey semi detached dwelling, which faces south. The sites frontage is open with hard landscaping encompassing the front garden. The rear garden is predominately soft landscaping with fencing enclosing it on all sides. The driveway servicing the application site also allows access to a large parcel of land to the side and rear which is currently used for storage purposes.

Proposal

This application seeks planning permission for a single and two storey rear extension, a front porch and alterations to the existing dormers.

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 and dormers will be visible to the streetscene. Though the larger element of the two storey dwelling will be close to the edge of the property, the dense mature vegetation along part of the front and western boundary will screen any oblique views of the development from the highway reducing any potential for minor visual harm this may cause.

The single and two storey rear extension has a width of 7.3m and a depth of 4.1m. The two storey extension has an overall height of 6.6m, whilst the single storey element is 3.1m high. The porch is considered an acceptable size for the dwelling, measuring 2.1m in width, 1.6m in depth and 3.8m high. A new dormer will be inserted in to the front roof slope and side facing roof slope of the two storey element, whilst the existing dormers to the front and rear will be altered in size and design with the roof changing from flat to gable end. The increase in size is considered minor, whilst the new gabled dormers matches those on other properties within the immediate vicinity, and these changes are welcomed.

The extension and porch will be finished in red brick with uPVC windows and doors. The dormers will have render to the front facing elevations. Plain tiles will adorn the gable roof of the two storey extension, the porch and dormers. The single storey element will have a flat roof complete with roof lantern. The site is situated on the edge of the Dedham Vale National Landscape (previously known as AONB). The use of these finishes will help tie the development in with the host dwelling and locale as will the design of the proposals which in turn will significantly reduce the potential harm the proposal may have upon the landscape character of the area or its visual amenities.

The site is considered to be of a sufficient size to be able to accommodate the proposal and still retain adequate private amenity space.

Impact to Neighbours

The site adjoins 58 Harwich Road to the east. The single storey element of the proposal is sited close to the shared boundary, whilst the two storey element is separated by a distance of 3.1m. The proposal will protrude a mere 2.1m beyond the neighbouring properties existing rear extension and will be heavily screened by the existing boundary treatment, and will be slightly set in from the shared boundary. Therefore, it is considered to pose no adverse impact to this property's outlook. Additional, given the close proximity of the proposal to the shared boundary, the 45 degree daylight test has been undertaken. Whilst the proposed development fails in plan, it passes in elevation so passes the combined test and a refusal on the grounds of loss of daylight cannot therefore be justified.

The proposal comprises of a new opening on the first floor facing rearward. These openings will permit views of the neighbouring gardens. As the surrounding properties are all two storey in nature they have an established outlook over one another's gardens and benefit from very little privacy. The placement of these windows is therefore, considered not to result in such an increase of overlooking that would warrant the refusal of this application as such a reason will be difficult to sustain in the event of a planning appeal. It is also noted that the window serves a bedroom which is not considered a primary living space.

The site lies adjacent to Kennel House to the west. However, a separation distance of at least 35.1m between the proposal and neighbouring property, will result in there being no significant harm to the amenities of this neighbouring property.

Other Considerations

Lawford Parish Council raise no objection to the proposal.

No letters of representation have been received.

Officer comment: It was established during the determination period for the application that the description of the proposal put forward by the applicant is not 100% accurate due to the fact that dormers and a front porch is proposed (which are not explicitly stated on the form) – the LPA have clearly assessed these elements and have added that to the description of development. The LPA take the view that it was not necessary to reconsult any neighbours because the plans clearly show these elements, and refers to ground AND first floor extensions, which by definition can include a ground floor porch and first floor extensions in the form of dormers – however officer nevertheless felt it necessary to more accurately reflect what is proposed, in the description of the development.

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 can be 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.

Document titled; Location Plan – Rec'd 21/05/2024

Drawing No. 0485/PL/05

Drawing No. 0485/PL/03

Drawing No. 0485/PL/04 Revision A

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.

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>

10. 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

11. Notification of Decision

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