

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	21/11/18
Planning Development Manager authorisation:	AN	22/11/18
Admin checks / despatch completed	XLE SB	23/11/18. 23/11/18.

Application: 18/01594/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr M Wilby

Address: 8 Spring Road Brightlingsea Colchester

Development: Removal of existing ground floor bathroom and utility room, replaced with single storey kitchen and day room.

1. Town / Parish Council

Brightlingsea Town Council

Brightlingsea Town Council notes the comments made by the neighbouring property. We understand that a party wall agreement will be required.

2. Consultation Responses

n/a

3. Planning History

02/02004/F UL	Conversion of vacant shop premises with living accommodation at first floor to residential property	Approved	21.01.2003
18/01594/FUL	Removal of existing ground floor bathroom and utility room, replaced with single storey kitchen and day room.	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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks planning permission for a single storey rear extension to a dwelling within the Development Boundary of Brightlingsea. The extension will replace an existing rear extension, and extend a further 3.8m beyond the rear elevation of the host dwelling. It will measure 3.04m in height and be finished in weatherboarding.

Design

The proposed extension will not be prominent in the street scene due to its single storey nature and siting to the rear of the host dwelling. The design relates well to the host, and adequate private amenity space is retained to the rear of the site.

Impact on Neighbours

Due to the orientation of the properties, with the rears facing north, there will be no significant impact on daylight as a result of the proposal.

Due to the step in the ground levels between properties - with the western neighbour lower than the application site - there is a risk to the neighbouring property's outlook. The proposal has been amended to lower the overall height of the proposed extension, and there will be now not be significant loss of daylight or outlook as a result - in accordance with the Essex Design Guide's 45 degree daylight/sunlight test.

As the proposal is single storey, all side facing windows are at ground floor level. There is tall closed board fencing at the side boundaries. There will therefore be no significant impact on neighbouring privacy.

Other Considerations

Two letters of representation have been received. The first raises concerns about loss of daylight - which have been addressed above. The second addresses concerns about the party wall as well as working hours. The planning decision notice will include a standard informative regarding work to party walls, and due to the minor nature of the development conditions regarding working hours or construction method would not be appropriate.

Brightlingsea Town Council mentioned the neighbour's comments about works to the party wall, which have been addressed above.

Conclusion

In the absence of material harm as a result of the proposed development, this 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. 1501/P/05 Revision P2.

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.

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