

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	20/03/2019
Planning Development Manager authorisation:	SCE	20.03.19
Admin checks / despatch completed	SB	25/03/19

Application: 19/00201/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Ronald Thompson

Address: 7 Lymington Avenue Clacton On Sea Essex

Development: Proposed erection of conservatory.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

Not applicable

3. Planning History

13/00588/FUL Proposed single storey rear and side extensions. Approved 16.07.2013

15/00553/FUL Proposed single storey rear extension. Approved 03.06.2015

19/00201/FUL Proposed erection of conservatory. 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for the erection of a single storey rear conservatory to a bungalow within the development boundary.

Assessment

Design and Appearance

The proposal will be sited to the rear however as a result of the open space between the application dwelling and the neighbour to the north the conservatory will be publicly visible within Lymington Avenue.

Whilst publicly visible the proposal will be set back sufficiently from the front of the site and will be partially screened by the host dwelling and existing fencing which will prevent it from appearing prominently within the streetscene.

The proposal is of an appropriate size and design to the existing house and will be primarily glazed with a brick plinth. The brick will match that of the existing house. Whilst the glazing will not be consistent with the host dwelling as the proposal will be sited to the rear with a minimal impact on the streetscene the use of this material would not be harmful to the existing dwellings overall appearance or character.

The site is of a sufficient size to accommodate the proposal and still retain sufficient private amenity space.

Impact to Neighbours

The proposal will not result in a loss of residential amenities to the neighbour to the north as it will be sited sufficiently away from the neighbouring boundary and screened by the existing host dwellings outbuilding and boundary fencing.

Sited to the south is the attached neighbouring semi-detached bungalow 5 Lymington Avenue. Sited between these neighbours is an existing boundary fence. As a result of the orientation of the dwellings the proposal will not result in a loss of light to this neighbour. Whilst the proposal will result in a loss of privacy and outlook to this neighbour the conservatory will be sited 1.3m from this neighbour and partially screened by the existing boundary fencing. It is also noted that the fence could be increased to 2m under permitted development which would screen more of the proposal including the windows which will face into this neighbouring dwellings rear garden. It is therefore considered that the loss of privacy and outlook in this instance are not so significant to refuse planning permission upon. X

Other considerations

Clacton is non parished and therefore no comments are required.
No 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: Layout plan received with the application, specifications of conservatory entitled "Conservatory Proposal for Mr Thompson" and Block plan 1:500 on drawing no TDC-0413-2-02.

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.