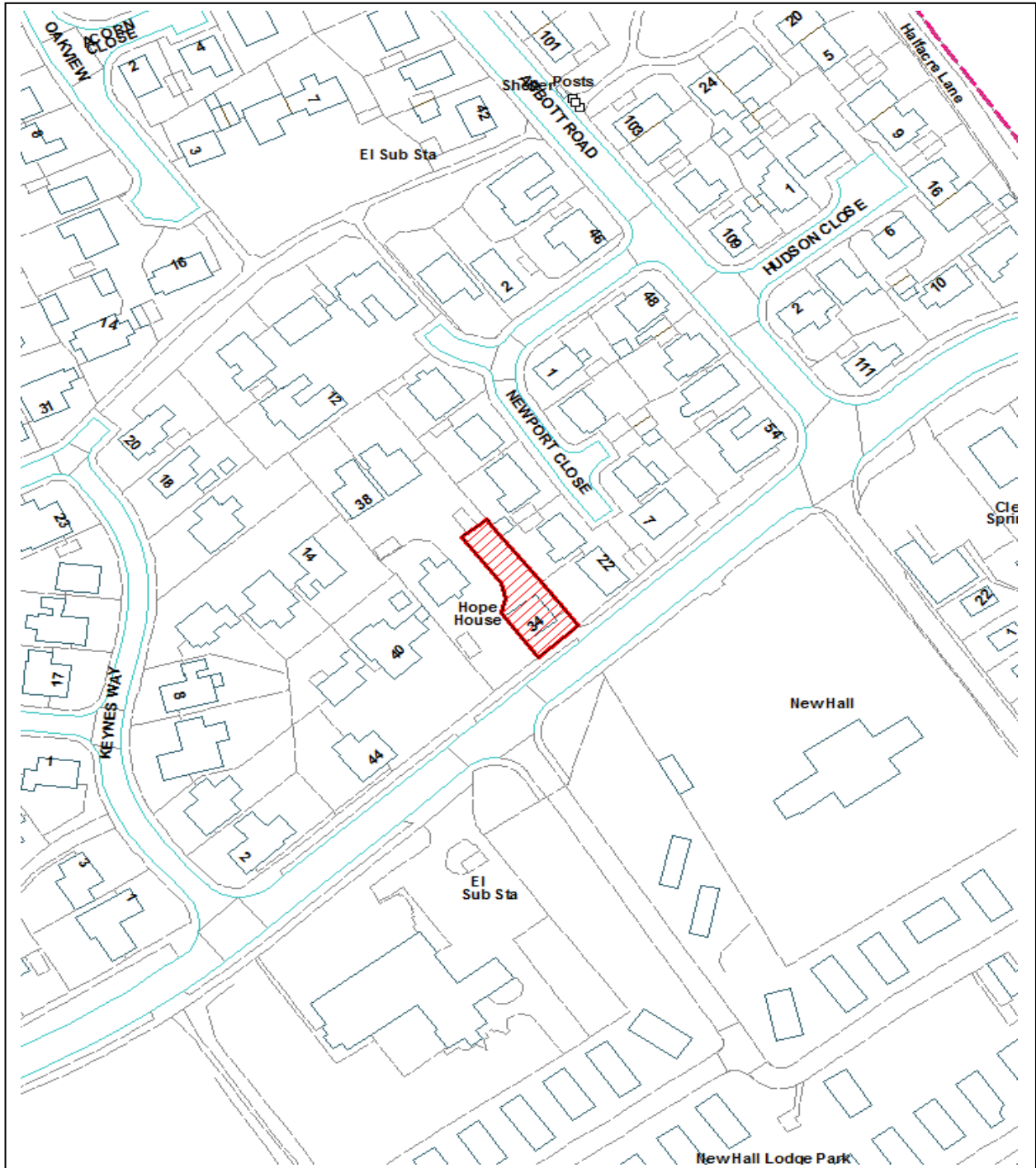


PLANNING COMMITTEE

12 FEBRUARY 2019

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 18/02001/FUL - 34 LOW ROAD, DOVERCOURT, HARWICH, CO12 3TS



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Application:	18/02001/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr & Mrs Ivan Henderson	
Address:	34 Low Road Dovercourt Harwich CO12 3TS	
Development:	Proposed single storey side extension.	

1. **Executive Summary**

- 1.1 The application has been referred to Planning Committee as the applicants are Cllr Ivan Henderson who is a County and District Councillor and Cllr Jo Henderson who is a District Councillor.
- 1.2 The application is a resubmission of a previous scheme refused by planning committee under reference 18/01693/FUL which sought permission for a side extension 5.6m in height. Members chose to recommend the scheme for refusal as it was contrary to Saved Policy HG14.
- 1.3 This new application seeks permission for the erection of a single storey side extension 2.7m in width and 3.8m in height at 34 Low road Dovercourt which is sited within the development boundary of Harwich and Dovercourt.
- 1.4 It is noted that planning permission would not normally be required for an extension of this size however permitted development rights for enlargements have been removed on the original planning permission for the house under condition 12 of planning permission 07/01455/FUL and therefore an application is required.
- 1.5 The proposal will be sited to the side of 34 Low Road and will be of a design and size which is appropriate to the existing house refraining it from having a harmful impact to the local areas appearance and character.
- 1.6 The proposal will be noticeable to the neighbouring property to the north east known as "22 Newport Close," however will be sited sufficient distance away from this house which will prevent it from resulting in such a significant loss of light and outlook to this neighbour.

Recommendation: Approve

Conditions:

1. Time Limit
2. Approved Plans

2. **Planning Policy**

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG14 Side Isolation

HG9 Private Amenity Space

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

SPL3 Sustainable Design

Status of the Local Plan

- 2.1 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.
- 2.2 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.
- 2.3 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.

3. Relevant Planning History

05/01741/FUL	4 New Dwellings	Refused	06.12.2005
06/00530/FUL	2 New dwellings.	Refused	17.05.2006
07/01455/FUL	3 new dwellings with detached garages, new access drive and crossover (existing Hope House to be retained).	Approved	14.11.2007
18/01693/FUL	Proposed single storey side extension.	Refused	21.11.2018
18/02001/FUL	Proposed single storey side extension.	Current	

4. Consultations

None Required

5. Representations

5.1 Harwich Town Council have no objections to the proposal.

5.2 Two letters of objection have been received which can be summarised below:

- Loss of light due to height of proposal
- Loss of outlook due to height, close proximity and removal of hedge.
- Contrary to Saved Policy HG14 of Tendring District Local Plan 2007.

6. Assessment

The main planning considerations are:

- Site context;
- History;
- Proposal;
- Design and Appearance;
- Impact to Neighbours; and,
- Highway Safety.

Site Context

6.1 The application site comprises of a south east facing detached chalet bungalow which is of a brick construction with two dormer windows sited to the front of the house. An access serving the properties to the rear is positioned between the host dwelling and its associated garage. The application house has a rear garden which shares boundaries with neighbouring dwellings in Newport Close and Low Road.

6.2 The site is located within the settlement boundary of Dovercourt within the Adopted Local Plan 2007 and Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

6.3 This application seeks planning permission for the erection of a single storey side extension 2.7m in width and 3.8m in height.

History

6.4 This application is a resubmission of an earlier scheme refused at planning committee under reference 18/01693/FUL which failed to comply with the requirements of Saved Policy HG14 of the Adopted Local Plan 2017.

6.5 The application site is of a recent construction with planning permission for the erection of 3 new dwellings with detached garages, new access drive and crossover (existing Hope House to be retained), approved under planning permission 07/01455/FUL in 2007.

6.6 Condition 12 of planning permission 07/01455/FUL removed permitted development rights for enlargements to the house without having first received planning permission. This condition states;

- 6.7 “Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, no provision of buildings, enclosures, swimming or other pool shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure the size of the garden areas remain acceptable and to protect the residential amenity of adjoining residents.”

Design and Appearance

- 6.8 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.9 Policy HG14 of the Tendring District Local Plan (2007) states that, extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought. Where circumstances warrant it, a greater distance will be sought.
- 6.10 The proposal will be sited to the side and therefore a noticeable feature when viewing the property from Low Road.
- 6.11 The proposed extension will be set back from the front wall of the dwelling by 0.45m and from the front of the site by 5m which reduce its prominence within the streetscene.
- 6.12 The proposed extension will be 1.9m lower in height than the host dwelling and will continue the same eaves height as the house to ensure its consistency with the host dwelling. The enlargement will be constructed from materials which match the host dwelling and will incorporate similar design elements such as same roof type and matching openings to ensure its consistency with the main dwelling.
- 6.13 The neighbouring dwelling of 22 Newport Close sited to the north east is orientated away from the dwelling with its rear garden boundary being shared with the application site. The neighbouring dwelling is positioned 9m away from its rear boundary resulting in a large open space being formed between the two properties.
- 6.14 The height of the proposed extension has since been lowered to under 4m in line with Saved Policy HG14 of the Adopted Local Plan 2007.
- 6.15 The site is of a large enough size to accommodate the proposal still retain sufficient private amenity space in line with requirements of Saved Policy HG9.

Impact on Neighbours

- 6.16 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried

- 6.17 Since the refusal of the previous application the height of the proposed enlargement has been lowered to less than 4m and therefore complies with Saved Policy HG14.
- 6.18 The proposal will not result in a loss of residential amenities to the neighbouring dwellings to the South West or North West of the site as it will be sited sufficient distance away from these houses and screened by the host dwelling.
- 6.19 The application site shares a boundary with 22 Newport Close sited to the east of the site. Currently situated along this boundary is an existing hedge and fencing. The hedge has not been shown on the submitted plans and it is presumed that this will be removed to accommodate the proposal and as a result the proposal will appear as a noticeable feature to this neighbour.
- 6.20 The occupants of 22 Newport Close have provided comments objecting to the scheme stating that the proposal will be of the same height as the existing house resulting in a significant reduction of light and outlook.
- 6.21 The plans show that the proposal will be 1.9m lower in height compared to the host dwelling matching the design of the existing house.
- 6.22 This neighbouring dwelling at 22 Newport Close is sited 9m from its rear boundary shared with the application site.
- 6.23 As a result of the reduced height and its distance from the neighbouring dwelling it is considered that the proposal would not result in a significant loss of light or outlook to this neighbour.
- 6.24 The plans show that there are no windows proposed along this side elevation and therefore the proposal would not result in a loss of privacy to this neighbour.

Highway Safety

- 6.25 The application dwelling has an existing garage positioned to the other side of the existing access which serves the houses to the rear. The proposal is to the side of the house away from this garage and would not infringe upon any existing parking arrangements at the site.

Conclusion

- 6.26 In conclusion as the proposal represents no visual harm or significant loss of residential amenities to neighbouring properties it is recommended for approval.

Background Papers

None.