

## **DELEGATED DECISION OFFICER REPORT**

| <b>AUTHORISATION</b>                                         | <b>INITIALS</b> | <b>DATE</b> |
|--------------------------------------------------------------|-----------------|-------------|
| Planning Officer recommendation:                             | AN              | 05/06/25    |
| EIA Development - Notify Planning Casework Unit of Decision: | N/A             |             |
| Pre-commencement condition agreement:                        | N/A             |             |
| Team Leader authorisation / sign off:                        | ML              | 06/06/2025  |
| Assistant Planner final checks and despatch:                 | ER              | 06/06/2025  |

**Application:** 25/00173/FULHH

**Town / Parish:** Great Bromley Parish Council

**Applicant:** Mr David Roberts and Miss Catherine Eagle

**Address:** Lynton Ardleigh Road Great Bromley

**Development:** Householder Planning Application - two storey side and rear extension, and first floor and single storey rear extensions (following demolition of existing side and rear extensions).

### **1. Town / Parish Council**

Great Bromley Parish Council      Great Bromley Parish Council objected to the application due to the size and the scale of the additional buildings, and was concerned about overdevelopment, loss of light to neighbouring property, and impact on the next-door neighbour.

### **2. Consultation Responses**

None required

### **3. Planning History**

25/00173/FULHH      Householder Planning Application - two storey side and rear extension, and first floor and single storey rear extensions (following demolition of existing side and rear extensions).      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>

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 2025 ([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)

SP 1 Presumption in Favour of Sustainable Development

SP 3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

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

### Site Description

The application site comprises a two-storey semi-detached dwelling known as Lynton located to the east of Ardleigh Road. To the north lies a small number of residential dwellings in a ribbon pattern along Ardleigh Road. To the east lies the residential garden of the host dwelling with farmland beyond. To the south lies an agricultural field.

The site is located outside of the defined settlement development boundary of Great Bromley.

### Proposal

The application seeks planning permission for a two storey side and rear extension, and first floor and single storey rear extensions (following demolition of existing side and rear extensions).

The existing and proposed side elevations to the adjoining neighbour were missing but have now been provided.

### Representations

The Parish Council object to the application due to the size and the scale of the additional buildings, and are concerned about overdevelopment, loss of light to neighbouring property, and impact on the next-door neighbour.

These matters are all addressed in the report below.

No other representations have been received.

### Design, Scale, Layout and Appearance

Paragraph 131 of the National Planning Policy Framework states that 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.

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 provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surrounding.

The proposed extensions would be constructed with facing brickwork to match the existing dwelling with a small area of hardiboard cladding to the first-floor rear extension. Roof and fenestration materials would match the existing dwelling. There is no objection to the proposed materials.

The proposed two storey side extension is more than double the existing width of the house and is poorly proportioned in relation to the existing semi-detached dwelling. This extends to the rear of the property at two storey and with a first floor extension with lower central rear gable and will appear bulky and out of scale with the host dwelling. Furthermore, the single storey rear extension extends around 9 metres beyond the existing rear elevation and to a height of 4.6 metres along the neighbouring boundary resulting in a cramped appearance to the detriment of visual amenity. These extensions would also be visible at long distance across the neighbouring field exacerbating the harm to visual amenity and the character of the surrounding area, contrary to the above policies.

### Residential Amenity

Paragraph 135 of the NPPF states that decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy SPL3 of the Local Plan must meet the criteria where buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

The adjoining neighbour Newlyn appears to have the same layout as the host dwelling, excluding the lobby and garden room extensions, which are proposed for demolition. They have a small obscure glazed window on the rear elevation at ground floor level which appears to be a secondary window serving the kitchen and is currently located between their own rear offshoot and the host dwelling thereby receiving heavily restricted light and outlook. The neighbour also has a shed on the boundary alongside the existing garden room which is proposed for demolition. The proposed single storey rear extension runs along the shared boundary and is just over 9 metres long. The pitched roof is L shaped with a side gable at the end. The ridge is around 4.6 metres high so is rather imposing being sited on the shared boundary. It appears that the neighbour's rear offshoot contains a bathroom with no windows facing rearwards or towards the proposed extension. Both properties also have very long rear gardens. It is therefore considered that the impact of the proposed single storey rear extension on the light and outlook of the adjoining neighbour would not be so harmful as to justify refusing planning permission on these grounds. There are no windows/doors on the facing elevation of the proposed single storey rear extension, however given its siting on the boundary permitted development rights for openings would need to be removed on any approval to preserve privacy.

The two storey side extension would not materially impact the light, outlook or privacy of the neighbour being located off the end flank of the dwelling. The forward-facing windows would overlook the front garden area and the street, being sufficiently separated from the dwellings opposite to prevent any harm to their amenities.

The two storey extension continues round to the rear with two staggered rear facing gables. The adjoining neighbour has one rear facing first floor window, believed to serve a bedroom. The closest rear gable is 4.1 metres deep but has been designed not to intercept the 45 degree line from the

centre of the neighbouring window thereby not having such a significant impact upon the outlook from that first floor window to justify refusing planning permission on those grounds.

In terms of privacy, the rear gable introduces a new bedroom 2 window and a Juliet balcony to bedroom 1 which is farthest from the neighbour. The bedroom window is a comparable distance from the shared boundary as the existing rear facing bedroom window but at greater depth. There is also a two storey neighbour to the other side of Newlyn which has windows overlooking their garden. There would not therefore be significant harm to privacy from the proposed rear extensions.

In terms of loss of light from the proposed two storey rear extensions, they are located to the south east of Newlyn so will result in some loss of sunlight. The proposed extensions do not intercept the 45 degree line from the centre of the neighbouring window in plan or elevation so there will not be a significant loss of daylight. Overall, the loss of light to the neighbour at Newlyn is not considered significant or grounds for refusal.

Given the limited windows facing the proposed extensions/rearwards the impact on the outlook from within the neighbouring dwelling at Newlyn would not be significantly harmful. However, it is considered that the combined mass of the proposed single storey and two storey rear extensions, and the siting on the boundary of the excessively deep single storey rear extension, would result in an oppressive and overbearing development when viewed from the neighbour's rear garden resulting in significant harm to their amenity contrary to the above policies.

Ample rear garden remains to provide adequate private amenity space for the extended dwelling.

#### Parking provision

The proposal represents substantial extensions to the host dwelling, however there is ample off street parking to serve the needs of the development.

#### Habitats, Protected Species and Biodiversity Enhancement

##### 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 would be imposed on any approval 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 and 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.

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 matters

It is noted there is a telegraph pole sited just inside the neighbour's land adjacent to the proposed extension. An informative would be imposed on any approval regarding securing any necessary consent for works in this area.

### Conclusion

The proposed extensions are considered excessively large for the host semi-detached dwelling to the detriment of visual amenity, and to the detriment of the amenity of the neighbouring occupiers of Newlyn when enjoying their rear garden. The application is therefore recommended for refusal.

## **8. Recommendation**

Refusal

## **9. Conditions**

1. The host dwelling is a modest semi detached property which reflects the prevailing character and appearance of the area, and its adjoining neighbour. The proposed two storey side extension is more than double the existing width of the host dwelling and is poorly proportioned in relation to the existing semi-detached dwelling. The first floor/two storey rear extensions also appear bulky and out of scale with the host dwelling. Furthermore, the single storey rear extension extends around 9 metres beyond the existing rear elevation and to a height of 4.6 metres along the neighbouring boundary resulting in a cramped appearance to the detriment of visual amenity. These extensions would also be visible at long distance across the neighbouring field exacerbating the harm to visual amenity and the character of the surrounding area, contrary to paragraph 131 of the National Planning Policy Framework and Adopted Tendring Local Plan Policies SP7 and SPL3.

2. Furthermore, it is considered that the combined mass of the proposed single storey and first floor/two storey rear extensions, and the siting on the boundary of the excessively deep single storey rear extension, would result in an oppressive and overbearing development when viewed from the adjoining neighbour's rear garden. This would result in significant harm to their amenity contrary to paragraph 135 of the National Planning Policy Framework and Adopted Tendring Local Plan Policy SPL3.

## **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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

### Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reasons 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 – Received 03.02.2025  
Drawing No. 17-2024-03 PA  
Drawing No. 17-2024-04 P  
Drawing No. 17-2024-05 PA

## 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 |