

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	OA	28.11.24
EIA Development - Notify Planning Casework Unit of Decision:	N/A	N/A
Team Leader authorisation / sign off:	AL	29.11.2024
Assistant Planner final checks and despatch:	ER	29/11/2024

Application: 24/01472/FULHH **Town / Parish:** Thorrington Parish Council

Applicant: Mr Dave Williams - Apex Residential Design

Address: 22 Clover Drive Thorrington Colchester

Development: Householder Planning Application - Two Storey Rear Extension.

1. Town / Parish Council

Thorrington Parish Council No comments received.

2. Consultation Responses

None Required.

3. Planning History

76/01302/FUL	8 dwellings and garages (revised house types plots 8-15)	Approved	25.01.1977
17/00828/FUL	Proposed first floor extension and front porch.	Approved	20.07.2017

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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
PPL4 Biodiversity and Geodiversity

Supplementary Planning Documents

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Site Description & Context

The application site comprises of a detached dwelling located to the north of Clover Drive, Thorrington. The dwelling has been previously extended post-2017 through planning permission 17/00828/FUL.

To the north of the site, to the rear, lies an area of safeguarded open space. To the east of the site lies the two-storey semi-detached dwelling known as No. 20 Clover Drive (protected Oak Tree within the rear garden of no. 20 ref. 90/00013/TPO). To the south of the site, on the opposite side of Clover Drive, are side residential gardens. To the west of the site lies a further semi-detached dwelling known as 24 Clover Drive.

The existing dwelling is finished with a mixture of cream cladding and facing brickwork and concrete roof tiles. Windows and doors are uPVC. To the rear and side upper floor elevations are remnants of the previous rendered finish (front elevation covered with cladding).

The site's vehicular access is obtained to the front, with off road parking for approximately 2 cars.

The site is located within the defined settlement development boundary of Thorrington.

Proposal

This application seeks planning permission for the erection of a two-storey rear extension constructed and finished in facing brickwork and cream coloured cladding to match the front elevation of the existing property. The roof tiles, windows and doors to be used in the construction of the extension will also match those on the existing house. The proposed extension would have the following approximate footprint:

Depth of 3.15 Metres
Width of 3.10 Metres
Height of 6.45 Metres

Eaves Height of 5.05 Metres

The extension will accommodate a utility room at ground floor and family bathroom extension at first floor level.

No changes are proposed to the access or frontage of the house.

Assessment

The main considerations relevant to the assessment of the proposed development are:

1. Visual Impact
2. Impact to Neighbours
3. Habitats, Protected Species and Biodiversity Enhancement
4. Other matters – Adjacent TPO
5. Representations
6. Conclusions and Recommendation

1. 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 proposed extension will be located to the rear of the dwelling, to the north of the plot. The plot is large enough to comfortably accommodate an extension of the two-storey scale and proportions proposed. There will be very limited, to no visual impact from Clover Drive by virtue of the proposed rear siting of the extension and screening from existing neighbouring dwellings. The scale and proportions of the proposed extension are considered in keeping with the host property and character of the area and will be finished in materials to match those on the existing property.

The proposed additions are therefore considered suitable and would not result in a detrimental impact upon the appearance or character of the existing house or streetscene, thus being in compliance with the above-mentioned national and local policy.

2. Impact to Neighbours

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 extension is located to the rear of the dwelling and will be located approximately 0.4 metres away from the western boundary of the site, being the neighbouring boundary with no. 24 Clover Drive. Ample distance is retained to the eastern boundary to no. 20.

Adjacent to the shared boundary fence is a single storey garage serving No. 24 Clover Drive. The proposed extension will create a built form that extends approximately 3.5 metres beyond the rear elevation of the neighbouring dwelling. The garage of the neighbouring dwelling is not considered to be a habitable room and therefore the attention turns to the remainder of the dwelling further west. The two-storey element of No. 24 is located approximately 3.75 metres away from the proposed extension. By virtue of the distance and taking into account the 45-degree rule set out within the Essex Deign Guide, the proposed extension passes on both plan and elevation when measured against the neighbouring windows. There is a sufficient distance retained to the garden areas and

windows of both immediate neighbouring properties to ensure the development will not result in any material loss of daylight / sunlight to these dwellings.

The rear first floor window currently serves the bathroom. The proposed extension is to accommodate an extension to the existing bathroom having a neutral impact in terms of overlooking to neighbouring gardens.

The extension projects from the rear of the dwelling, in line with the existing side elevation thus retaining a 1 metre side isolation to the neighbouring boundary.

In summary, the extensions will not result in any material harm to neighbouring amenities in terms of overlooking, loss of light or loss of privacy in compliance with both national and local policy.

3. 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 for a householder extension 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.

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.

4. Other matters – Adjacent TPO

Due to the spacing retained between the proposed extension and the position of the protected tree within the neighbouring garden, officers have no concerns with the impact on the root protection area.

5. Representations

No comments have been received from Thorrington Parish Council.

No letters of representation have been received from neighbouring residents / third parties.

6. Conclusion

For the reasons set out above, the LPA are satisfied that no material harm will result from the proposed development. The application is therefore considered to accord with both National and Local Plan Policy and is recommended for approval, subject to conditions.

8. Recommendation

Full - Approval

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. COMPLIANCE: 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 – Drawing No. 101 – Received 03.10.24
- Proposed Elevations – Drawing No. 103 – Received 03.10.24
- Proposed Floor Plan & Roof Plans – Drawing No. CD-01.102 – Received 11.10.24

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.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application?	YES	NO