

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	17/12/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	ML	19/12/2024
Assistant Planner final checks and despatch:	ER	19/12/2024

Application: 24/01543/FULHH **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Edmond Mavriqi

Address: 24 Church Road Elmstead Colchester

Development: Householder Planning Application - Two-storey extension at the rear including new roof, outbuilding at the rear garden.

1. Town / Parish Council

Elmstead Market Parish Council No comments received

2. Consultation Responses

Not Applicable

3. Planning History

24/01543/FULHH Householder Planning Application - Two-storey extension at the rear including new roof, outbuilding at the rear garden. 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.

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>.

The following Elmstead Neighbourhood Plan policies are relevant:
ELM1 Settlement Development Boundaries

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2024 ([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

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Elmstead Neighbourhood Plan

ELM1 Settlement Development Boundaries

ELM9 Design Codes

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is located on the western side of Church Road and consists of a detached two storey dwelling, which faces east. A hedgerow demarcates the front boundary behind which is a horseshoe driveway which allows off road parking. The rear garden consists predominately of soft landscaping with close board fencing enclosing it on all sides. The site is located inside the Settlement Development Boundary for Elmstead. The surrounding properties are all two storey and are set further back into the

Proposal

This application seeks planning permission for the erection of a two-storey rear extension, a new roof complete with velux windows and an outbuilding in the rear garden. Additionally, the front door will be repositioned, an open porch erected, the property re-rendered, and the existing garage will have a new timber door with triangular transom to the front and timber panelling to the rear.

Assessment

The key considerations of this application will be Design and Appearance, Impact upon the Neighbours and Other Considerations.

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions

should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.

The alterations to the host dwellings façade consists of the construction of an open porch similar to the existing, the repositioning of the front door to the left-hand side and the installation of a new timber door/gate above which will be a glazed triangular transom to the front of the existing garage. These elements will be visible to the streetscene; however, they are considered minor additions/alterations that are unlikely to pose significant visual harm to area. The roof on the host dwelling will be increased in height, matching the height of the neighbouring dwelling to the south, with a total of 6no. velux windows installed in the front and rear facing roof slope. The increased roof height will be a visible enlargement; however, the hipped roof design will help soften any potential harm presented to the streetscene and does not appear out of keeping with the host dwelling or locale to warrant refusal of this application.

The two storey extension and outbuilding will be sited to the rear of the site and will therefore have no adverse impact to the public way. The two storey extension will protrude from the rear elevation and alter the footprint of the property into a square. Though prominent in size, the two storey extension is considered to be of a scale which is in keeping with the host dwelling and will be finished in materials which match the property, thereby reducing the overall visual harm this element of the proposal may cause. The outbuilding is set out in an “L” shape with the longer elevation being positioned adjacent the western boundary. The outbuilding being sited close to the shared boundaries with the neighbouring dwellings appears excessive in size; however, the proposed offset hipped roof design combined with the low eaves height will help reduce the visual dominance the proposal has. The rear garden is deemed to be of a sufficient size to be able to accommodate both proposals and still retain adequate amenity space.

Impact to Neighbours

The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

Due to their siting, the alterations to the front of the host dwelling are considered to have little to no negative impact to the surrounding neighbouring properties.

The two neighbouring properties along Church Road, which abut the application site, have a greater depth than the host dwelling. Despite its substantial depth, the proposed two storey extension will finish slightly short of the rear elevation of 22 Church Road to the south. This will prevent the host dwelling from being able to look into the rear of the neighbouring property or for the two storey extension to over shadow the existing rear facing windows. The proposed rear extension will be in line with the middle of the conservatory at 26 Church Road. Because of its overall scale, there may be some impact to the outlook of this neighbouring property; however, there is an adequate separation distance between the proposal and adjacent dwelling to ensure that the harm posed is likely to be minimal. Further, due to the proposal's height, depth and proximity the 45 degree daylight test has been undertaken. Whilst the two storey rear extension fails in elevation, it passes in plan so passes the combined test and a refusal on the grounds of loss of daylight cannot therefore be justified.

2no. windows are proposed on the north and south facing side elevation at first floor level. Both these windows will look directly at a neighbouring window; however, one of the openings serves a bathroom whilst the other serves a dressing room. As a result of this, these windows will be conditioned to be obscured glazed to prevent a loss of privacy to both applicant and neighbour.

The velux windows to the front of the property will overlook the highway and the front gardens of the adjacent dwellings and is unlikely to impact the neighbour's amenities. The velux windows on the rear roof slope will primarily allow light into the open space of the roof; however, with the pitch of the roof and the size of the openings there is the potential the velux window will overlook the neighbouring properties to the north, south and west. That being said, the dwellings along Church Road and Holly Way are two storey in nature and already overlook the private amenity space of the adjacent dwelling. Therefore, a refusal for this part of the proposal on the grounds of loss of privacy cannot be justified.

The proposed outbuilding being located to the rear of the site is well set back from the rear of the neighbouring dwellings along Church Road and therefore will pose them no harm. However, due to its proximity to the dwellings along Holly Way and Lucerne Road it will be a noticeable addition. That being said, the very nature of the proposal is single storey and when combined with the offset hipped roof design and low eaves, it is not envisioned to pose detrimental harm to these neighbouring properties.

Other Considerations

Elmstead Parish Council have raised no objections.

No letters of representation have been received.

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. 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

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.

- Drawing No. 24CR-01.1001 Revision 1
- Drawing No. 24CR-01.1002 Revision 2
- Drawing No. 24CR-01.1002 Revision 3 - titled; 45 degree rule review
- Drawing No. 24CR-01.100P Revision 2
- Drawing No. 24CR-01.102 Revision 2
- Drawing No. 24CR-01.103 Revision 2
- Drawing No. 24CR-01.101P Revision 2
- Drawing No. 24CR-02.200P Revision 2
- Drawing No. 24CR-02.201P Revision 2 which shows the northern facing elevation of the proposed extension
- Drawing No. 24CR-02.201P Revision 2 which shows the southern facing elevation of the proposed extension
- Drawing No. 24CR-02.201P Revision 2 which shows the western facing elevation of the proposed extension
- Drawing No. 24CR-OUT.102 Revision 2
- Drawing No. 24CR-OUT.104 Revision 1

- Drawing No. 24CR-OUT.101 Revision 1 which shows the floor plan of the proposed outbuilding.
- Drawing No. 24CR-OUT.101 Revision 1 which shows the roof plan of the proposed outbuilding.

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: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW

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 on the northern facing side elevation which serves a dressing room shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied 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.

4 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW

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 on the southern facing side elevation which serves a bathroom shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied 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.

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

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