

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/03/2019
Planning Development Manager authorisation:	SCE	11.03.19
Admin checks / despatch completed	RW	12/3/19

**Application:** 19/00077/FUL **Town / Parish:** St Osyth Parish Council *ER*

**Applicant:** Mr and Mrs Booth

**Address:** 96 Clacton Road St Osyth Clacton On Sea

**Development:** Proposed first floor rear extension.

### 1. Town / Parish Council

Mr Parish Clerk St Osyth  
Parish Council No objections.

### 2. Consultation Responses

Tree & Landscape Officer The rear extension will not adversely affect any trees or other significant vegetation.

### 3. Planning History

TRE/3/84	Deadwood tidy 2 Sycamore	Current	19.04.1984
TRE/8/85	Raise and thin crown of Horse Chestnut and Sycamore	Current	29.10.1985
TPC/14/90	Works to 3 Sycamores	Current	22.05.1990
TRE/94/16	Works to Sycamore	Current	10.06.1994
10/00790/TPO	2 No. Lime trees reduce by 25 - 30%	Approved	02.08.2010
15/01107/TPO	1 No. Sycamore, 2 No. Lime - reduce by 30%	Approved	18.08.2015
18/01077/TPO	1 No. Sycamore - Re-pollard, 2 No. Lime Trees - reduce by 50%	Approved	23.07.2018
18/01079/TCA	1 No. Sycamore - Reduce, 1 No. Birch - Reduce	Approved	23.07.2018
19/00077/FUL	Proposed first floor rear extension.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
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  
EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL3 Sustainable Design  
PPL8 Conservation Areas

Local Planning Guidance  
Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### Proposal

This application seeks planning permission for the erection of a first floor rear extension to a two storey detached dwelling within the development boundary.

### Assessment

#### Design and Appearance

The proposal will be to the rear however as a result of spacing between dwellings will be publicly visible when viewing the house from Clacton Road. The set back of the proposal and predominant screening by way of the existing dwelling will prevent the proposal from having a harmful impact to the overall character of the house and streetscene.

The scale of the proposed enlargement is appropriate to the existing house and the materials used will match those on the host dwelling. The overall design is not consistent with the existing dwelling however as it will be sited to the rear this would not have a harmful impact to the dwellings overall character and appearance.

### Heritage Statement

The dwelling is located within the St Osyth Conservation Area and therefore a Heritage Statement has been provided in line with the NPPF requirements. The proposal will be sited to the rear and will not appear prominently within the streetscene which will prevent it from having a harmful impact to the overall appearance and character of the existing conservation area. It is also noted that the existing dwelling is not awarded special mention in the St Osyth Conservation Area Appraisal.

#### Protected Trees

There are protected trees to the front of the site and therefore the Councils Tree and Landscape Officer has been consulted and has provided no objection to the scheme.

#### Impact on Neighbours

The proposal includes three windows at first floor level which will be sited to the rear as the existing dwelling currently has three windows to the rear which overlook the neighbouring dwellings rear gardens it is considered that the loss of privacy in is not so significant to refuse planning permission upon.

The proposal will result in a loss of light to each of the neighbouring dwellings and therefore the sunlight/ daylight calculations have been used. The 45 degree line in plan would not intercept the rear of the neighbouring dwellings and in elevation would only just intercept the neighbouring properties. The proposal would therefore not result in such a significant loss of light to refuse planning permission upon.

The proposal would result in a loss of outlook to the neighbouring properties however as it will be sited a minimum of 2m from each neighbouring boundary and have a low eaves height of 5.2m the loss of outlook would not be so significant to refuse planning permission upon.

#### Other Considerations

St Osyth Parish Council have no objection to the proposal.  
No further letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed 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: 96/CRSO/2 and Heritage Statement received on 23rd January 2019.

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.