

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	19/11/2018
Planning Development Manager authorisation:	<i>GS</i>	21/11/2018
Admin checks / despatch completed	<i>AP</i>	21/11/18

Application: 18/01566/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs Steven and Nicky Birkin

Address: 36 Ladysmith Avenue Brightlingsea Colchester

Development: Proposed extension to existing two storey extension, and refurbishment to existing single storey extension. (Variation to planning permission 18/00919 to change wall position to make flush with main house).

1. Town / Parish Council

Brightlingsea Town Council No Objection to this application

2. Consultation Responses

Not Applicable

3. Planning History

18/00919/FUL	Proposed extension to existing two storey extension, and refurbishment to existing single storey extension.	Approved	10.08.2018
18/01566/FUL	Proposed extension to existing two storey extension, and refurbishment to existing single storey extension. (Variation to planning permission 18/00919 to change wall position to make flush with main house).	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

HG14 Side Isolation

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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site description

The application site is 36 Ladysmith Avenue, a two storey semi-detached dwelling located within the development boundary of Brightlingsea. The application dwelling is located within a residential area constructed from similar detached and semi-detached dwellings.

Proposal

The application seeks planning permission for the erection of a two story addition to the existing two storey extension and the refurbishment to the existing single storey extension.

The two storey addition to the existing two storey element will measure 1.9 metres in width, 5.6 metres in depth maintaining the existing height of 7 metres. The proposed element comprises of a pitched to a flat roof. The ground floor comprises of bi fold doors to the eastern elevation with two

windows proposed on the south eastern elevation serving the kitchen. To the first floor a window is proposed on the south eastern elevation which will serve bedroom 3 with a window proposed on the eastern elevation to serve bedroom 4.

The refurbishment of the single storey elements will incorporate the use of faux cladding in blue grey Cementous weatherboarding.

The application has previously been granted planning permission under reference 18/01566/FUL for a proposed extension to the existing two storey extension and refurbishment of the existing single storey extension. This application proposes for the two storey extension to be made flush with the host dwelling.

Assessment

The main considerations for this application are the design and appearance, the impact upon neighbouring amenities and parking.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed two storey addition is located to the rear of the host dwelling and therefore will not be visible from the street scene of Ladysmith Avenue. The two storey element will create a relatively large extension, however due to it being situated to the rear, with the ridge height being set lower than the host dwelling in order to clearly distinguish as an extension, it is considered that it will not create a cramped appearance and it is considered acceptable in terms of design. The single storey element is located to the rear of the host dwelling and therefore will not impact upon the street scene of Ladysmith Avenue.

The proposed materials to both the two storey element and single storey element; faux cladding proposed in a grey Cementous weatherboarding and UPVC doors and windows, are considered to be a modern addition to the host dwelling and will clearly distinguish both proposals as extensions. It is therefore considered that the proposal is acceptable in terms of design and appearance.

Impact upon neighbouring amenities

The proposed two storey element will be visible to the neighbouring dwelling number 38 as the proposal will protrude further than the neighbouring two storey dwelling by approximately 1.7 metres.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the roof would catch part of the rear window in elevation, although the 45 degree would not intercept the windows at 38 Ladysmith in plan. The minimal loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds. The proposal will be visible to the neighbouring dwelling, number 34 Ladysmith Avenue. The two storey element will maintain a 1 metre distance to the boundary between the proposal and the neighbouring boundary and therefore complies with Policy HG14 of the Tendring District Local Plan.

Amendments have been sought to remove a window proposed on the south easterly elevation serving bedroom 4 to reduce the impact of overlooking onto the adjacent neighbour. The window proposed to serve bedroom 3, located to the first floor, will have limited views onto the adjacent neighbour's private amenity space as it is in line with the existing neighbouring dwelling. Therefore

it is considered that the proposal will not cause any significant impact upon neighbouring amenities. The proposed window to the south serving bedroom 4 will have views further to the rear of the neighbouring garden, this is considered to be a slight improvement to amenities as views are more likely to be away from the area's most likely to be occupied.

Parking

The proposed extension will increase the number of bedrooms at 36 Ladysmith Avenue. However, it is considered that there is sufficient parking to the front of the host dwelling to accommodate two parking spaces measuring 5.5 metres by 2.9 metres in line with Essex Parking Standards.
Other considerations

Brightlingsea Parish Council have no objection to the application.

No letters of representation have been received.

Conclusion

In the absence of any significant material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: Drg No. 0/A100/PR/001 Rev B, 0/A100/PR/002 Rev B, 0/A200/PR/001 Rev B, 0/A200/PR/002 REV A, 0/A200/PR/003 Rev 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 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.

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