

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	17/12/18
Planning Development Manager authorisation:	AN	17/12/18
Admin checks / despatch completed	W	18/12/18

AK

Application: 18/01784/FUL **Town / Parish:** Clacton Non Parished

Applicant: Ms K Byrne

Address: 52 Sladburys Lane Clacton On Sea Essex

Development: Proposed rooms in roof space and dormer windows.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

18/01784/FUL Proposed rooms in roof space and dormer 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 loft conversion - featuring front dormer, rear dormer and side facing window to the gable wall - to a single storey semi-detached dwelling within the development boundary of Holland on Sea.

Visual Impact

The proposed front dormer will measure 1.61 m in width, and will not dominate the front elevation of the property. Other examples of front dormers are visible on nearby properties, so the proposal is not out of character with the surrounding area. The rear dormer will measure 5.83m in width, so will span almost the entire width of the property. It will be visible Keswick Avenue, but will not be overly prominent or harm the visual amenity of the area.

Impact on Neighbours

The front facing dormer will not impact neighbouring amenities. The side facing window will serve a shower room and will be obscure glazed. A condition will be imposed to retain the obscure glazing in perpetuity.

The rear facing dormer will impact privacy for the neighbours to the rear (on Derwent Gardens). However, the rear element of the proposal could be constructed under permitted development rights - so the impact can only be given limited weight. Furthermore, the proposed rear windows will serve a bedroom, which is not a primary living area. The potential overlooking will therefore not be significant - and there will not be sufficient harm to warrant refusal of planning permission.

Other Considerations

One letter of objection has been received, from a neighbour to the rear of the site - raising concerns over the loss of privacy caused by the rear dormer. The neighbouring property has been visited to assess the impact, and as discussed above the potential overlooking will not be so significant as to warrant refusal of planning permission.

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. 1.

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

- 3 The first floor window to the side elevation shall be glazed in obscure glass prior to occupation, and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of neighbouring properties.

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.