

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 13 March 2018 at 07:15 PM**

**Council Chamber, Braintree District Council, Causeway House, Bocking  
End, Braintree, CM7 9HB**

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)**

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Public Question Time – Registration and Speaking on a Planning Application/Agenda Item**

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**WiFi:** Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

**Health and Safety:** Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

**Mobile Phones:** Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

**1 Apologies for Absence****2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 27th February 2018 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications and to agree whether either of the more minor applications listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before the application listed under Part A.

**PART A**

Planning Application:-

**5a Application No. 17 02068 FUL - 23 Church Road, RIVENHALL 5 - 19****PART B**

Minor Planning Applications:-

**5b Application No. 17 02282 FUL - Barrells Meadow, Kirby Hall Road, CASTLE HEDINGHAM 20 - 27****5c Application No. 18 00093 FUL - Elmhurst, Waltham Road, TERLING 28 - 34****6 Urgent Business - Public Session**

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**7 Exclusion of the Public and Press**

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

**Page**

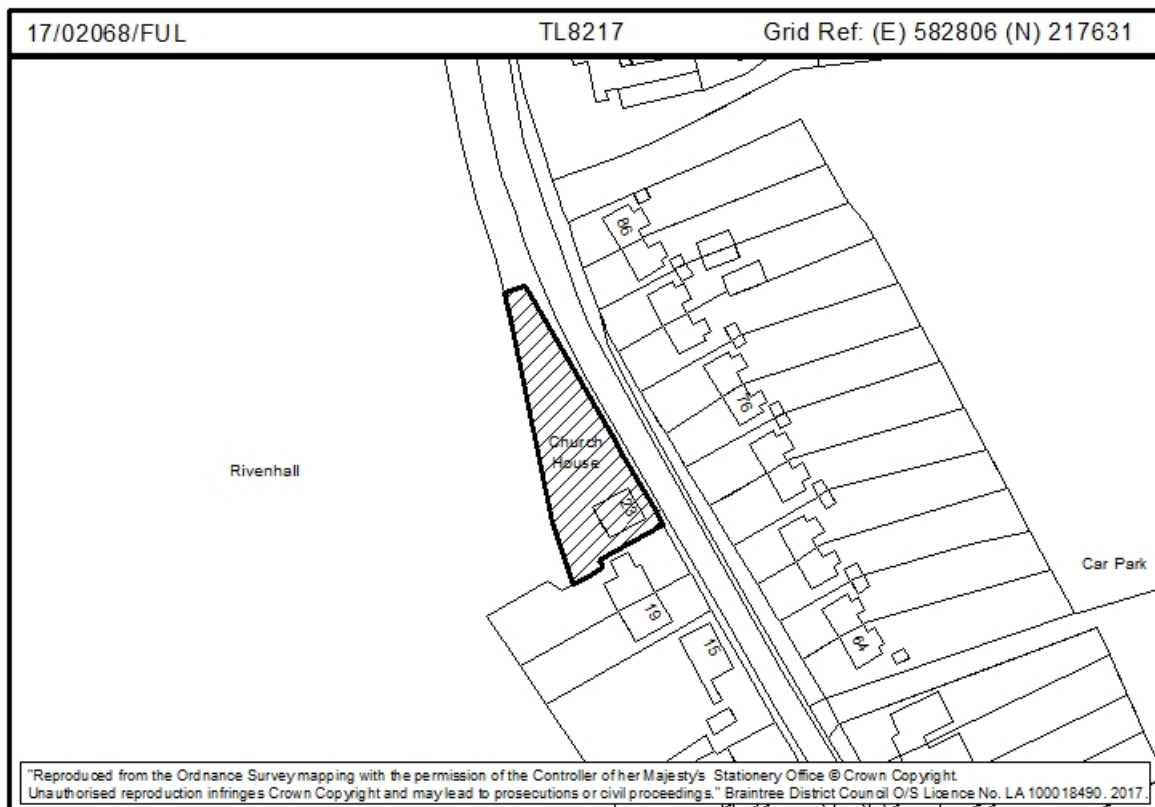
**8 Urgent Business - Private Session**

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

## PART A

APPLICATION NO:	17/02068/FUL	DATE VALID:	23.11.17
APPLICANT:	Mr Peter Gurton 56 Temple Lane, Rivenhall, Witham, Essex		
AGENT:	Mr Jonathan King Milneburg, Warren Lane, Colchester, Essex, CO3 0LJ		
DESCRIPTION:	Demolition of existing dwelling and erection of 2 no. replacement dwelling houses		
LOCATION:	23 Church Road, Rivenhall, Essex, CM8 3PQ		

For more information about this Application please contact:  
Mathew Wilde on:- 01376 551414 Ext. 2512  
or by e-mail to: [mathew.wilde@braintree.gov.uk](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to the officer's recommendation.

## SITE DESCRIPTION

The site comprises an existing detached dwelling located on Church Road in Rivenhall. The site is located partially in and partially out of the village envelope for Rivenhall. The site is therefore at the very edge of the village before it spans partially into the setting of Grade II Listed Buildings and a Grade I Listed Church beyond. The site backs onto open agricultural fields.

## PROPOSAL

The application in this case proposes to demolish the existing dwelling at the site and erect two detached dwellings with a shared access in the middle. The hedge that fronts the northern part of the site with Church Road is proposed to be retained.

## CONSULTATIONS

### Braintree Environmental Health

No objections subject to conditions in respect of site clearance, dust and mud and piling details if proposed.

### Essex County Council Historic Buildings Consultant

No objection to the development:

*“There is a deliberate placement of the Church to the north of the settlement for functional and historic reasons, and the visual prominence makes an important contribution to how the asset is understood and experienced. This physical prominence and separation is therefore considered to make an important contribution to the significance of this listed building, as well as to the significance of the school and schoolhouse. The new development will partially fill a currently open area to the south-west of these two heritage assets, bringing the settlement edge on the western side of the road roughly level with the built form opposite on the eastern side. This is therefore considered to partially alter the environment in which the listed building is experienced, but it is considered that it will read as part of the existing modern development at the northern end of Rivenhall.*

*I therefore do not believe that the development of the site will harm the significance of either identified listed building. However I would have concerns if this development was proposed to be continued further to the north, as it would then harm the visual and physical primacy of the two listed buildings, in a manner which would be harmful to their significance”*

### Essex County Council Highways

No objection subject to conditions in respect of the widths of private drives, no unbound materials and garage sizes.

### Braintree Landscape Services

No objection to proposal. Suggest condition that development in accordance with plans.

## REPRESENTATIONS

Three responses have been received from No.78 and No.21 Church Road Rivenhall outlining the following summarised concerns:

- Noise / vibration levels, pollution and waste management
- Road traffic management during construction and length of project
- Design of properties in line with traditional village style
- Negative impact upon natural environment – loss of hedgerow
- Loss of historical building
- Loss of light
- Ingress and egress routes
- Two detached properties too large for site
- Outside of village envelope

## REPORT

### Principle of Development

The site is located partially within the Rivenhall village envelope and partially outside of the village envelope. Two detached dwellings are proposed on the site. Where the footprint of the dwellings would be sited, they would be located within the village envelope. It is the garden area for the northernmost dwelling that would be located outside of the village envelope. In any case, the site is on land designated as 'Countryside' by the Braintree District Local Plan Review and the Braintree District Core Strategy. Policy RLP2 of the Braintree District Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Braintree District Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The National Planning Policy Framework (NPPF) states in (para 14) that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. More specifically, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

Currently the Council's statutory development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Spatial Strategy outlined in the Braintree District Core Strategy sets out in Paragraph 4.15 that new development should preserve and enhance the character of the rural heartland of the Braintree District, its countryside and villages, by supporting development that is needed to make settlements and

the rural economy more sustainable and protect and enhance the natural environment and; to concentrate the majority of new development and services in the main towns of Braintree, Witham and Halstead, at new Growth Locations at Braintree and Witham and in the Key Service Villages (Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End).

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. Although the National Planning Policy Framework sets out a 'presumption in favour of sustainable development', Paragraph 55 is clear that for development to be considered sustainable in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes unless there are special circumstances such as the essential need for a rural worker to live permanently at the site, where development would represent the optimal viable use of a heritage asset, would re-use redundant or disused buildings or the design of the development is of exceptional quality'. In previous appeal decisions an Inspector noted that the NPPF does not define or limit the meaning of 'isolated' but considered that there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.

Notwithstanding the above, members are asked to note a recent High Court Judgement in respect of a proposal for a development of two new dwellings near Blackmore End. The District Council had challenged the Inspectors decision to grant permission for the two dwellings, taking particular issue with the Inspector's view on whether the proposal would create isolated homes in the countryside. The High Court decision, gives a legal interpretation of the definition of "isolated" in the context of its use in the NPPF. This interpretation is that "isolated" should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the functional and physical. Therefore we must consider the application of this test as to whether the proposal is physically proximate to other dwellings, rather than considering a wider analysis of the functional relationship to services and settlements. At this time the interpretation of the High Court is the law on this point, however the Council are currently challenging this judgement and therefore this has some impact on the weight given to this decision.

### 5 Year Land Supply

Notwithstanding all of the above, the NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing. Members

will be aware that the Council currently have a forecast supply prediction which indicates a shortfall in supply.

A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The impact of this is demonstrated at paragraph 14 which states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads

Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF. The merits of the application are discussed below with the planning balance concluded at the end of the report.

#### Impact on Heritage Assets

The NPPF states that it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17).

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Braintree District Core Strategy and Policy LPP 60 of the emerging Draft Publication Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The site falls to the northern edge of the linear settlement, and to the south-west of the Parish Church of St. Marys and All Saints and to Rivenhall C of E School and school house. The proposed two dwellings would partially fill a currently open area of garden to the south-west of these two heritage assets, bringing the settlement edge on the western side of the road roughly level with the built form opposite on the eastern side. It is considered this would partially alter the environment in which the listed building is experienced, but would overall be interpreted as part of the existing modern development at the northern end of Rivenhall. As a consequence of the above, the Historic Buildings Consultant does not consider that there would be detrimental harm associated with the development on any heritage assets and as such offers no objection.

The existing dwelling is purported to be of historic significance by the Parish and neighbouring residence. The building is not however listed and the Historic Buildings Consultant did not consider it to be a non-designated heritage asset. It is therefore considered the demolition of the existing dwelling is acceptable.

#### Design, Appearance and Layout

Furthermore, Paragraph 56 the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 55 of the emerging Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedrooms should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Braintree District Local Plan Review requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The application propose to demolish the existing dwelling and instead erect two handed detached dwellings with a total footprint of approx. 83sq.m and a shared double garage measuring 7m in depth by 3m in width. The dwellings would utilise a new shared access to the front of the site. Each dwelling would contain four double bedrooms. The dwellings would be rendered, and would have front bay windows and a brick plinth. The wider character of this area of Church Road is mixed with render and brick the prevailing materials of choice. It is considered the houses in this case would not look out of character with other dwellings in Church Road and would reflect a simple and traditional design.

The dwellings would both comprise garden amenity areas in excess of 100sq.m; the southernmost plot garden would be at the rear, while the northernmost plot the garden would primarily be at the side and therein outside of the village envelope. The northernmost dwelling would be positioned quite tight to the rear boundary but would not appear cramped in the front elevation and still manage to provide functional garden space in excess of the standards. However, in order to preserve the openness at the site and avoid further harmful development it is proposed that Permitted Development Rights for Extensions, Outbuildings and Fences be removed. The fences in particular will mean that the Local Planning Authority will be able to control any new boundary treatment proposed behind the hedge along the road frontage to minimise any possible harm.

Each dwelling would also comprise one parking space in the garage and one parking space immediately behind the garage. Each would conform to the

standards. Taking into account all of the above, it is considered the development would be acceptable from a layout and design perspective.

### Impact on Neighbour Amenities

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Braintree District Local Plan Review states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The site is located adjacent to the countryside on the north and west aspects but to the south is adjacent to No.21 Church Road. The proposed southernmost dwelling would be sited closer to No.21 than the existing dwelling but would not be of a dissimilar size or bulk. The position would also be relatively parallel with the siting of No.21. As such, taking into account the above, it is considered there would not be a detrimental impact upon neighbouring properties as part of the proposal.

### Highway Issues

The application would create a new access for both units. Essex Highways have no objection to this subject to three conditions. The most notable of which is as follows:

*“Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the verge.”*

The proposed plans accommodate the required set-back and widths. It is considered therefore that the proposal conforms to relevant standards and is considered acceptable in this regard.

### Landscape & Ecology

RLP84 of the Braintree District Local Plan Review states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the emerging Braintree District Publication Draft Local Plan.

Tree surveys and a tree protection plan have been submitted as part of the application. The plans show that the hedgerow to the front of the site will be thinned from inside the site but would retain its depth and spread adjacent to the road. The Landscapes Officer consequently has no objections in this regard subject to a condition in respect of the tree protection plan / fencing being implemented prior to works commencing.

## Other Issues

### Construction Activity

Concerns have been raised with regard to the noise of construction activity and possible damage to the access track from commercial vehicles at the rear of the property. Construction activity however is a temporary disturbance that is associated with any development. The Local Planning Authority cannot reasonably refuse an application because construction works may temporarily disturb neighbouring properties. A condition would however be imposed to ensure that construction works would not occur outside of unreasonable hours.

### Planning Balance

As set out in Paragraph 7 of the NPPF, sustainable development has three dimensions; an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant.

In terms of benefits, the proposal would provide a small economic benefit during construction. It would also contribute (albeit in a very modest way) to housing supply with the addition of 1 dwelling. It would contribute a good quality of development in accordance with the standards.

In terms of harms, the site is located primarily within the village boundary of Rivenhall where there is access to limited services and facilities. The proposed dwellings would not however cause significant harm to the setting of heritage assets and thus would not trigger the untitled balance. The application is therefore required to be determined in the titled balance as set out in Paragraph 14 of the NPPF.

## CONCLUSION

As such, in the tilted balance, due to all of the above, when considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the development would not be outweighed by the adverse impacts. Therefore, when conducting the planning balance in the context of Paragraph 7, 14 and 49 of the NPPF, it is considered that the development in this case is acceptable.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Location Plan	Plan Ref: 127-001 rev A	
Proposed Block Plan	Plan Ref: 127-101	Version: A
Proposed Floor Plan	Plan Ref: 127-102	
Proposed Floor Plan	Plan Ref: 127-103	
Proposed Elevations	Plan Ref: 127-104	
Proposed Floor Plan	Plan Ref: 127-106	
Proposed Floor Plan	Plan Ref: 127-107	
Proposed Elevations	Plan Ref: 127-108	
Proposed Elevations	Plan Ref: 127-109	
Garage Details	Plan Ref: 127-110	Version: A
Garage Details	Plan Ref: 127-111	Version: A
Street elevation	Plan Ref: 127-112	Version: A
Tree Plan	Plan Ref: Arboricultural Method Statement and Tree Protection Plan	
Tree Plan		

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

#### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

#### Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 Above ground construction of the residential building hereby permitted shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

#### Reason

To ensure that the development does not prejudice the appearance of the locality.

- 4 Prior to their installation details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local

planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently retained as such.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 5 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

- 8 No development shall commence until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority. The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction phase of the development.

Reason

During construction, the creation of dust and the displacement of mud is commonplace. These details are required prior to the commencement of development to ensure that a scheme is in place to mitigate the dust and mud created at the site, to prevent it being transferred onto the highway and also in the interests of residential amenity.

- 9 There shall be no discharge of surface water onto the public highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses / provision of any building within the curtilage of the dwelling-houses / alteration of the dwelling-houses, as permitted by Class A & E of Part 1 and Class A Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To ensure the development does not prejudice the appearance of the locality.

- 11 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the verge

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 12 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays & Sundays - no work

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

- 13 Both garages should have a minimum internal measurement of 7m x 3m.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 14 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Writtle Forest Consultancy, dated 01.11.17. The approved development shall be carried out in accordance with the tree protection plan reference 001 rev 1.

Reason

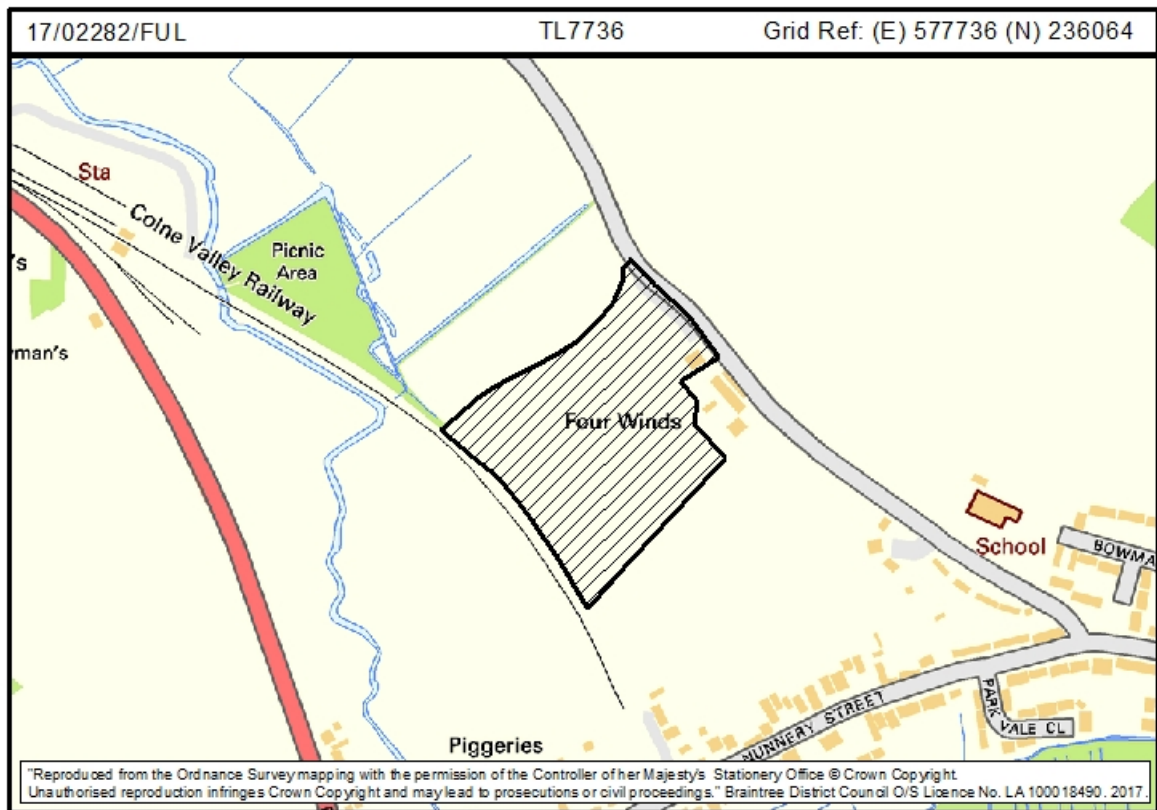
To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/02282/FUL  
 DATE: 21.12.17  
 VALID:  
 APPLICANT: Mr Dean Barrell  
 Barrells Meadow, Kirby Hall Road, Castle Hedingham,  
 Essex, CO9 3EA  
 AGENT: Stephen Hatcher  
 32 Foundry Way, Rayne, Braintree, CM776AE  
 DESCRIPTION: Proposed new machinery storage barn  
 LOCATION: Barrells Meadow, Kirby Hall Road, Castle Hedingham,  
 Essex, CO9 3EA

For more information about this Application please contact:  
 Melanie Corbishley on:- 01376 551414 Ext. 2527  
 or by e-mail to: [melanie.corbishley@braintree.gov.uk](mailto:melanie.corbishley@braintree.gov.uk)



## SITE HISTORY

10/01302/FUL	Erection of 3 no. portacabins to form male and female WC and shower blocks and laundry room, sewage treatment plant, provision of new earth bund, access roads and parking area	Refused	11.01.11
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## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent

with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP143	Touring Caravan and Camping Sites

### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

### Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LLP9	Tourist Development within the Countryside
LPP50	Built and Historic Environment

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, because an objection has been raised by the Parish Council, contrary to Officer recommendation.

### SITE DESCRIPTION

The application site currently comprises a large grass field which lies on the south-west side of Kirby Hall Road. A vehicular access to the field lies approximately 150 metres north-west of the dwelling that is known as Four Winds. The access road onto the site appears quite prominent visually with telegraph poles marking the edges of the track and rubble and hardcore used to reinforce the surface. This access also provides a northern access to the existing complex of outbuildings on the site.

The field is currently used for camping and caravanning. The site benefits from a camping and caravan exemption certificate, which means planning

permission is not required for the use. Camping and caravanning can therefore operate lawfully from this site.

This site is very hilly with the field rising up from Kirby Hall Road to the ridge that runs along the western side of Four Winds. The hill then falls away again from the ridge to the south and west. At the bottom of the hill, along the western boundary is a railway track which forms part of the Colne Valley Steam Railway. Approximately 200 metres further to the west is the A1017 and the housing which forms the northern part of the village is approximately 150 metres to the south of the site.

Access to the site is via Kirby Hall Road which passes the De Vere County Primary School. To the north-west of the school the road narrows and becomes largely single track with limited passing points.

Standing outside the application site on the north-eastern side, on other land owned by the applicant, is a relatively modern detached bungalow. Immediately to the north of the dwelling is a range of outbuildings. These are understood to contain a swimming pool and three units of self catering holiday accommodation, formed out of the 21 stables that had previously been erected on the site.

Although close to the village the character of the area is unmistakably that of open undulating countryside.

## PROPOSAL

The application seeks planning permission for the construction of a barn for the storage of machinery. The machinery is used in connection with the maintenance the site in connection with the existing camping use and the machinery is currently stored outside.

The barn would be located in the eastern corner of the site, close to domestic curtilage and existing vegetation.

## CONSULTATIONS

BDC Environmental Health – No objections subject to conditions in respect of construction work hours.

BDC Economic Development – No comment.

## REPRESENTATIONS

Castle Hedingham Parish Council objects to this application, and refers to their objection to a previous application at the property (10/01302/FUL) in November 2010. There has been a split of ownership and “Four Winds” has separated from what is now known as Barrells Meadow.

The Parish Council comment: “The application appears to be based on a false premise that this is a “caravan site”. Permission for this was not approved, so permission for this machinery barn to serve the “caravan holiday business” should also be refused.”

Castle Hedingham Parish Council also has concerns that there is an agricultural purpose for this machinery barn, so amounting to a change of use.

## REPORT

### Principle of Development

The application site lies outside the Village Development Envelope of Castle Hedingham and as a result Countryside Planning policies apply. Policy CS5 of the Braintree District Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Policy LLP1 of the Draft Local Plan Part 2 states that development outside development boundaries will be strictly controlled to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.

Policy RLP 40 of the Braintree District Local Plan Review states that in the countryside, the following categories of minor industrial or commercial development will normally be considered favourably, subject to their compliance with the following criteria:

- 1. The extension of existing industrial and commercial development, providing it is on a small scale compatible with the surrounding area:*
- 2. Small scale proposals, which would secure significant improvements to the local environment:*

*In order to be considered favourably, proposals should not be detrimental in terms of visual impact, noise, smell, or other pollution, or excessive traffic generation, health or safety or loss of nature conservation interests.*

*Proposals will also be subject to high standards of design, landscaping and other such requirements as may be necessary to reduce the impact of development. In considering proposals within special landscape areas, special attention will be paid to design, materials and degree of intrusion. Where permission is granted for the re-use of a rural building, further development by way of extensions, rebuilding or redevelopment will not be permitted.*

The site is in use for camping/caravanning. It is considered that the construction of a building to support an existing tourism business would be acceptable in principle, subject to the above mentioned policies and all other material considerations and will be addressed below.

## Design and Siting

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 of the NPPF states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy RLP90 of the Local Plan Review, policy CS9 of the Core Strategy and Policy LLP50 from the emerging Local Plan all seek a high standard of design and layout.

The proposed building would be sited in the eastern corner of the site, close to existing structures on the site. The building would have a traditional appearance, as it is shown to be constructed from timber weather boarding and clay plain tiles.

The building has an L shaped footprint and a floor area of approximately 222sqm. The building has an eaves height of 2.5m and overall height of 6.5m.

It is considered that the proposed development would not be visually detrimental to the character and appearance of the countryside in this area. The barn would be sited close to existing development on the site and when viewed from the lower land to the west would be read against the backdrop of the existing built form on the site. The scale and design of the proposed is acceptable given the use of traditional rural materials.

It should be noted that the machinery and materials are current stored outside or in temporary structures. The proposal at hand presents a better solution, which is in officer opinion less harmful to the character of the countryside.

The concerns of the Parish Council are noted, however this current scheme differs greatly from the porta cabin proposal refused planning permission in 2010. The proposed barn has a much more suitable design and would be located close to existing development on the site.

It is therefore considered that the design and siting of the proposal is acceptable and complies with Policy RLP90 of the Local Plan Review, policy CS9 of the Core Strategy and Policy LLP50 from the emerging Local Plan.

## Impact on Neighbour Amenities

Policy RLP90 (iii) states that there shall be no undue or unacceptable impact on amenity of nearby residential properties.

Given the distance to surrounding properties it is not considered that any of the elements of development which require planning permission would have an adverse impact on the amenities of local residents.

### Highway Issues

There are no highway matters for consideration.

### CONCLUSION

It is considered that the proposed storage barn is acceptable and would not give rise to any material harm to the character or appearance of the countryside, in compliance with policies RLP2, RLP40, RLP80 and RLP90 of the Local Plan Review, CS5 and CS9 of the Core Strategy and Policies LLP1 and LLP50 of the Draft Local Plan Part 2.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Site Plan	Plan Ref: Site plan	
Block Plan	Plan Ref: Block Plan	
Proposed Plans	Plan Ref: S/9850/1	Version: B

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

#### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The works hereby permitted shall be carried out in accordance with the approved plans listed above.

#### Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

#### Reason

To ensure that the development does not prejudice the appearance of the locality.

- 4 The timber weather boarding shall be stained black unless otherwise agreed in writing.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 5 The building hereby permitted shall not be used at any time other than for purposes of storage in connection with the use of site for camping and caravanning. It shall not be sold, transferred, leased or otherwise disposed of as an independent storage unit without first obtaining planning permission from the local planning authority.

Reason

The site lies in a rural area where development other than for a particular group of uses is not normally permitted.

- 6 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

To enhance the appearance of the development and in the interests of amenity.

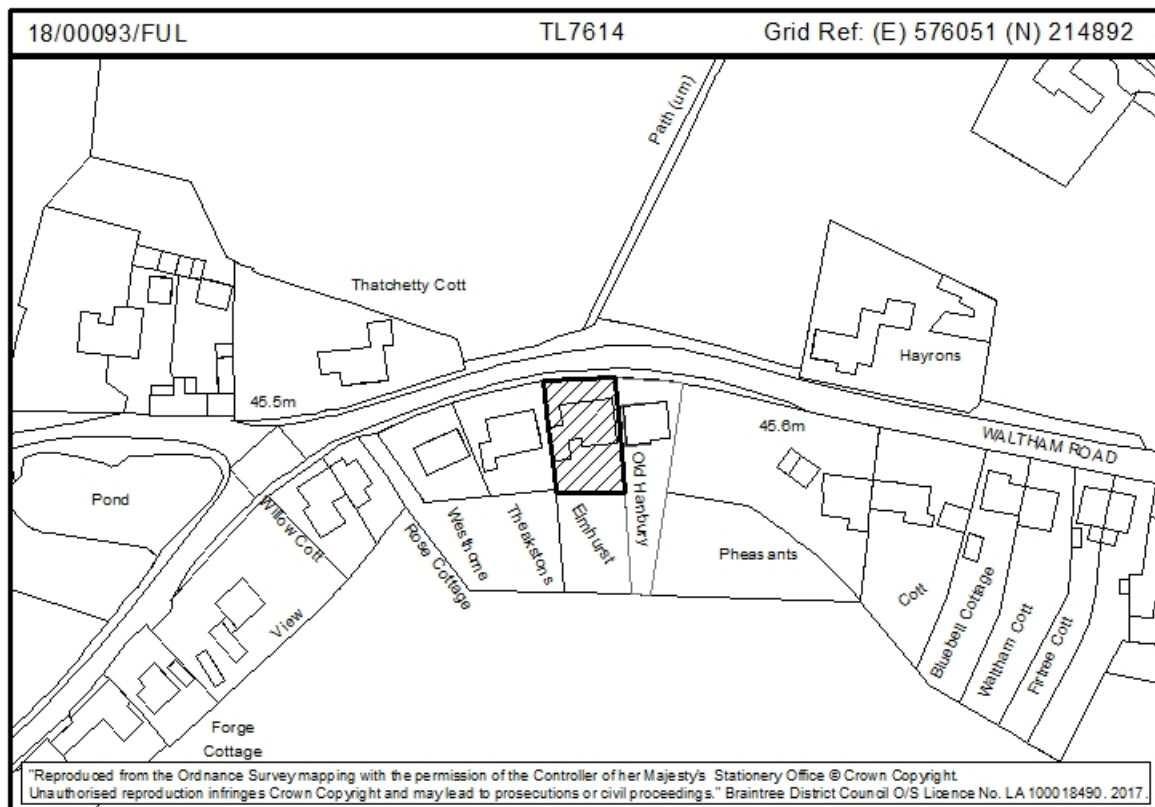
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART B

APPLICATION NO: 18/00093/FUL DATE: 16.01.18  
VALID:  
APPLICANT: K Patel  
Elmhurst, Waltham Road, Terling, Essex, CM3 2QR  
AGENT: K Bond Building Design  
Kevin Bond, 17 Hearsall Avenue, Chelmsford, Essex, CM1 7DD  
DESCRIPTION: Erection of extension and alterations  
LOCATION: Elmhurst, Waltham Road, Terling, Essex, CM3 2QR

For more information about this Application please contact:  
Will Collier on:- 01376 551414 Ext.  
or by e-mail to: [will.collier@braintree.gov.uk](mailto:will.collier@braintree.gov.uk)



## SITE HISTORY

86/01846/P	Erection of garage extension and reroofing of existing dwelling	Granted	
14/01589/FUL	Erection of a new detached 3 bedroom dwelling on land to the east of the existing house following demolition of side utility room and creation of new boundary to split the site	Granted	13.02.15

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

Terling and Fairstead Parish Council have objected to the proposal, contrary to the officer recommendation for approval.

#### SITE DESCRIPTION

Elmhurst, Terling, is a one-and-a-half storey house of traditional appearance located within the Terling Village Envelope. It replaces a bungalow formerly on the site. The house addresses the road and features a garden to the front and rear. The boundaries are made up of a mixture of hedges and a fence. The rear third of the site is outside of the village envelope and is therefore in the countryside for planning purposes.

The design of the house is characterised by its front gable defined by its narrow pitch, a feature that is repeated in the design of the two dormer windows on the front elevation and to a lesser extent by the porch at ground floor level. The roof featuring pantiles is steeply pitched. The main axis of the house runs parallel to the roadside (east-west) and the property is finished in render.

### PROPOSAL

The proposal comprises the following alterations and extensions: the removal of the chimney; the formation of garage by introducing a lean-to roof over the existing car port to the side of the property; insertion of velux windows (on east and west elevations); new fenestration on rear elevation; and enlarged rear roof dormer.

### CONSULTATIONS

Terling and Fairstead Parish Council – Objection on following grounds:

- Considers that the proposal constitutes overdevelopment of an already constrained site. The property originated as a bungalow and has already been altered and extended significantly. The cumulative bulk and form together would adversely impact on amenities of neighbouring properties.
- Number of on-site parking spaces is queried. Although claiming to have 3 spaces comprising the proposed garage, and 2 spaces in front, the front space is really only fit for one car. This will mean cars are likely to park on the road outside the property.
- The current boundary treatment consisting of railway sleeper and electronic gates is out of keeping with the character of the area and should be included as part of the planning application.
- There has been no regard for the Terling Village Design Statement.
- Object to the removal of the chimney which would detract from the character of the original property.

### REPRESENTATIONS

A site notice was attached to a post outside the property on 9<sup>th</sup> February 2018 with a deadline of 2<sup>nd</sup> March 2018 for comments.

Two supporting representations have been received:

- 1) Occupier of Theakstons, neighbouring property west of the site: support the proposal, only asked for the skylights to be moved behind line of house to avoid direct line of sight.
- 2) Occupier of Old Hanbury, neighbouring property east of the site: no objections.

## REPORT

### Principle of Development

The dwelling is located within a development boundary where there is a general presumption in favour of development subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity, and where it can take place without material detriment to the existing character of the settlement (Local Plan Review policy *RLP3 Development within Town Development Boundaries and Village Envelopes* refers).

The majority of the rear garden is located outside of the development boundary and is therefore classified as countryside where development is strictly limited to uses appropriate to the countryside. The proposal relates to an existing dwelling in the countryside, there is therefore no objection in principle to an appropriately designed extension in this location.

### Design, Appearance and Layout

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” Policy CS9 of the Braintree Core Strategy similarly seeks a high standard of design and layout in all new developments.

Policy RLP17 of the Braintree District Local Plan Review allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

This planning application follows pre application advice (16/60240/PREAPP). The proposal at pre application stage included a first floor rear extension

which was not supported by the Council, on the basis it was an overly bulky addition. The current proposal, in contrast, merely proposes an enlarged rear dormer with no first floor extension.

The proposal includes increasing the rear dormer in width, height and depth. It follows the same design as the existing dormer. It is noted that neighbouring dormers are smaller in size. It is considered in this case that, despite the enlarged scale of the dormer, it is still in keeping with the design, scale and proportions of the house and character of the area.

The enlarged dormer would result in the loss of the chimney. Chimneys are a feature of dwellings in the road, defining to some extent the character of the area. In this case, however, the loss of the chimney is not assessed to be harmful to the character of the area, as the existing chimney is already partly concealed from the front, being on the rear elevation.

The proposal involves a number of other alterations to the property such as velux windows in the existing roof over the play area to the side of the property and in the east elevation. All changes are considered in keeping with the design and appearance of the property.

The proposed garage involves the construction of a lean-to roof over the existing car port to the side of the house. This is of a suitable scale and design, and was previously supported at pre application stage.

The existing boundary treatment (electronic gate and railway sleepers) is not included in the planning application, as alluded to in comments by Terling and Fairstead Parish Council. It is noted the property has its permitted development rights intact. The applicant is advised to seek retrospective planning permission if the existing boundary treatment is over 1 metre in height, which is the permitted development restriction on boundary fences/walls fronting highways.

#### Impact on Neighbour Amenity

The proposal is assessed to have no adverse impact on the amenities of neighbouring properties. The velux window in the east elevation serves a small shower room/toilet and is therefore not a concern; and the velux windows over the play room on the west elevation have been positioned to avoid direct line of sight with neighbouring property Theakstons, as confirmed in the neighbour's representation.

#### Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces. The proposed garage would be substandard in terms of the current adopted standards but the existing garage/ carport also does not meet these standards. No changes are proposed to the existing driveway parking in the front curtilage. The officer noticed on site that the space in front of the garage provides enough space for 1 car to park comfortably, or 2 cars if parked very

tightly together. It is concluded that 2 cars could park comfortably on site, and possibly 3 and therefore that there are no highways impacts associated with the proposal.

### CONCLUSION

The proposal has followed the advice at pre-application stage and proposed a rear dormer, instead of a first floor rear extension which was previously proposed. The dormer, by reason of its scale and design is considered to be in keeping with the character and design of the house. The application is assessed to have no detrimental impact on the amenities of neighbouring properties and has sufficient on-site parking provision.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

General Plans & Elevations	Plan Ref: Site Location Plan, Block (Roof) Plan, Floor Plans, Elevations Version: 16.01.18
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- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

#### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

#### Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

#### Reason

In the interests of visual amenity.

TESSA LAMBERT  
DEVELOPMENT MANAGER