

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site comprises of a west facing two storey property "52 Kingsman Drive." The dwelling is set back on its plot with an attached garage forward of its front elevation with an associated driveway. The dwelling is of a brick construction with some boarding detail.

Proposal

This application seeks permission for the erection of a two storey and single storey rear extension.

Background

A previous application was approved under planning reference 18/01007/FUL. This new application seeks permission for the same proposal however with a wider single storey element which will result in the proposal being closer to the neighbouring boundary to the north.

Assessment

Design and Appearance

The proposal will be sited to the rear and predominantly screened by the host dwelling however as a result of the open space between the application dwelling and neighbouring property to the south will be publicly visible.

The proposal will be set back from the highway by 17m and will be constructed from materials which match the host dwelling which will reduce its prominence preventing it from having a harmful impact to the character of the area.

The proposed enlargement will be 0.8m lower than the host dwelling ensuring that it appears as a subservient addition to the existing house.

Whilst the design of the single storey element is not entirely inkeeping with the host dwelling it will be sited to the rear and screened by the existing house and two storey extension to prevent it from having any harmful impact to the appearance of the house and area.

Saved Policy HG9 states that where a property comprises of two or more bedrooms that a private amenity space of 75m² should be retained. The site is of a large enough size to facilitate a proposal of this size and still retain sufficient private amenity space.

Impact on Neighbours

The proposal includes a new window at first floor level which will serve the proposed bedroom. This window will overlook into the neighbouring dwellings rear gardens resulting in a loss of privacy to them. The existing dwelling has two existing windows at first floor level which already have clear views into the neighbouring dwellings rear gardens. It is therefore considered that as the existing windows already overlook into these adjoining gardens that the loss of privacy in this instance is not so significant to warrant refusing planning permission.

The proposal will result in a loss of light to the dwelling to the north "54 Kingsman Drive" and therefore the loss of daylight/ sunlight calculations have been applied to the proposal. The 45degree line in plan would encompass the neighbouring dwellings nearest rear window where as in elevation would only intercept the lower corner of this window. It is therefore considered that the loss of light to this neighbour in this instance is not so significant to justify refusing planning permission.

The proposal will not result in a loss of light to the neighbouring properties to the south as a result of their and the host dwellings orientation.

The proposal will result in a loss of outlook to the adjacent neighbouring properties. Whilst the two storey element will result in a loss of outlook to the neighbours its depth has since been reduced to 3.6m with its design now including a hipped roof which is considered to reduce the impact on this neighbour in terms of loss of outlook. As the proposed two storey element will be sited 2m away from each neighbouring dwelling and partially screened by the existing fence and due to its amended design and depth it is considered that the loss of outlook on this instance is not so significant to justify refusing planning permission.

Other Considerations

Clacton is non parished and therefore no comments are required.
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: 3C.

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.