

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	08/08/2018
Planning Development Manager authorisation:	AN	9/8/18
Admin checks / despatch completed	AN	10/08/18

Application: 18/00766/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Henry White

Address: 131A Sydney Street Brightlingsea Colchester

Development: Rear flat roofed extension, with roof lantern.

Lantern,



1. Town / Parish Council

Brightlingsea Town Council No objection

2. Consultation Responses

n/a

3. Planning History

03/01447/FUL	Change of use of former coal yard for storage of industrial marine and leisure plant and equipment.	Refused	13.10.2003
07/00084/OUT	Residential development (up to 37 units) and associated access, car parking, amenity space and landscaping.		09.11.2007
08/01524/FUL	Remediation works.	Approved	03.03.2009
10/01271/OUT	Residential development (up to 37 units) and associated access, car parking, amenity space and landscaping (Extension of Time on previously approved 07/00084/OUT).		02.07.2012
12/00828/FUL	Proposed development of 13 houses together with car-ports, parking and associated works.	Approved	14.02.2013
13/00644/DISCON	Discharge of condition 03 (materials) of planning permission 12/00828/FUL - FOR INFORMATION ONLY.	Approved	07.08.2013
13/00672/DISCON	Discharge of condition 4 (landscaping), 6 (screen walls and fences), 12 (window details), 20	Approved	07.08.2013

(on site parking/turning), 21 (wheel washing facility), 24 (ground levels) and 26 (contamination and remediation) of planning permission 12/00828/FUL

18/00766/FUL

Rear flat roofed extension, with roof lantern.

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is north west facing and situated within the development boundary of Brightlingsea and adjacent to the Brightlingsea Conservation Area. The main property is a semi detached house, built alongside the surrounding houses circa 2013. The main house is finished in painted render with a slate roof. On the northern side of the property is a shared alleyway which

offers access for the occupiers of house numbers 131 to 129a to the private parking area and car ports. A small paved area lies in front of the house bounded by a wrought iron fence and gate. To the rear, the garden is laid to grass and enclosed by 2 metre high closed board fencing.

Description of Proposal

The application proposes the erection of a single storey flat roof rear extension. The flat roof will be hidden by a parapet wall and will have a central roof lantern. The rear extension will measure a maximum of 4.6 metres in depth, 5 metres in width with an overall parapet wall height of 3 metres. Bi-fold opening doors will lead into the garden. The extension will be finished in painted render to match the main house.

Assessment

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

Design and Appearance

Due to the position of the extension at the rear of the property there will be no significant impact to the street scene. The top of the extension will be visible above the rear garden fence by neighbours and users of the shared parking area; however the use of matching materials will ensure that it does not appear as a prominent feature.

The application site is just outside of the Brightlingsea Conservation Area. 131a Sydney Street is one of 13 houses built circa 2013 on the old gas works site, formally owned by National Grid. The Conservation Area Appraisal refers to this area as follows: *'The southern section of Sydney Street is more haphazard than the northern or central sections. Development becomes more consistent around and south of Ophir Road. Further south again on the east side, the Area excludes the former Gas Works site, a derelict and unkempt area with a poor frontage of masonry walls.'*

The development of 13 houses on the old gas works site has much improved the appearance of the area and the houses have been sympathetically designed so that the character of the conservation area is preserved. The proposal, due to its position at the rear is not significantly harmful to the adjacent conservation area and the character of the immediate area is maintained.

Impact upon Residential Amenity

The rear extension abuts the southern boundary with the adjoining neighbour at 133 Sydney Street.

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 single storey rear extension would not catch the rear ground floor window and doors of 133 Sydney Street in elevation, however the 45 degree line from the rear single storey extension would intercept more than half of the French doors and window side lights at 133 Sydney Street 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.

The side alleyway creates a divide between the host dwelling and the property at 131 Sydney Street, this along with the single storey nature of the proposal ensures that there will be no significant impact to this neighbour in terms of loss of light, outlook, or privacy.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 75 square metres of private amenity space for a two bedroomed property. The existing private amenity space is measured at approximately 75 square metres which currently meets the standard. The construction of the proposal would reduce the private amenity space to 52 square metres. Although the standard is not met, in view of the shape of the garden, it remains a very usable space. There are no other limitations preventing the extension from going ahead and therefore on balance the reduction in private amenity space below the required minimum is acceptable in this case and does not have a significantly harmful impact.

There has been no change to the off road car parking provision.

Other Considerations

Brightlingsea Town Council has no objection to the application.

One letter of representation has been received from a neighbour and they ask specific questions pertaining to the build but which are not considered material planning considerations. A representative of the applicant has answered the neighbours' queries and these are noted below.

Comment:

We would like to know if the extension will encroach on our fence, we are more than willing for the part of the adjoining fence to be taken down while building work is taking place. But must be replaced at weekends and evenings as we have pets and made good after building.

Response:

The proposal would not encroach on the fence line. The fence line is around 100mm past the center line of the two properties, sited on the Mr Wassan's land. The proposals building line will not pass the render line of the boundary of both properties.

If we need to remove the fence during the work, we will erect and maintain temporary hoarding to prevent any pets/children escaping. This will be on the basis of discussing and agreeing all details with Mr Wassan before the works commence.

Comment:

How will this wall be maintained with fence line in place in years to come?

Response:

The wall will be constructed in block/block/render, as per the main house and once constructed should require no maintenance.

Comment:

Would guttering on flat roof overhang our property?

Response:

No, the neighbouring wall is a parapet wall. The roof will fall to the rear of the proposed extension and discharge via a roof outlet and hopper head/pipe.

Comment:

How would the outside wall be built without damage to our patio e.g. digging of foundations?

Response:

The edge of the patio is beyond the fence line and the proposals building line is 100mm back from this point. We will of course take all necessary precautions when this area is excavated.

Comment:

No blocking of our car parking spaces during the build.

Response:

We have adequate storage for materials involved in the proposal within our own car park and private amenity. The volume of material required for this project are quite modest. Materials will be bought in as needed with no need for long term storage.

Comment:

How long will it take to build?

Response:

We envisage the ground works, foundation and external shell to take around 10-12 weeks to complete. Thereafter all works are internal finishes with some landscape works after the proposed extension is complete.

Comment:

No blocking of our car parking spaces during the build.

Response:

We should not need to block any neighbours need for parking during the works.

Comment:

How are the builders accessing property, re delivery of blocks and building materials?

Response:

As previously highlighted materials we be delivered on an as needed basis with no long term storage required. Please note the volume of material required for this project are quite modest.

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: Drg No. 2 Rev C and Drg No. 4 Rev B

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