

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is on the east side of Horsey Road. The site comprises a semidetached dwelling with first floor accommodation in the roof - with front dormers. The dwelling is set back from the highway, with neighbouring dwellings forming a crescent, and driveways and grassed areas to the front. The northern neighbour, 76 Horsey Road, is set lower than the application site - with a significant step in ground level. The site is within the Development Boundary of Kirby Le Soken.

Proposal

This application seeks planning permission for a side extension - continuing the existing roof line and creating additional front and rear dormers - and single storey side porch with stepped access.

Appraisal

The main considerations of this application are the visual impact, impact on neighbours and private amenity space.

Visual Impact

The proposed extension is to the side of the property and will be visible from the public highway. The roofline will be continued, and materials will match the host dwelling, which will create a sense of cohesive development. The proposed porch is similar in style and scale to the existing porch, and in keeping with the existing character of the site.

Impact on Neighbours

Due to the step in ground level between the application site and adjacent dwelling - 74 Horsey Road - there is a risk of impact on this neighbour's privacy, daylight and outlook. The proposal has been revised, reducing the overall width of the proposal by 1.2m, and decreasing the bulk of the proposed porch. There will be a separation of 2.5m between the proposal and the boundary with this neighbour.

The proposal removes the existing first floor side window, which will have a positive impact on the neighbour's privacy. Concerns have been raised regarding overlook from the stepped entrance to the porch - however, as the time spent on these steps will be limited any impact on privacy will not be significant. The side window to the porch will be obscure glazed, and a condition will be imposed requiring this to be retained in perpetuity.

There is 7.6m separation between the proposed porch and neighbouring dwelling, and 9.1m between the two storey extension and proposed dwelling. It is therefore considered that despite the drop in ground level, any impact on daylight or outlook will not be so significant as to warrant refusal of planning permission.

There are four rear neighbours to the north, which are separated from the proposal by greater than 9.5m, and an attached neighbour to the south which is separated from the proposal by the host dwelling. There will be no significant impact on any of these neighbour's amenities with regards to daylight, outlook and privacy.

Private Amenity Space

Policy HG9 of the Local Plan requires that new dwellings with 3 or more bedrooms be provided with at least 100 square meters of private amenity space. Following the erection of the proposal, 188 square metres will be retained in the back garden - which satisfies this policy.

Other Considerations

Frinton and Walton Town Council recommend refusal of the application due to 'overdevelopment of the site and overlooking of neighbouring properties'.

Six letters of objection have been received - one from Cllr Robert Bucke, one from the occupier of 78 Horsey Road and four from the occupiers of 76 Horsey Road (two of which were received following submission of amended plans reducing the scale of the proposal). The reasons for object have been summarised below:

- Overdevelopment of the site
- Loss of privacy to 76 Horsey Road
- Proposal will be overbearing due to difference in ground levels between 74 and 76 Horsey Road.
- Concerns regarding drainage and the effect of the added weight of the extension
- The proposal occupies land which the applicant does not own
- Possible 'wind shear' due to the orientation of the properties

Adequate separation will be retained between the side of the proposal and side boundary, and adequate private amenity space and parking is retained, to avoid overdevelopment of the site.

The impact on neighbouring dwellings has been assessed above, and following amendments to the plans is not considered to be so significant as to warrant refusal of planning permission.

Issues to do with the weight of the proposal, and impact on drainage, will be dealt with by Building Regulations. Ownership of the land and 'wind shear' are not material planning considerations.

Conclusion

In the absence of material harm as a result of the proposed development, this 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: Drawing no. 1830-02 REV C.

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

- 3 The side facing window in the approved porch shall be non-opening and glazed in obscure glass, and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of neighbouring properties.

8. Informatives

Positive and Proactive Statement

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