

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	26/07/2018
Planning Development Manager authorisation:	SCE	30.07.18
Admin checks / despatch completed	SB AP	30/07/18 30/7/18

Application: 18/00910/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Jacek Maklakiewicz

Address: 49 Vienna Close Dovercourt Harwich

Development: Demolition and replacement of the existing rear single storey conservatory.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

Not applicable

3. Planning History

95/00177/DETAIL	(Land off Low Road, Dovercourt Bay, Harwich) Erection of dwellings, garages and roads and sewers (submission of details under permission TEN/597/90)	Approved	10.10.1995
97/01148/FUL	(Land off Low Road, Dovercourt) Substitution of house types on ongoing development approved under reference TEN/95/0177	Approved	09.12.1997
18/00910/FUL	Demolition and replacement of the existing rear single storey conservatory.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018
National Planning Practice Guidance

Tendring District Local Plan 2007
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Local Planning Guidance
Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a north west facing semi detached dwelling "4 Vienna Close." The dwelling has been constructed from brick and has an adjacent garage with driveway. Sited to the rear is an existing conservatory and outbuildings along with fencing along each neighbouring boundary.

Proposal

This application seeks permission for the erection of a single storey rear conservatory, following the demolition of the existing.

Assessment

Design and Appearance

The proposed conservatory will not be publicly visible as it will be sited to the rear and screened by the host dwelling and adjacent garage.

The proposal is of a size which is appropriate to the existing house and will be finished in materials which match the host dwelling.

Saved Policy HG9 states that in houses with 3 or more bedrooms a private amenity space of 100m² should be retained at the site.

The existing site does not currently have 100m² of private amenity space as required by Policy HG9 and upon completion of the proposal the private amenity space left will total 80.25m². As the site already has a private amenity space under the required amount and as 80.25m² still represents a usable area of private amenity space it would be unreasonable to refuse planning permission on these grounds.

Impact to Neighbours

Sited to the south east of the proposal is "51 Vienna Close." The proposal will not result in a loss of residential amenities to this neighbour as it will be sited 3.5m from this neighbouring boundary and will be screened by the existing garage and boundary fencing.

The proposed conservatory will result in an impact to the neighbouring amenities of "47 Vienna Close" located to the north west of the site.

As the proposal will result in a loss of light to this neighbour the sunlight/ daylight calculations specified within the Essex Design Guide have been applied to the proposal. The 45 degree line in plan would encompass the neighbouring dwellings ground floor window however in elevation the 45 degree line would not intercept this window and instead would be obstructed by the existing boundary fence. It is therefore considered that the loss of light is not so significant to refuse planning permission on.

The existing conservatory comprises of openings which already face into this neighbours rear private amenity space. The new conservatory will share this feature resulting in overlooking to this neighbours garden. The highest part of these windows will be 2.1m which will be partially screened by the existing fence. This fence could be increased by 2m under permitted development which would allow further screening of these windows. As there are already openings looking into this neighbouring dwellings rear garden and as the new openings could be screened by fencing it is considered that the level of overlooking is not so significant to refuse planning permission upon.

The proposal will result in a loss of outlook to this neighbour however as the proposal is for a replacement conservatory which will be sited 0.5m away from the boundary and predominantly screened by existing fencing it is considered the impact in terms of loss of outlook to this neighbour is not so significant to justify refusing planning permission.

Other Considerations

Harwich Town Council has no objections to the proposal.
No letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2214/PP/01, and 2214/PP03.

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

8. 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.