

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	28/11/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	ML	28/11/2024
Assistant Planner final checks and despatch:	ER	29/11/2024

**Application:** 24/01297/FULHH **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Mr James White

**Address:** 32 Mayes Lane Ramsey Harwich

**Development:** Householder Planning Application - Amendment to previously approved planning permission (21/01741/FULHH - Proposed side, front and rear extensions.) to allow for the side extension to be in line with the front wall of the existing house.

### 1. Town / Parish Council

Ramsey and Parkeston Parish Council No objections received

### 2. Consultation Responses

Not applicable to this application.

### 3. Planning History

21/01741/FULHH Proposed side, front and rear extensions. Approved 17.01.2022

24/01297/FULHH Householder Planning Application - Current Amendment to previously approved planning permission (21/01741/FULHH - Proposed side, front and rear extensions.) to allow for the side extension to be in line with the front wall of the existing house.

### 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>

Ramsey does not benefit from a emerging or adopted neighbourhood plan.

## 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

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Supplementary Planning Guidance:

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 comprises of a two storey semi-detached dwelling which is significantly set back from its front boundary allowing for an area of parking to the front. There is a small access gate which leads to the existing house. The house itself is finished in a mixture of materials with its front elevation in brick and its rear in light rough render. There is also an existing extension to the rear which joins the adjoining neighbour. Sited to the rear is a garden area with fencing in situ along all boundaries.

### Relevant History

A previous planning application was received and approved under planning reference 21/01741/FULHH for proposed side, front and rear extensions.

### Proposal

This application seeks planning permission for proposed side, front and rear extensions with an amendment to the previously approved planning application 21/01741/FULHH to allow for the side extension to be in line with the front wall of the existing house.

The original application showed that the proposed first floor side addition was to have a small recess back from the front wall of the main house and a slight reduction in height. This new

application seeks to change this and allow the extension to be brought in line with the front wall of the main house and for its height to increase so it is in line with the host dwelling.

The proposed works have commenced on site.

### Assessment

#### 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 area comprises of a mixture of two storey semi-detached and detached dwellings varying in materials. The houses are set on wide plots and positioned back from their front boundaries to allow for off street parking. As a result of the varying house types the application dwelling and its adjoining neighbour are the only pair in the vicinity which reflect their size and design.

The proposed porch will be sited to the front and a noticeable change to the front of the house. This element will be finished in brick and will be significantly set back from the front boundary of the site and finished in brick to match the existing house. The positioning of such a feature will reduce its prominence within the area and the use of brick will allow it to be in keeping with the host dwelling. The use of porches and canopies within the vicinity to other houses will also prevent it from appearing incongruous in street scene views.

The proposed side extension will be noticeable from Mayes Lane due to its size and siting. This element will be finished in brick on the front elevation and then white render on the side and rear elevations. The new plans show that this side extension will match the height of the main house and will be brought in line with the host dwelling allowing it to appear as a sympathetic addition. The neighbouring dwelling southeast of the house is large in size and situated in a similar position on its plot to the host house allowing for the side elevation of the new extension to be largely screened from public view reducing its impact on the streetscene further.

The proposed side extension and application house will screen much of the rear extensions resulting in only minimal views of these features being achieved from the streetscene. These rear extensions will be lower in height compared to the main house and will be largely finished in render which is a consistent approach with the rear of the existing house at present. There is also a range of materials within the area allowing the use of render in this case to be appropriate.

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

It is therefore considered that the proposal is of a suitable design and size in relation to the main house which would not result in an adverse impact to the visual amenity of the host dwelling or streetscene.

#### 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.

#### *34 Mayes Lane*

Sited north of the house is the adjoining neighbour 34 Mayes Lane which is of a similar design to the application dwelling and also comprises of a single storey rear extension. The proposed porch

will be sited away from the shared boundary resulting in little to no impact to this neighbour's residential amenities. The proposed side extension will also not result in an impact to this neighbour as it will be screened by the host dwelling.

The first-floor rear extension and single storey rear extension will be noticeable to this neighbour. This neighbour has an existing extension, which adjoins applicant's extension, measuring 5.5m and does not contain any rear facing windows. The proposed single storey extension will protrude past this element by 1.2m and will match the height of the existing extension; however, it will have a pitched roof design. This will allow for the existing boundary fencing to screen the majority of this element preventing it from resulting in a significant impact to this neighbour's residential amenities.

The first-floor element will be sited away from the boundary and will only extend 3.5m in depth and will also make use of a pitched roof design preventing this element from also resulting in a significant loss of amenities to this neighbour.

The introduction of a first-floor window at the rear will result in overlooking into this neighbour's garden; however, given that the houses are already two storey there is already significant overlooking from other properties and therefore any loss of privacy here would represent unreasonable grounds to refuse permission upon.

The proposal to bring the side extension in line with the front wall of the main house is a minor revision to the already consented scheme, which would not result in an additional harmful impact to this neighbour.

### *30 Mayes Lane*

Sited to the south is a detached dwelling known as 30 Mayes Lane which is a larger dwelling completed in brick. This neighbouring house has a number of side facing windows which currently look directly onto the host dwelling receiving limited amounts of light and outlook. There is also a window in the rear elevation close to the boundary, which is currently covered by a canopy structure and achieves clear views of the host dwelling's side elevation and boundary fencing.

The proposed porch and single storey rear extension are elements of the proposal which will be sited suitably away from the boundary and/or largely screened by other aspects of the proposal and boundary fencing preventing them from having a significant impact to this neighbour's amenities.

The proposed side extension will be the most noticeable feature to this neighbour and will be sited 0.6m away. Due to the shape of the plot this distance from the boundary will extend to 1.2m towards to the rear of the proposal. Whilst the proposed side extension will result in some impact to this neighbour's side and nearest rearward facing windows, due to their current positioning, the levels of light and outlook received are already compromised thereby meaning any loss of outlook and light in this instance would be unreasonable grounds to refuse permission upon.

The introduction of side facing windows will result in a loss of privacy to this neighbour. The windows sited at ground floor will be screened by boundary fencing reducing their impact and the windows at first floor will serve a wardrobe and en suite, which are rooms where the windows are likely to be finished in obscure glazing, and therefore would not achieve clear views into this neighbour's house. The use of a condition to restrict these two first floor windows to the use of obscure glazing would be considered appropriate here to protect the amenities of this neighbour and will be imposed upon the permission.

The introduction of a first-floor window at the rear will result in overlooking into this neighbour's garden; however, given that the houses are already two storey there is already significant overlooking from other properties and therefore any loss of privacy here would be unreasonable grounds to refuse permission upon.

The proposal to bring the side extension in line with the front wall of the main house represents a minor revision to the consented scheme, which would not result in an additional harmful impact to this neighbour.

### Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 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 Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no off street parking spaces should be retained which measure 5.5m by 2.9m per space.

The proposal will form a new porch and side extension which will be situated on land forward of the main house. Whilst part of this proposal will be formed on this land the retained space is sufficient in size to accommodate the off-street parking of at least two vehicles in line with the above standards. The proposal will therefore not contravene 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 householder development. 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

Ramsey and Parkeston Parish council have no objections to the proposal.

There have been no letters of representation received.

### 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.

### Recommendation

Approval - Full

## 8. 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.

SITE PLAN - REC'D 27/08/24

BLOCK PLAN

PROPOSED FLOOR PLANS - REC'D 28/11/2024

PROPOSED ELEVATIONS – 28/11/2024

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.

## 2. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window/s to the first floor side elevation serving the ensuite and hall shall be glazed in obscured glass before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

### NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

## 9. **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**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO
<b>Has there been a declaration of interest made on this application?</b>		NO
<b>No Declarations Of Interest Made</b>		