

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/11/2018
Planning Development Manager authorisation:	SCE	05-11-18
Admin checks / despatch completed	SB	12/11/18.

**Application:** 18/01651/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Parish

**Address:** 42 Gainsford Gardens Clacton On Sea Essex

**Development:** Proposed erection of conservatory to rear of property.

### 1. Town / Parish Council

Clacton non Parished

### 2. Consultation Responses

Not applicable

### 3. Planning History

14/00931/FUL	Demolition of existing leisure facilities and construction of new leisure facilities including playing pitch, club house, changing facilities and car parking. Residential development of 65 no. bungalows.	Approved	20.07.2015
16/00003/DISCON	Discharge of condition 9 (materials), 16 (finished floor levels), 21 (vehicular turning facility) and 27 (construction method statement) of planning permission 14/00931/FUL.	Approved	01.03.2016
18/01651/FUL	Proposed erection of conservatory to rear of property.	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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Proposal**

This application seeks permission for the erection of a rear conservatory to a semi detached bungalow within the settlement boundary of Clacton on Sea.

Upon the officers site visit it was noted that works on the proposal had already commenced.

Whilst planning permission would not normally be required for a proposal of this size condition 06 imposed upon the original consent for the dwelling 14/00931/FUL removed permitted development rights for extensions to safeguard the amenities of neighbouring properties and the character of the surrounding area.

### **Assessment**

#### **Design**

The proposal will be to the rear and therefore not publicly visible from the Gainsford Avenue.

The proposal is of a size and design appropriate to the existing dwelling and will be finished in materials which match the existing house.

The site is of a large enough size to accommodate a proposal of this size and scale and still retain sufficient private amenity space.

#### **Impact on Neighbours**

The proposal will be visible to the property to the south "44 Gainsford Gardens" however will be sited 4.5m away from the boundary and would not result in a loss of residential amenities to this neighbour.

The proposal will result in a loss of light and outlook to the neighbouring dwelling of "40 Gainsford Gardens" which has patio doors to the rear serving an existing living room. Due to the loss of light resulting from the proposal it is therefore necessary to apply the sunlight calculations specified within the Essex Design Guide to the proposal. The 45 degree line in plan would strike through the centre of the neighbouring dwellings rear opening however in elevation would only strike through the lower section of this window. It is therefore considered that the loss of light in this instance is not so significant to refuse planning permission upon.

The proposal will have large glazed panels which reach to the eaves of the proposal measuring 2.3m in height and a pitched roof. The low eaves height will reduce the level of outlook which is lost to this neighbouring dwelling and the boundary fencing, which could be further increased in height to 2m, would screen the majority of the proposal from the neighbour. It is therefore considered that the level of outlook and privacy lost in this instance would not result in such a significant impact to refuse planning permission upon.

#### 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 carried out in accordance with the following approved plans: Proposed Plan Page 3 of 4, Proposed Elevations Page 4 of 4 and Block Plan 1:500.

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.