

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is south east facing and situated within the development boundary of Brightlingsea. The main property is a semi-detached house with a pebbledash render finished exterior under a slate roof. There is a mix of fenestration evident, aluminium framed windows and door on the front elevation and white UPVC windows and doors on the rest of the house. In front of the house is a small paved area, while to the rear a large garden, mainly laid to grass, is enclosed with fencing, mature shrubs and small trees. Circa 2002 a single storey rear extension was added.

Description of Proposal

The application proposes the erection of a rear conservatory. The conservatory will measure a maximum of 4 metres in depth, 4.15 metres in width with an overall hipped roof height of 3.2 metres. The height to the eaves is 2.1 metres. The conservatory will have a brick plinth finished with UPVC framed windows on all sides and double opening doors on the rear elevation. The roof will also be fully glazed.

Assessment

The design and appearance, and residential amenity are the main considerations for this application.

Design and Appearance

The conservatory is set in from the north eastern side of the house by 0.40 metres ensuring it will not be seen from North Road and therefore there will be no significant impact to the street scene. The house types and styles in North Road vary considerably and the character is largely defined by the close knit built form, relatively close to the road with not much scope for off road car parking. Differing styles of rear extensions and conservatories are evident on neighbouring properties which ensures the proposal at number 29 will be in keeping with the character of the immediate area. The conservatory offers an extension to the garden which can be used all year round.

Impact upon Residential Amenity

The rear conservatory is a distance of 0.40 metres from the south western side boundary with the adjoining neighbour at 27 North Road.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the rear conservatory would catch less than half of the rear window of 27 North Road in elevation, and the 45 degree line from the rear single storey extension would intercept the width of the rear elevation in plan. The loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

Furthermore the orientation of the properties on the western side of North Road means that the conservatory is sited north of the property of number 27.

The rear conservatory is a distance of 2 metres from the north eastern side boundary with 31 North Road ensuring that there will be no significant impact to this neighbour.

More than 150 square metres of garden space would remain following the construction of the conservatory which is considered more than adequate. There has been no change in the provision for car parking which remains on the road.

Other Considerations

Brightlingsea Town Council has no objection to the application.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the 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: Block plan scale 1:200, Proposed Floor Plan 1:100 and Proposed Elevations 1:100

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO