

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	17/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	29/10/2024
Assistant Planner final checks and despatch:		ER	29/10/2024

Application: 24/01382/VOC **Town / Parish:** Manningtree Town Council

Applicant: Mr Rowan Hunter

Address: 16 Brook Street Manningtree Essex

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans and Documents) of application 24/00160/FULHH to allow the use of different materials for construction from the existing agreed drawings to omit the proposed rear dormer and modify the rear elevation.

1. Town / Parish Council

Manningtree Town Council No comments or objections

2. Consultation Responses

Not required for this application type.

3. Planning History

24/00160/FULHH	Single storey rear extension. new rear dormer window and external terrace area over new rear extension.	Approved	17.04.2024
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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
LP3 Housing Density and Standards
LP4 Housing Layout
PPL8 Conservation Areas

Supplementary Planning Guidance:
Essex Design Guide

No emerging or adopted neighbourhood plan

7. Officer Appraisal (including Site Description and Proposal)

Site Context

The application site comprises of a two-storey mid terraced dwelling located within the development boundary and conservation area of Manningtree.

The house has previously been extended to the rear by single storey elements.

The house is positioned forward on its plot with its front elevation hard up along the front boundary. The site benefits from a rear garden with varying ground levels and views of surrounding properties and their existing rear extensions.

Adjoining the house to the north is an existing public house.

Relevant History

A previous application was submitted and assessed under planning reference 24/00160/FULHH, which was for a single storey rear extension, new rear dormer window and external terrace area over new rear extension.

Proposal

This application is submitted under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans and Documents) of application 24/00160/FULHH to allow the use of different materials for construction from the existing agreed drawings to omit the proposed rear dormer and modify the rear elevation.

The proposed plans show the removal of rear dormer window. The materials confirm that the proposal will be constructed in red brick with flat single ply membrane roof.

Assesment

Visual Impact

Paragraph 135 of the 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural

design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposed addition is to the rear of the house and due to its close relationship with its neighbouring properties will not be publicly visible from Brook Street.

The rear elevations of this row of terraced buildings can be seen from Railway Street; however, the projections of 18 Brook Street and the drop in ground levels obscure much of the application dwelling from views achieved from this angle. The proposal will therefore not have a harmful impact in this regard.

The previous permission for the enlargement requested further details of materials to be provided and approved by the LPA. The proposed plans now list that the proposal will be constructed from red brick with a flat single ply membrane roof. They also confirm that the use of grey windows and doors will be used along with black aluminium downpipes. The use of a modern design and materials will differ to the fairly traditional offering of the host dwelling, however as it is to the rear with no visible onset to the public realm the use of such a design would not be considered harmful in this instance. As details of the materials have been provided and are considered suitable it is considered that condition 03 (materials) of the previous permission has been complied with and no further action is required.

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

The proposal is therefore considered a suitable addition to the site which would not result in an adverse impact to the appearance/ character of the host dwelling or locale.

Heritage Impact

Paragraph 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The Council has a statutory duty to ensure that proposals within Conservation areas preserve and enhance the local protected area. The proposal will be sited to the rear and due to the built-up nature of the surrounding houses would not be visible from public areas. The proposal will therefore not result in a harmful impact to the character/ appearance of the conservation area.

It is noted that a Heritage Statement has not been provided in line with the requirements of the NPPF. Given that the proposal is a small scale project which would not be visible from the public realm and would not adversely impact the appearance/ character of the conservation area the LPA is satisfied that the applicant has considered its impact to this protected area. The Council has undertaken a thorough assessment of the proposal and its impact on the conservation area.

Impact to Neighbours

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 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.

The proposed extension will not protrude beyond the rear wall of the neighbouring buildings and will therefore not result in a loss of light or outlook to rearward facing openings.

The proposal will allow for additional openings which will face out onto the rear gardens of neighbouring sites. As the surrounding gardens are already overlooked by other two storey properties the loss of privacy resulting from these openings is considered to be not so significant to refuse planning permission upon in this instance.

The original application of 24/00160/FULHH showed a first floor dormer window and the use of the flat roof of the extension as a terraced area resulting in some overlooking into the neighbouring garden. These elements have since been removed therefore removing this impact and reducing the impact of the proposal onto this neighbour.

Habitats, Protected Species and Biodiversity Enhancement

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.

Other Considerations

Manningtree Town Council have no objections to the proposal.

There are no objections to the proposal.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval - Full

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.

- 3079_050 (Received 13th September 2024)
- 3079_051 (Received 13th September 2024)
- 3079_100 (Received 25th October 2024)
- 3079_101 (Received 25th October 2024)
- 3079_102 (Received 25th October 2024)
- 3079_200 (Received 25th October 2024)

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	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

national origin)		
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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application? No Declarations Of Interest Made		NO