

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	17/10/2018
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	EN	18/10/18

Application: 18/01330/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr & Mrs Price
Address: 7 Cleave Close Clacton On Sea Essex
Development: Two storey extension.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

09/00886/OUT	Hybrid application seeking detailed planning permission for 157 no. one, two, three and four bedroom apartments and houses, access from St. Johns Road and public open space on the Southern Phase and outline planning permission for 235 no. two, three and four bedroom houses, public hall, health facility, retail units to meet local needs, access from Little Clacton Road and public open space on the Northern Phase.	Refused	18.11.2009
10/00893/NMA	Change of external appearance to AP2 (plots 12 - 20 inc) to coincide with elevational treatment to AP1, planning layout amended to suit. Pump station, re-oriented, footpath re-aligned in between retail unit and St Johns Road to avoid conflict with trees.	Approved	06.09.2010
11/00175/DETAIL	Submission of reserved matters for the creation of 235 no. two, three and four bedroom houses and associated roads, paths, driveways, car parking and landscaping, plus public open space.	Approved	21.09.2011
18/01330/FUL	Two storey extension.	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
HG14 Side Isolation
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 situated within the development boundary of Clacton on Sea. The application site faces east onto Cleave Close however the house is orientated sideways and the front door and front elevation of the house faces north onto the private driveway of 9 Cleave Close. The house is built with a buff coloured brick under a pan tile roof. The house has an undercroft for parking on the southern side of the house. There is no front garden, however the back garden extends west and is laid to lawn enclosed by 1.8 metre high fencing.

Description of Proposal

The application proposes a two storey extension on the western side elevation. The proposed extension will measure a maximum of 3.3 metres in depth, 4.8 metres in width with an overall ridge height of 8.1 metres. The height to the eaves is 4.7 metres. At ground floor, French doors and a second window will face west. At first floor level there will be one window on the northern elevation and one window on the western elevation. The proposed materials will match the existing dwelling. At ground floor the space created will serve a new living area, while upstairs an existing bedroom will be extended.

Assessment

The design and appearance, impact on neighbouring properties and residential amenity are the main considerations for this application.

Design and Appearance

The two storey extension will be glimpsed through the undercroft and will be partially visible when travelling west from the end of the close through the access serving the two properties to the north. Cleave Close is a cul-de-sac and therefore the level of vehicle and pedestrian movements is low. The roof of the two storey extension will match the pitch of the main roof of the original house, although it will be lower in height and will therefore appear subservient. The extension is stepped in from the front elevation by 0.5 metres which creates a visual break thereby reducing the bulk of the proposal. The use of matching materials helps to ensure there will not be a significant impact to the street scene and the character of the immediate area will be maintained.

Impact upon Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case the proposal is a distance of 3 metres from the southern side boundary shared with 5 Cleave Close. The proposal is a distance of 7.5 metres from the rear boundary and 0.5 metres from the northern boundary. The northern boundary abuts the tarmac driveway and access to 9 Cleave Close. There will be a distance of 8.5 metres from the proposal to the front of the house at 9 Cleave Close which is considered a sufficient separation distance.

The positioning of the proposed extension at the rear of the house, with the parking for the host dwelling and 5 Cleave Close creating a divide on the southern side and the access and driveway creating a divide between the host dwelling and 9 Cleave Close to the north ensures that there will be no significant loss of light to either neighbour.

There is no significant additional risk of overlooking or loss of privacy from the two storey extension to either neighbour, there is a bedroom window at first floor level on the northern elevation and a second window serving the same bedroom on the western rear elevation.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a three bedroomed property. The existing private amenity space is measured at approximately 100 square metres which currently meets the standard. The construction of the proposal would reduce the private amenity space to 82.5 square metres. Although the standard is not met, there has been no increase in the number of bedrooms but the extension provides additional living space at ground floor level. In view of the shape of the garden; it remains a very usable space. 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 parking provision.

Other Considerations

One letter of objection has been received which raises the following concerns:

- Windows will open onto our property as well as eaves and guttering protruding over the boundary – *The revised proposals overcome this issue.*

- The property will look out of line with the rest of the homes on the estate – *this has been considered in the report.*
- Light to the property could be affected; the hall and kitchen could become considerably darker - *this has been considered in the report.*
- Possible devaluation of property – *this is not a material planning consideration so cannot be taken into account when assessing the planning application.*
- Do not give permission for access to our property - *The applicant may be required to give notice to neighbours of their intentions under the Party Wall etc. Act 1996.*
- Guarantee that any damage to our property during construction will be fully compensated - *this is not a planning matter that will be taken into account when assessing the planning application and contact with the applicant should be made.*
- Needs to be set timescales for the work to be completed – *due to the small scale nature of the works it is not necessary to impose conditions for the timescale for the work to be completed or the working hours. Outside the planning process Environmental Health legislation prevents statutory nuisances in this respect.*

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: Drawing No PCC-01 Revision 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 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.

You may be required to give notice to your neighbours of your intentions under the Party Wall etc. Act 1996. Further information can be found on the government website.
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>

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