

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	25/10/2018
Planning Development Manager authorisation:	AN	25/10/18
Admin checks / despatch completed	KLE SB	26/10/18. 26/10/18.

Application: 18/01403/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Melvyn Reid

Address: Land to rear of Coke Street Harwich Essex

Development: Proposed dormer windows, and enlargement of existing ground floor windows.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

n/a

3. Planning History

18/01403/FUL Proposed dormer windows, and enlargement of existing ground floor windows. 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is situated within the Bathside area of Harwich within a residential area. The site is situated to the south of Coke Street and to the north of Maria Street and is located on the corner of two rear accesses that serve the surrounding dwellings. The site accommodates a two-storey timber clad storage/office building that is currently vacant. To the north of the building is an empty plot and to the south, west and east are the rear gardens serving surrounding terrace dwellings.

Proposal

This application seeks the insertion of a dormer window to the south facing elevation and enlarged ground floor windows to serve an office space.

Appraisal

Design/Impact

The existing building takes the form of a traditional pitched roof storage building that is clad in untreated timber. The proposed dormer window to the south facing roof slope would extend up the existing eaves line and due to its length, bulk and flat roof would dominate the roof and appear out of character on this traditional pitched roofed building. The dormer would therefore adversely harm the traditional character of the building and represent poor design.

The larger windows at ground floor level would, subject to the detailed design, have a minimal impact upon the character and appearance of the structure.

Residential Amenities

The proposed plans show the addition of a large dormer window with two windows serving an office space. Whilst it is acknowledged that the applicant has stated these would consist of opaque glazing and be non-opening, the requirements to provide the office space with means of escape under Building Regulations would require these windows to be openable. As a result the windows would give rise to unacceptable overlooking into the rear amenity areas serving the properties to the south on Maria Street. Therefore the dormer windows, due to their proximity to the rear amenity areas serving these dwellings, would result in a significant detrimental impact upon the privacy currently enjoyed by the residents to the south.

Other Considerations

Harwich Town Council has no objections. 3 letters of objection have been received concerning the following matters;

- Office use is not suitable (planning permission for an office is not required due to the current office/storage use)
- Overlooking concerns
- Lack of available parking (use not being considered)
- No utilities serving the building apart from power

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 Saved Policy QL11 of the Tendring District Local Plan (2007) states development will only be permitted where it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Saved Policy QL9 governs the design of new development and states in particular that new development should relate well to its site and surroundings in relation to its siting, height, scale, massing, form, design and materials. Emerging policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft echoes the sentiments of the saved policies noted above.

The National Planning Policy Framework (2018) paragraph 127 seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The National Planning Policy Framework also states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

In this instance the existing building takes the form of a traditional pitched roof storage building that is clad in untreated timber. The proposed dormer window to the south facing

roof slope would extend up the existing eaves line and due to its length, bulk and flat roof would dominate the roof and appear out of character on this traditional pitched roofed building. The dormer would therefore adversely harm the traditional character of the building and represent poor design.

Furthermore, whilst it is acknowledged that the applicant has stated the dormer windows would consist of opaque glazing and be non-opening, the requirements to provide the office space with means of escape under Building Regulations would require these windows to be openable. As a result the windows would give rise to unacceptable overlooking into the rear amenity areas serving the properties to the south on Maria Street. Therefore the dormer windows, due to their proximity to the rear amenity areas serving these dwellings, would result in a significant detrimental impact upon the privacy currently enjoyed by the residents to the south.

The development would therefore be contrary to the afore-mentioned local and national planning policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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