

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	02/01/2025
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	MP	02/01/2025
Assistant Planner final checks and despatch:	ER	02/01/2025

Application: 24/01638/FULHH **Town / Parish:** Harwich Town Council

Applicant: Mr Mark and Mrs Kate Rutter

Address: 25 Station Lane Dovercourt Harwich

Development: Householder Planning Application - Proposed front and rear extensions and roof extension, detached double garage with solar garden above.

1. Town / Parish Council

Harwich Town Council Harwich Town Council neither supports or is opposed to the proposals but would draw to the attention of the planning authority that concerns have been raised by neighbouring residents in relation to a right of way, which doesn't appear on the plans; potential for subsidence and evidence of such from previous works, and the plans to remove a boundary hedge that does not belong to the applicant.

The council would ask that these issues are investigated prior to any determination.

2. Consultation Responses

None relevant to this application.

3. Planning History

13/01393/FUL New hardstanding and retention of wall. Approved 24.02.2017

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>

Harwich does not benefit from an emerging or adopted neighbourhood plan.

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2024 (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
PPL4 Biodiversity and Geodiversity

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 is north facing and situated within the development boundary of Harwich. The main dwelling, which is detached, is set in the southern half of the site which is set at a remarkably higher ground level than the north of the site which fronts Station Lane. Station Lane is a private road and a public footpath. The lane is narrow with mature vegetation on the northern side with the railway line and A120 trunk road further north.

The application house and its neighbour 23 Station Lane share many consistencies whilst the others in the locate largely differ in terms of design, plot positioning, height and materials.

Sited to the south the site shares its rear boundary with properties within Paddock Close, whilst to the south-west the boundary is shared with properties known as "27 Station Lane" and "Quint a le mere."

Proposal

This application seeks planning permission for the erection of front and rear extensions and roof extension, and a detached double garage with solar garden above.

Assessment

Visual Impacts

Paragraph 135 of the NPPF (2024) 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 surrounding houses benefit from large frontages which accommodate garden areas and driveways. The houses vary in terms of size and design with the neighbour at 23 Station Lane being the only one to share design consistencies with the host house. The change in ground levels

prevents development to the frontages of the houses, however there is a site which benefits from a front garage to the east and another with a forward projecting balcony feature.

The proposed double garage will be of a flat roof design with solar panels to its roof and will be sited to the front of the site. This positioning will result in it appearing as a noticeable feature within the street scene serving Station Lane. As the site benefits from a significant drop in ground levels towards Station Lane this element will appear higher, thereby adding to its overall prominence. The open nature of the frontage adds to the character of the site and street scene, and the erection of an outbuilding here would appear overly prominent, appearing as an incongruous feature to the character/appearance of the site and street scene.

The proposed extensions to the house will result in an increase to the footprint and its height to form a second floor. This will allow for a new dormer window to the side roof slope, along with new rooflights. The proposal will result in the change of the front elevation to allow for a new balcony area and large elements of glazing. The plans also confirm that the proposal will be finished in cladding. The alterations proposed will result in the change of hipped roof to a pitched roof with forward and rearward facing gable ends.

The large size and bulk of the proposed enlargements would fail to appear subserviently to the host dwelling, and the use of modern materials and excessive amounts of glazing would further exacerbate its incongruous appearance. Further, whilst the design of houses in the street scene vary, the closest neighbour of 23 Station Lane is similar to the application site, and is positioned in close proximity to the shared boundary. Given the relationship between the two houses the changes to the application house would result in an adverse impact to the symmetry currently displayed, thereby resulting in a detrimental impact to the character and appearance of the locale, in conflict with the above local and national planning policies.

Highway Safety

Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 105 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 parking spaces should be retained which measure 5.5m by 2.9m per space. They also state that new garages should have an internal measurement of 7m by 3m.

The proposed garage will measure 6.1m by 5.5m internally and therefore falls under the requirements. However, the garage will be set back from the front boundary and away from the existing parking arrangement at the site. The parking arrangement will not be affected and two off street spaces in line with the above standards will still be retained. The proposal will therefore not contravene highway safety.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2024) 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 garage will be sited to the front of the site and away from nearby houses therefore preventing a significant loss of outlook and light to neighbouring sites. The plans do show that the proposed garage will be served by a ladder allowing users to obtain access to the solar garden on its roof. When accessing this element, the users will be able to achieve views directly into the neighbour of 23 Station Lane's front windows resulting in a significant level of overlooking in this regard.

The proposed enlargements to the dwelling will result in a number of openings to be sited along the rear and side roof slopes. These windows will achieve views into neighbouring gardens. Whilst the house itself is already two storeys, due to the change in ground levels towards the rear of the site it reduces to single storey and does not currently achieve views into neighbouring sites. The houses to the rear also achieve views into the neighbour and applications sites rear garden. The proposed openings will face the neighbouring properties of 27 Station Lane and Quinta La Mere, achieving clear views into these neighbouring houses and gardens, thereby resulting in a significant loss of privacy.

The neighbour of 23 Station Lane does benefit from a small number of openings along the side wall which faces onto the side of the application dwelling. As these windows already receive a reduced level of light and outlook due to their current positioning, therefore any further impact on this resulting from the development would not be so significant to refuse planning permission upon.

The proposed enlargements will result in an increase in height to the existing building, which would be visible from neighbouring sites. Given the close relationship of the building to its neighbours, in particular to 27 Station Lane and Quinta La Mere, these views would be prominent, resulting in a significant reduction to the amenities enjoyed by these neighbours.

Taking the above into consideration the proposal would is not considered to comply with the above local and national planning policies.

Ecology and Biodiversity

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. Should the application benefit from an approval then an informative will 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 (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.

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.

Representations Received

Three letters of objection have been received highlighting the following concerns:

- Significant loss of outlook due to close proximity and scale of building;
- Increase to overlooking to neighbouring sites;
- Concerns over drop in ground levels and how this will affect the other neighbouring properties during construction;
- Out of character with the existing locale;
- Plans do not show a right of way to the rear to allow access to properties within Paddock Close;
- Concerns over further damage to the nearby railway; and
- Plans show removal of a hedge which is not located with the applicants ownership.

Officer response – This has since been amended and a new block plan has been provided following receipt of these concerns. The other concerns raised by the objectors have been included within the above assessment of the proposal.

Harwich Town Council neither supports or is opposed to the proposals but would draw to the attention of the planning authority that concerns have been raised by neighbouring residents in relation to a right of way, which doesn't appear on the plans; potential for subsidence and evidence of such from previous works, and the plans to remove a boundary hedge that does not belong to the applicant. The council would ask that these issues are investigated prior to any determination.

Officer Response – As stated in the main body of the report above the proposal would require such a fundamental change to overcome the concerns raised and therefore officers have not been able to find a solution in this instance. The agent and applicant are advised to consider the above and submit a pre-application enquiry to establish the best outcome for enlarging the house.

Conclusion

The proposed extension by virtue of its size and design would result in a significant change to the character and appearance of the existing house which would appear prominently within the street scene. This impact would further be exacerbated due to the differing ground levels which are apparent at the site.

The proposed garage would also appear as a prominent feature within Station Lane due to the sites existing open frontage and significant change of ground levels, resulting in it appearing as an incongruous feature which would be detrimental to the character/appearance of the site and street scene, therefore conflicting with the aforementioned planning policies.

The proposed extension would also result in a significant disruption to the amenities of the neighbouring sites in terms of light, privacy and outlook. The proposal therefore fails to adhere with local and national planning policies and is recommended for refusal.

8. Recommendation

Refusal

9. Reasons for Refusal

1. Paragraph 135 of the NPPF (2024) 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 large size and bulk of the proposed enlargements to the dwelling would fail to appear subserviently to the host dwelling, and the use of modern materials and excessive amounts of glazing would further exacerbate its incongruous appearance, and would also appear at odds with the current design symmetry with 23 Station Lane. Furthermore, the proposed garage will be sited to the front of the site on an existing open frontage pertaining to the host dwelling. This forward positioning, as well as a significant change in ground levels towards Station Lane, will result in the structure appearing as an incongruous and prominent feature that would be detrimental to the appearance/character of the site and street scene, thereby conflicting with the above policies.

2. Paragraph 135 of the National Planning Policy Framework (2024) 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 extensions to the dwelling and erection of a garage would result in a significant increase to the height and footprint of the existing building, which is in close proximity to the shared boundaries of 23 Station Lane, 27 Station Lane and Quinta La Mere. This excessive form of development would appear highly prominent and overbearing to occupants of Quinta La Mere and 23 Station Lane, and would also result in overlooking from rear facing openings to the garden area of 23 Station Lane. Furthermore, the introduction of side facing windows and an accessible area to the garage roof will result in significant views into the windows and current private spaces of Quinta La Mere and 27 Station Lane, thereby resulting in a significant loss of privacy. Consequently, the proposal is considered to be contrary to the above local and national planning policies.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

SITE PLAN - REC'D 04/11/24
01-2024-01P
01-2024-03P
01-2024-05P
01-2024-06P
01-2024-02P
01-2024-04P
01-2024-07P

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:		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
No Declarations Of Interest Made		