

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	20/8/18
Planning Development Manager authorisation:	AN	20/8/18
Admin checks / despatch completed	AP	20/8/18

Application: 18/01035/FUL **Town / Parish:** Clacton Non Parished
Applicant: Margaret Small
Address: 12 Sea Way Jaywick Clacton On Sea
Development: Demolish existing conservatory and construct a ground floor side extension.

1. Town / Parish Council

n/a

2. Consultation Responses

Environmental Protection 'Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

'The use of barriers to mitigate the impact of noisy operations (if needed) will be used where possible.

'No materials produced as a result of the site development or clearance shall be burned on site.

'All reasonable steps shall be taken to minimise dust and litter emissions from the site whilst works of construction works are in progress.

3. Planning History

04/00998/FUL	Conservatory.	Approved	03.07.2004
18/00125/FUL	Demolish existing conservatory and construct a ground floor side extension.	Refused	11.04.2018
18/01035/FUL	Demolish existing conservatory and construct a ground floor side extension.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 on the west side of Sea way, at the junction with Gorse Way. The property is a detached single storey dwelling finished in painted render with a conservatory extending beyond the south elevation. The site is within the Development Boundary of Jaywick and within Flood Zone 3.

Proposal

This application seeks permission for a single storey extension, following the demolition of the existing conservatory. The proposal will extend beyond the side elevation, measuring 3.012m in width and 6.524m in depth. The roof will meet roofline of the host dwelling. Materials are proposed to match the host dwelling.

Appraisal

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

Visual Impact

The proposal is sited to the side of the dwelling, and due to its height - meeting the existing roof line - will be prominent in the street scene. Surrounding properties are an eclectic mix of styles, and the property immediately behind the applications it is significantly taller. The proposed extension, and resulting change in roofline, will therefore not harm the character of the area. The style of the extension is in keeping with the host dwelling, and materials which match the host will create a sense of cohesive development.

Impact on Neighbours

The proposed extension is 1.2m from the rear boundary. 83 Gorse Way is a further 2m beyond the boundary. The extension is single storey, with the roof pitching away from the boundary, and is directly to the east of this neighbour. A tall closed board fence and mature planting is present at this boundary. As a result, there will not be significant impact on neighbouring daylight or outlook. No window faces this boundary that would affect neighbouring privacy.

There is 12m separation between the proposal and the neighbour to the south - 14-15 Sea Way. There will be no significant impact on daylight or outlook. A ground floor window faces the southern boundary, but due to existing boundary treatments will not impact neighbouring privacy.

Private Amenity Space

Policy HG9 of the Local Plan stipulates that new houses with two bedrooms must have a minimum of 75 square metres private amenity space. Side gardens can be included when calculating private amenity space as long as they extend at least 3 metres from the dwelling and are screened by an eye-level fence or other barrier.

The application site has 60 square metres private amenity space, including the side garden, which already fails to satisfy policy HG9. The proposal will further reduce the private amenity space to 52 square metres, but will retain a 3m separation between the dwelling and side boundary. The loss of 8 square meters of private amenity space, to create an extension which will be used as a primary living area within the dwelling, is not so significant as to warrant refusal of planning permission.

Flood Risk

The property is located within Flood Zone 3. A householder flood risk form and flood risk mitigation measures have previously been submitted, with the Environment Agency's standing advice.

Other Considerations

No letters of representation have been received.

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's. JW/1A and JW/2A.

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO