

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	25/03/2019
Planning Development Manager authorisation:	AN	28/3/19
Admin checks / despatch completed	ER SB	29/3/19 29/03/19

**Application:** 19/00191/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr S Gregory - Vineview Properties Ltd

**Address:** 6 Windermere Road Holland On Sea Clacton On Sea

**Development:** Proposed single storey side extension.

### **1. Town / Parish Council**

N/A

### **2. Consultation Responses**

N/A

### **3. Planning History**

19/00191/FUL      Proposed single storey side 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

HG14 Side Isolation

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application site

The application site is located to the east of Windermere Road, within the settlement boundary of Clacton on Sea. It serves a detached bungalow constructed of brick and painted render with a tiled roof. The front of the site is entirely paved for parking, with a small brick wall and gate, the rear of the site is laid to lawn with a concrete area to the side.

### Proposal

This application seeks planning permission for a single storey side extension. The proposal will measure a maximum depth of approx. 9.3m, 2.5m wide and will have a pitched and flat roof with a maximum height of approx. 3.9m. It will be constructed of brick and painted render with a tiled roof to match the host dwelling.

### Assessment

The main considerations of this application are the design and the impact upon residential amenity.

### Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### Design and Appearance

The proposed single storey side extension is considered to be of a scale and nature appropriate to the site and the surrounding area, and is of a design that is in keeping with the host dwelling. It is set back from the front elevation of the property by 0.25 metres making it appear as a subservient addition. Whilst the extension will be publicly visible it will be set back from the highway by approximately 6.9 metres. Furthermore, the use of brick, painted render and a tiled roof will blend the development with the host dwelling, resulting in a neutral impact upon the street scene.

## Impact on residential Amenity

The proposed extension will only affect the neighbouring property to the south of the application site, No. 4 Windermere Road, it will be located within 1 metre of the shared side boundary. However, whilst it is acknowledged that the extension will adjoin the two properties boundary, and therefore will create a degree of harm, the overall height is 3.9 metres to the front and the majority of the extension will not exceed 3 metres. Therefore, this reduces the oppressive nature of the extension and complies with Policy HG14 of the Adopted Plan. Furthermore, the single storey nature will ensure there will be no overlooking concerns, whilst there will be no loss of light as the neighbouring property is to the south, and the sun rises from the east and sets in the west.

Therefore, while it is acknowledged that the extension will be in close proximity to the neighbouring property, on balance, it is not considered there will be significant adverse impact to the daylight, privacy or other amenities currently enjoyed by neighbouring properties to warrant a reason for refusal.

There is an existing window within the side elevation of the host dwelling with a view of the neighbouring side elevational wall. The application proposes a frosted window within the side elevation. Although the proposed window will be closer to the neighbouring property, than the existing side window, the extension is single storey and will not recreate any overlooking, causing no further impact on the neighbouring property.

## Other Considerations

No letters of representation have been received.

## Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 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 number 01.

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.