

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                               | INITIALS  | DATE    |
|---|-----------|---------|
| File completed and officer recommendation:  | PW        | 26/3/19 |
| Planning Development Manager authorisation: | <i>GS</i> | 26/3/19 |
| Admin checks / despatch completed           | <i>me</i> | 26/3/19 |

**Application:** 19/00146/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs R Winterton

**Address:** 23 Arnold Road Clacton On Sea Essex

**Development:** Proposed extension and loft conversion.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

n/a

### 3. Planning History

19/00146/FUL Proposed extension and loft conversion. 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

HG9 Private Amenity Space

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

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### Proposal

This application seeks planning permission for a rear extension and loft conversion to a bungalow within the development boundary of Clacton on Sea. The loft conversion consists of the addition of a dormer window to the front, a dormer window to the side, and the inclusion of a dormer window in the hipped roof of the proposed rear extension.

### Design and Appearance

As the proposal largely relates to the roof of the dwelling, it will be visible from the public highway. The proposed front and side dormers are both relatively modest, and neither will dominate the roof of the dwelling. Front dormer windows are present in nearby properties, including one of the adjacent dwellings, so the proposal is not considered to be harmful to the character of the area.

The rear extension will be less prominent than the front and side dormers, as it will be largely screened from public view. It will be partially visible from the highway, but is well related to the host dwelling and not excessive in scale. The use of matching materials will create a sense of cohesion between the extension and host dwelling. The rear facing dormer is consistent with the proposed front dormer, and is will not be harmful to the appearance of the dwelling.

Adequate private amenity space is retained to the rear of the dwelling to satisfy adopted policies.

### Impact on Neighbours

There is 2.6m separation between the application dwelling and neighbouring dwelling 25 Arnold Road. The 45 degree daylight sunlight test shows that there will be no significant impact on this neighbour's daylight or outlook as a result of the proposal. The opposite adjacent neighbour, 19 Arnold Road, is separated from the application site by a private driveway (serving 21 Arnold Road to the rear), and so will not suffer any impact on their daylight or outlook.

The proposed front facing dormer will not impact neighbouring privacy as it looks into public land. The side facing dormer will be obscure glazed, and a condition will be imposed requiring this to be retained in perpetuity to protect neighbouring privacy. The rear facing dormer will only offer oblique views into adjacent gardens, and not into the more private areas directly behind the neighbouring dwellings. Furthermore, as the rear dormer will serve a bedroom (which is not a primary living space), the impact on neighbouring privacy will not be significant. The window will also allow views into the front garden area of the neighbour to the rear - 21 Arnold Road. However, due to the position of the window in relation to this neighbour's garage, and because the neighbour's more

private amenity space is to the rear of their dwelling, the impact on this neighbour's privacy will not be significant.

#### Other Considerations

One letter of representation has been received from the rear neighbour, 21 Arnold Road. The following concerns have been raised:

1. Proposed rear dormer would overlook front of their property.

- As addressed above, the rear dormer window does not serve a primary living space and views from the window will be obscured by the objector's garage. Any impact on privacy will not be significant.

2. A dormer window in a planning application submitted by the objector was not supported by the planning department.

- Planning applications are assessed on their own merits, and the refusal of an unrelated development is not a material consideration in determining the impact of this proposal.

#### 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's. 1812.3/3A, 1812.3/4A and 1812.3/6A.

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.

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| <b>Are there any letters to be sent to applicant / agent with the decision?<br/>If so please specify:</b> | NO |
| <b>Are there any third parties to be informed of the decision?<br/>If so, please specify:</b>             | NO |