

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	12/12/2018
Planning Development Manager authorisation:	SCE	13.12.18
Admin checks / despatch completed	SB	17/12/18

Application: 18/01789/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr Cotterill
Address: 15 Holland Park Clacton On Sea Essex
Development: Proposed two storey rear extension.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

18/01789/FUL Proposed two storey rear extension. 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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Local Planning Guidance
Essex Design Guide
Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 located to the east of Holland Park, inside the development boundary of Clacton on Sea. It serves a detached two storey dwelling constructed of pebble dashed render with a red brick plinth and a tiled roof. A car port is attached to the north side of the house and a detached garage building is set behind the car port beyond the rear elevation of the dwelling. A conservatory is located on the rear elevation of the dwelling. The rear garden has a patio area and is laid to lawn, with fencing and shrubs planted on the boundaries.

Proposal

The application proposes a flat roof two storey rear extension. It will measure 4m deep and 8.735m wide, with a maximum height of 5.25m. It will be constructed of render to match the existing dwelling.

Assessment

The main considerations of this application are the design and the impact on residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum of 1 metre will be sought.

Design

The proposed extension is considered to be of a scale and nature appropriate to the site and the surrounding area, and will replace the existing conservatory.

The proposed development is to the rear of the property and will not be publicly visible; it will therefore have no adverse impact upon the street scene. It will be located over 1m from both side boundaries and will not appear cramped within the plot.

The use of matching render will blend the development with the host dwelling and the flat roof design will match the eaves height of the existing dwelling, resulting in a development that is in keeping.

Impact on Residential Amenity

The proposed extension does not propose any new windows in the side elevations of the extension. An existing window serving the WC on the north side elevation will be enlarged to serve the bathroom. The neighbour to the north has a first floor window, facing the application site, which is level with the enlarged window. To avoid any possible overlooking into the neighbouring property a condition has been imposed to ensure the enlarged window is obscure glazed and retained as such thereafter.

Two Juliet balconies are proposed at first floor level of the extension. As there is no stepping out possible from the balconies they are not considered to cause any adverse impact or overlooking to neighbouring property.

The Essex Design Guide states 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". The proposed extension will be located 1.4m, increasing to 1.7m, from the southern boundary and 2.5m from the northern side boundary. The neighbour to the south has a window in the side gable facing the proposed extension, but the neighbour's dwelling is angled away from the side boundary and there is also some separation between the side boundary and the neighbour's dwelling. Further, this property and the side window is currently already obscured by the existing dwelling. Therefore, whilst some loss of light may occur to the neighbour to the south, having applied the 45 degree rule the development is not considered to cause any significant loss of light to either neighbour that would warrant the refusal of planning permission.

The development overall is not considered to cause any significant adverse impact on the daylight, privacy and other amenities currently enjoyed by neighbouring property.

Other Considerations

The depth of the existing garage will be reduced in order to accommodate the proposed extension. There is no increase in the number of bedrooms proposed at the property and there is still sufficient off road parking for 2 no. cars in accordance with the current parking standards. The development is therefore acceptable with regards to parking at the site.

No letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the 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: Number 163-003 Rev B, Number 163-004 Rev B and Number 163-006 Rev A.

Reason - For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the enlarged window on the north side elevation serving the bathroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

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