

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	28/03/2019
Planning Development Manager authorisation:	SCE	03.04.19
Admin checks / despatch completed	ER	04/04/19

Application: 19/00232/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr & Mrs Carl Willis

Address: 31 York Road Brightlingsea Colchester

Development: Proposed demolition of existing defective bathroom & part removal of existing utility area with conversion of remaining area into kitchen. Additional two storey rear extension with pitched roof.

1. Town / Parish Council

Brightlingsea Town Council Should be two doors between kitchen and bathroom.

2. Consultation Responses

N/A

3. Planning History

75/00315/FUL	Garage and porch	Refused	04.06.1975
19/00232/FUL	Proposed demolition of existing defective bathroom & part removal of existing utility area with conversion of remaining area into kitchen. Additional two storey rear extension with pitched roof.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007
QL3 Minimising and Managing Flood Risk
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
PPL1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is located to the west of York Road inside the development boundary of Brightlingsea and within Flood Zones 2 and 3. It serves a semi detached two storey dwelling with flat roof rear dormer, constructed of brick, render and weatherboarding with a tiled roof. The site has a small grass frontage enclosed with brick boundary wall. The rear of the site has a patio adjacent to the dwelling with grass beyond with close boarded fencing and a brick garage wall acting as the boundary treatment.

Proposal

The application proposes the demolition of existing ground floor bathroom and part removal of existing utility area with conversion of remaining area into kitchen and a two storey rear extension with pitched roof. The two storey extension will measure 2.85m wide by 2.55m deep with an eaves height of 5.1m and a ridge height of 6m. The development will be constructed with render and masonry paintwork and concrete interlocking roof tiles to match the existing dwelling.

Assessment

The main considerations of this application are the design, impact on residential amenity and flood risk.

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.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance.

Design

The proposed extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The two storey extension will have eaves to match the existing dwelling, with a shallow pitched roof that is hipped to the rear. These features make the extension a subservient addition that is considered to be good design.

The single storey element will be built up to the boundary with the attached neighbour but the footprint of the ground floor layout is reduced as a result of the development and the two storey extension is located away from the neighbouring properties so the development does not appear cramped within the plot.

The use of render will be consistent with the render used on the existing dwelling and is considered to blend acceptably with the site and other nearby properties. Furthermore, the extension is to the rear of the site so will not be publicly visible resulting in no impact upon the street scene.

Impact on Residential Amenity

The alterations at ground floor level reduce the footprint of the existing ground floor layout so are not considered to have any increased impact on the residential amenities of neighbouring property.

The two storey extension does not propose any windows on the side elevation at first floor level. It is over 1.5m from the attached neighbour's boundary to the north and over 2m from the property to the south, compliant with Policy HG14. The 45 degree rule contained within the Essex Design Guide has been applied. Whilst the proposed two storey extension may have some impact on the daylight/sunlight enjoyed by the attached neighbouring property, the impact is not considered significant enough to warrant the refusal of planning permission. As a result, this part of the development is not considered to have any significant adverse impact on the daylight, privacy and other amenities currently enjoyed by neighbours and the development overall is acceptable in this regard.

Flood Risk

Policy QL3 of the Tendring District Local Plan (2007) states that the Council will ensure that flood risk is taken into account, and that all planning applications for development in Flood Zone 2 & 3 will require a Flood Risk Assessment.

The site is located within Flood Zone 2 and 3. An e-mail has been received from the agent confirming the steps taken reduce flood risk. Due to the minor nature of the proposal this e-mail has been accepted as the Flood Risk Assessment. It clearly states that precautions against flooding that will be taken in line with the Environment Agency's standing advice.

The development results in the footprint of the dwelling at ground floor level being reduced to provide the kitchen area and bathroom; the first floor of the two storey extension increases the size of bedroom 3, with no additional rooms being created. The development, subject to compliance with the Flood Risk Assessment, is in accordance with Environment Agency advice and is therefore acceptable in terms of flood risk.

Other Considerations

Brightlingsea Town Council has commented that there should be two doors between the kitchen and bathroom. This refers to the internal arrangement and does not affect the external appearance of the development being considered under this application.

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

- 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 and documents: Drawing Number: 5550/19/2 and Flood Risk Assessment E-mail dated 20 February 2019 12:15:42.

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.

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