

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	28/03/2019
Planning Development Manager authorisation:	SCE	02.04.19
Admin checks / despatch completed	ER	04/04/19

*YML*

**Application:** 19/00228/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr & Mrs S Clanford

**Address:** 2 Ventnor Drive Clacton On Sea Essex

**Development** Proposed single storey rear extension.

### 1. Town / Parish Council

Clacton Non Parished

### 2. Consultation Responses

N/A

### 3. Planning History

05/02126/FUL	Retention of boundary fence	Approved	22.05.2006
19/00228/FUL	Proposed single storey 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  
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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)**

### **Site Description**

The application site is located to the north of Ventnor Drive, on a corner plot shared with Lymington Avenue to the east, situated inside the development boundary of Clacton on Sea. It serves a semi-detached bungalow constructed with a tile roof, buff brick to the front and rear elevation and render with cladding to the gable on the side elevation facing Ventnor Drive, which serves the front door. The front and side of the site is a combination of gravel, concrete and grass with planting and 1m close boarded fencing on the boundaries. The rear of the site is laid to lawn with a patio area and flower beds, with close boarded fencing and a garage located to the rear, accessed via Ventnor Drive.

### **Proposal**

The application proposes a single storey rear extension. It will measure 4.4m deep by 2.6m wide with an eaves height of 2.5m and a ridge height of 3.1m. It will be constructed with grey cladding and roof tiles of a colour to match the existing dwelling.

The original submission proposed a flat roof rear extension built closer to the boundary with a maximum height higher than the existing eaves. Amendments to the application have altered the proposal.

### **Assessment**

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

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**

The proposed extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The extension will be located in the rear garden of the site; however, due to the corner plot location the extension, mainly the roof, will be partially visible from Ventnor Drive. Notwithstanding this, and as a result of amendments to the application, the proposed pitched roof extension is considered to be of an acceptable design that blends with the main dwelling and which will have a neutral impact upon the local character of the area. The eaves will match the existing dwelling and the extension will have a shallow pitch, making it appear as a subservient addition. The cladding design will match the style of cladding on the existing side gable and the proposed roof tiles are also considered acceptable in design terms.

### Impact on Residential Amenity

The proposed extension will be located 0.5m from the side boundary shared with the attached neighbour, No. 11 Lymington Avenue. This neighbour is staggered forward of the application site so some shadowing already exists across the back door of the neighbouring property. Furthermore, the back door appears to act as a secondary opening, with a window also providing light to this room. The 45 degree sunlight/daylight rule contained within the Essex Design Guide has been applied to the development. It states that "the obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone". The 45 degree angle fails on the floor plan, but not on the elevation plan. Whilst it is recognised that some loss of light may occur as a result of the development the low eaves height and shallow pitched roof helps to alleviate the impact, and it is not considered to be significant enough to justify the refusal of planning permission. Furthermore the residents of the attached neighbouring property have not raised any objection to the development.

There are no windows proposed in the side elevation facing the neighbour and overall the development is not considered to cause any significant adverse impact on the privacy and other amenities currently enjoyed by neighbouring property.

Sufficient private amenity space is retained for the occupiers of the property, in accordance with Policy HG9.

### 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**

- 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 no. 01 Revision A and e-mail confirming materials dated 28 Mar 2019 13:36:41.

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.

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