

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	12/03/25
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	13/03/2025
Assistant Planner final checks and despatch:	ER	14/03/2025

Application: 25/00141/FULHH **Town / Parish:** Mistley Parish Council

Applicant: Mr and Mrs Walker

Address: 6 Firefly Close Mistley Essex

Development: Householder Planning Application - Single storey rear extension.

1. Town / Parish Council

Mistley Parish Council No objections received.

2. Consultation Responses

None applicable

3. Planning History

18/01994/OUT	Outline planning application for the erection of up to 100 dwellings with associated vehicular access, landscaping, open space, car parking and pedestrian links.	Refused Allowed at appeal	23.07.2019
20/01429/DETAIL	Reserved matters application for the erection of up to 100 dwellings with associated vehicular access, landscaping, open space, car parking and pedestrian links.	Approved	10.03.2021
20/01433/DISCON	Discharge of condition 6 (landscape management plan) of application 18/01994/OUT.	Approved	28.10.2020
20/01434/DISCON	Discharge of conditions 9 (surface water drainage scheme), 10 (foul water strategy) and 11 (maintenance of surface water drainage system) of application 18/01994/OUT.	Approved	05.03.2021
20/01436/DISCON	Discharge of condition 12 (public right of way improvements) of application 18/01994/OUT.	Approved	08.03.2021
20/01437/DISCON	Discharge of conditions 14 (biodiversity enhancement scheme) and 15 (HRA mitigation) of application 18/01994/OUT.	Approved	02.11.2020
21/00794/DISCON	Discharge of condition 8 (Archaeology	Approved	01.06.2021

	WSI) of approved planning application 18/01994/OUT		
21/00840/DISCON	Discharge of Conditions 7 (Construction Management Plan) of approved planning application 18/01994/OUT.	Approved	20.07.2021
21/00940/DISCON	Discharge of Conditions 19 (Broadband) of approved planning application 18/01994/OUT (allowed at appeal).	Approved	20.07.2021
21/01516/DISCON	Discharge of condition 16 (Details of levels, lighting, means of enclosures parking for bicycles and storage for refuse and recycling) of 18/01994/OUT allowed under appeal APP/P1560/W/19/3238064.	Approved	11.01.2022
21/01954/VOC	Variation of condition 1 (Plans) of application 20/01429/DETAIL to amend the layout of 4 apartments (Plots 26-29).	Approved	17.02.2022
22/01184/ADV	Consent to retain 4x post mounted marketing signs creating 2 V boards and 10x flagpoles and flags.	Approved	24.03.2023
22/01491/DISCON	Discharge of condition 18 (Travel pack) of application 18/01994/OUT.	Approved	16.09.2022
22/01702/DOVU5	<p>Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 30 January 2020 linked to outline planning permission 18/01994/OUT (allowed under appeal reference APP/P1560/W/19/3238064), to amend:</p> <ul style="list-style-type: none"> - To amend the initial percentage of equity sold on SO units to 10-75% of the market value. - To amend the MIP clause so it is in line with current lender requirements for charging at MVST. - To insert a provision which will allow the rent on affordable rented units to be increased by CPI + 1% per annum. - To include an enforceability clause which removes liability from owner-occupiers or tenants of individual dwellings, the RP or the RP mortgagee, save for in respect of the affordable housing obligations. - To exclude tenants who have been granted a SO Lease and staircased to 100%, or their mortgagees from liability in respect of the affordable housing obligations. 	Approved	30.05.2024
22/01994/DISCON	Discharge of condition 8 (Archaeology) of application 18/01994/OUT	Approved	27.01.2023

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

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

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 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

Supplementary Planning Guidance:

Essex Design Guide

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two-storey detached house located within the development boundary. The house benefits from an existing porch/ canopy feature to the front and garage to the side. The house itself faces onto an area of public amenity with a pathway located to the west of the site. Within the rear, the garden is laid to lawn with fencing along each of the shared boundaries.

The surrounding area comprises of predominantly two storey dwellings of varying design upon a new development currently under construction.

Proposal

This application seeks planning permission approval for the erection of a rear extension to from a “snug” to the rear of the house. The extension will measure 5.45m in depth and 3.895m in width and will include a pitched roof design with the height to ridge measuring 3.7m. The plans provided confirm that the proposed extension will be constructed from brick to match the existing house.

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 proposal will be sited to the rear of the existing house and will comprise of a pitched roof design. The application house itself faces an area of public amenity, and its side boundary is shared with a footpath meaning that the addition will be publicly visible within the public realm.

The proposed addition will be set in from the site's boundaries, would be single storey in scale and will make use of matching materials to the existing house, which will allow it to appear sympathetic with the host dwelling. The existing fence, in situ along the shared boundary, will further aid in screening the proposal by reducing its impact further and therefore preventing it from appearing as a prominent or intrusive feature within the street scene.

The proposed addition is of a suitable size and scale and will be finished in materials which are consistent with the existing house.

The rear garden is adequate in size to accommodate the proposal and still retain a usable area of private amenity space.

The proposed extension is therefore considered a suitable addition to the existing house which would not result in an adverse impact to the character/ appearance of the host dwelling or local 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.

The proposal is of a minor nature which will be sited sufficiently away from the shared boundaries of the site, thereby preventing a significant loss of amenities to neighbouring sites.

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. 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, 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.

Other considerations

There have been no letters of representation received.
Mistley Parish Council has no objections to the proposal.

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.

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.

- P01 - Block Plan, Existing And Proposed Elevations And Floor Plans - Rec'd 29/01/25
- P02 - Site Plan - Rec'd 29/01/25

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.

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 and Biodiversity

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:
<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		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