

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	23/10/2018
Planning Development Manager authorisation:	SCE	25.10.18
Admin checks / despatch completed	XN2 SB	26/10/18. 26/10/18.

Application: 18/01243/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr & Mrs J Browning

Address: 22 Hunt Drive Clacton On Sea Essex

Development: Proposed single storey side & rear extensions (following demolition of 1 garage).

1. Town / Parish Council
Clacton Non Parished

2. Consultation Responses

Tree & Landscape Officer

Land adjacent the application site is affected by Tree Preservation Order (TPO) 88/04 that affords protection to a large Oak immediately adjacent to the south western corner of the application site. The mature Oak makes a significant positive contribution to the character of the public realm and to the appearance of the area.

The development proposal has the potential to have an adverse impact on the Oak.

In order to show that the development proposal will not cause harm to the protected tree the applicant will need to provide additional information.

It is likely that a tree survey and report will be required to show the extent of the Root Protection Area (RPA) of the tree. This will show the likely impact of the development proposal on the tree and inform the applicant on the type of foundations that may be required were there to be a minor incursion into the RPA.

In the first instance and prior to the provision of a full tree survey it may be prudent for the applicant to establish the extent of the RPA for the tree ' if the development does not result in an incursion into the RPA then information will only need to be provided to show that no works or storage of materials will take place within the RPA.

Any information relating to the Oak should be in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations, and should be provided prior to the determination of the application.

Tree & Landscape Officer

In order to show that the development proposal will not cause harm to the protected Oak tree on land adjacent to the application site the applicant has provided additional information relating to the potential impact of the development proposal on the tree.

The information provided is in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations, and shows that the development will take place outside the Root Protection Area (RPA) of the tree.

The applicant has shown the position and type of fencing to be erected to physically protect the roots of the tree for the duration of the construction phase of any development for which planning permission may be granted.

As the development does not result in an incursion into the RPA then the development will not cause harm to the tree as long as the measures set out by the applicant are adhered to.

3. Planning History

18/01243/FUL	Proposed single storey side & rear extensions (following demolition of 1 garage).	Current
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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
TR1A Development Affecting Highways
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
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)

Application Site

The application site comprises of an east facing detached bungalow "22 Hunt Drive." The dwelling is of a brick and weatherboard construction which is set back from the highway. The site has an existing garage to the side with driveway to the front. The dwellings front elevation faces Hunt Drive whilst its side elevation faces St Johns Road.

Proposal

This application seeks permission for the erection of single storey side and rear extensions following the demolition of the existing garage.

Upon initial receipt of the application the plans showed that the proposal would be constructed from solely brick. Whilst this was acceptable it was advised to the agent that some weatherboarding would be favourable to ensure consistency between the host dwelling and proposal. The front elevation has since been amended to include this weatherboarding.

Assessment

Design and Appearance

The existing area comprises of predominantly bungalows which are set on their plots and have been constructed from brick. The host dwelling together with its neighbouring dwelling of 20 Hunt Drive have white weatherboarding detail to their front elevations which is noticeable within the streetscene.

The proposal will be sited to the front and visible from Hunt Drive and St Johns Road.

The proposal will be set back a minimum of 1.5m from the southern boundary, shared with St Johns Road, and screened by an existing hedge which will reduce its prominence.

The proposed extensions will be set back a minimum of 11m from the eastern boundary, Hunt Drive, and will be set back 0.3m from the front wall of the host dwelling to reduce its prominence. The height of the enlargement will be 0.4m lower in height to ensure that it does not over dominate the existing house.

The amended plans provided show that the proposal will be constructed from brick which is consistent with the host dwelling. The front elevation will have weatherboarding detailing to match the front of the existing house and neighbouring dwelling.

The site is of a large enough size to facilitate the proposal and still retain sufficient private amenity space.

Highway Safety

Essex County Council Parking Standards states that where a property comprises of 2 or more bedrooms that a minimum of two spaces should be retained measuring at 5.5m by 2.9m each. Whilst the proposal will result in the loss of parking by way of existing garage which is intended to be demolished there is sufficient space at the front of the site to accommodate appropriate parking in line with the aforementioned standards. The proposal would therefore not result in a harmful impact to highway safety.

Protected Trees

There is an existing tree on the site which is covered by a protection order and has the potential to be affected by the proposal. As part of the application the Tree and Landscape Officer has been consulted and in his initial consultee requested further information to establish if the proposal would affect the trees. This information has been provided by way of a new block plan indicating the trees RPAs and proving that the proposal would not have an adverse impact onto the existing trees. A further consultation has been carried out on this information with the tree and landscape officer who has confirmed that the information is sufficient to overcome initial concerns and prove that the proposal would not have a harmful impact to the existing trees.

Impact on Neighbours

Sited to the north of the dwelling is 20 Hunt Drive. The side extension will not be visible to this neighbour as it will be screened by the host dwelling.

As a result of its single storey design and lack of windows along its side elevation the proposal would not result in a loss of privacy to this neighbour.

Sited to the north of the dwelling the site has an existing outbuilding which runs along its boundary shared with this neighbour.

The proposal will be visible to this neighbour however as a result of its distance from the boundary of 3m from the boundary and screening by the host dwelling and outbuilding it is considered that any loss of outlook received by this neighbour would not be so significant to refuse planning permission.

Due to its height the proposal will result in a loss of light to 20 Hunt Drives rear elevation openings and therefore the loss of sunlight/ daylight calculations have been applied. The 45 degree line in plan and elevation would not intercept the rear elevation of this neighbouring dwelling with the lines being first intercepted by the application sited existing outbuilding. It is therefore considered that the loss of light is not so significant to refuse planning permission upon.

This neighbouring dwelling also has openings along its side elevation which serve a hallway and bathroom. These windows currently receive little light and outlook due to screening by the application dwelling and their obscure glazing. The proposal will reduce this further however as these openings already receive reduced light and outlook it is considered that any additional loss of light or outlook would be unreasonable grounds to refuse planning permission upon.

The proposal will be sited 8m from the boundary shared with 218 St Johns Road sited to the west and will be predominantly screened by existing planting and fencing. The proposal would therefore not result in a loss of residential amenities to this neighbour.

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: 01 Revision C and 01 showing the Root Protection Area.

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.