

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	16/01/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A		
Team Leader authorisation / sign off:		MP	17/01/2025
Assistant Planner final checks and despatch:		ER	17/01/2025

**Application:** 24/01468/FULHH **Town / Parish:** Mistley Parish Council

**Applicant:** Mr Matthew Kerridge

**Address:** 3 Nelson Villas The Park Mistley

**Development:** Householder Planning Application - Rear extension and rear dormer window to accommodate loft conversion.

- Town / Parish Council**  
Mistley Parish Council At its Planning Committee Meeting on the 4th November 2024, the Parish Council recommended approval.
- Consultation Responses**  
Not applicable to this application.
- Planning History**  
None relevant.
- 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.

- 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>

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

- 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

PPL8 Conservation Areas

Supplementary Planning Guidance:

Essex Design Guide

## 7. **Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of a two storey terraced dwelling located within the development boundary for Mistley. The house is constructed from brick with a characteristic bay window.

The house and its neighbours are set off of the main highway with New Road and share an access to the houses with some limited parking down the lane. The area comprises of predominantly two storey houses with narrow rear gardens with many having already previously extended rearwards.

### Proposal

This application seeks planning permission for the following;

- Erection of a single storey rear extension which will wrap around a previous enlargement and measure 8.35m in depth, 4.86m in width and be of a flat roof design. The new addition will allow for a kitchen/diner and will be constructed from brick to the rear with its side walls being finished in render; and
- Rear facing dormer window to accommodate the conversion of the loft space into a habitable room. The proposed dormer window will allow for two new openings at second floor with the plans indicating it will be finished in boarding.

The plans have been amended since the initial receipt of the application and now show the removal of the front dormer window and the introduction of two velux rooflights. The new rooflights are considered permitted development and therefore have not been assessed as part of this application.

### Assessment

#### Visual Impact

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 Essex Design Guide requests that *“Dormers should be a minor incident in the roof plane. Their purpose should be to light the roof-space, not to gain extra headroom over any great width. They should not be located close to verges or hips and should have gabled, cat-slide or flat lead roofs.”*

#### *Single storey rear extension*

The proposed extension will be to the rear and screened by the host dwelling and its neighbours, preventing prominent views onto the public realm.

The rear elevation will be constructed from brick whilst the side elevations will be render. The use of render will differ to the brick on the existing house, however given that this element is to the rear and

screened by surrounding buildings the use of such would not be apparent in the public realm and would not have an adverse impact to the character of the area.

The site is of a suitable size to accommodate the proposed extension and still retain a usable area of private amenity space.

This part of the proposal is therefore considered a suitable enlargement which would not adversely impact the character/appearance of the house or locale.

#### *Rear facing flat roof dormer window*

The proposed dormer window to the rear will be largely screened by the host dwelling due to its rearward setting, preventing it from resulting in a harmful impact to the appearance of the street scene.

The plans show that the proposal will be finished in boarding which will differ to the tiles within the existing roof slope. The neighbouring dwelling of 2 Nelson Road benefits from an existing dormer window finished in boarding, whilst other properties in the locale have also made use of boarding on previous additions and alterations. It is noted that as this element will be to the rear and predominantly screened by the host dwelling that the use of boarding here would not appear prominently or adversely within the street scene and is therefore acceptable in this instance.

This part of the development is therefore considered a suitable enlargement which would not result in an adverse impact to the overall character/ appearance of the house or street scene.

#### Heritage Impact

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 210 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 conservation area appraisal for the area depicts the site and local area as "*The return leg of The Park to the south has a public footpath going out into open countryside. The back gardens of the above cottages face a range of terraced houses. The first group is rendered and painted in creams, but the next groups are mostly in red brick, with doorcases virtually the only surviving original details.*"

#### *Rear Dormer Window*

The proposed dormer window will be located to the rear of the existing house and predominantly screened from public view by the host dwelling and its neighbours.

The new enlargement will match the ridge height of the existing house and will extend across much of the width of the host dwelling. The proposal will be proportionate to the roof slope allowing for some space around it to prevent it from appearing cramped. It is also noted that other houses within the locale in particular 2 Nelson Villas have also completed dormer enlargements to the rear which vary in size and materials.

The proposed plans suggest that boarding will be used in the finish which would be acceptable, however details of this have not been provided. Given the limited information received regarding the materials and its conservation area setting a condition will be imposed requesting further information on these to be submitted and approved to ensure they are appropriate.

### *Single storey rear addition*

The proposed extension to the house will be single storey appearing as a subservient addition to the main house, which would not adversely impact to the character/appearance of the conservation area as it will be screened from the public realm by the host dwelling and neighbouring buildings.

The plans indicate the proposal will be finished in render however a colour has not been specified. The surrounding dwellings vary in terms of materials and given the rearward setting prominent views of the enlargement would not be achieved and therefore the proposal is considered not to result in a harmful impact to the character/appearance of the conservation area.

Given the limited information received regarding the materials and its conservation area setting a condition will be imposed requesting further information on these to be submitted and approved to ensure they are appropriate.

Notwithstanding the approval of materials to be agreed at a later date, it is considered the introduction of an extension and dormer enlargement is acceptable and would not result in such a significant harm to the character/appearance of the conservation area to refuse planning permission upon.

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 (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.

### *Rear facing dormer window*

The proposed rear facing dormer window, due to its positioning high within the roof slope, would not result in a loss of light or outlook. The new window will achieve views into the adjoining neighbouring gardens, however these houses already benefit from first floor and second floor windows which achieve clear views into these areas. The proposal would therefore not result in a significant increase into the loss of privacy.

### *Single Storey Rear Extension*

The proposed rear extension is single storey with a flat roof design. There are no new openings proposed within the side walls preventing it from resulting in a significant loss of privacy to the neighbouring sites.

The extension will be noticeable to the adjoining neighbours as it will be constructed in close proximity to the boundaries.

The neighbour to the south west is 4 Nelson Villas and benefits from a single storey extension to the rear approved under planning reference 22/01220/FULHH, which is completed and occupied. There is also planting and fencing in situ along the shared boundary. The proposed extension will extend beyond this neighbour's enlargement by 4.5m, and given the small projection it is considered that this element would not result in a significant loss of light and outlook in this regard.

The neighbour to the north west is 2 Nelson Villas. The application house and its neighbour both benefit from existing two storey projection elements on their rear elevations, allowing for a recessed element further back with a rear back door. This neighbour benefits from a further single storey rear

extension. This neighbour's extension is not constructed onto the boundary and part of the house remains recessed back in line with the host dwelling. The rear addition will result in some level of loss of light and outlook to this neighbour as it will be sited along the shared boundary, although it is noted that the proposal will be single storey and therefore not impact the views/light to this neighbour's first floor windows. The neighbour has a ground floor door to the rear elevation and a number of windows within the side wall of the existing extension. These side facing windows currently look onto the boundary fencing receiving little light and outlook at present. Whilst the proposal will result in some level of impact to these side facing windows, this impact would not be significant as the windows already receive little amenity at present. The proposal will result in a loss of outlook and light to the rear facing door and the sunlight/daylight calculations have been applied to the proposal. The 45-degree line in plan would encompass this opening, however in plan would strike through the lower section of it. The proposal therefore passes the test and the level of light lost and outlook lost in this situation would not be so significant to justify recommending a reason for refusal.

### 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 be recommended for a approval then 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 (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for householders and the 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.

### Other Considerations

Mistley Parish Council have no objections to the proposal.

There have been no letters of representation received.

The Tree and Landscape Officer has been consulted and has confirmed that no important trees or other significant vegetation will be adversely affected by the proposed development.

There is no need for soft landscaping to be carried out as the proposed extension is to the rear of the existing dwelling and will not be visible from the public realm.

### Conclusion

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

## 8. Recommendation

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. 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.

5731 - AMENDED PROPOSED FLOOR PLAN, ELEVATIONS AND INTERNAL SECTION - REC 12/01/25

5731 A - AMENDED SITE PLAN, BLOCK PLAN, EXISTING AND PROPOSED FLOOR PLANS - REC 12/01/25

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. FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

## 10. **Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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 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**

<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>	