

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	22/03/2019
Planning Development Manager authorisation:	SCE	02.04.19
Admin checks / despatch completed	ER	04/04/19

**Application:** 19/00189/FUL **Town / Parish:** Clacton Non Parished xll  
**Applicant:** Mr Cotterill  
**Address:** 15 Holland Park Clacton On Sea Essex  
**Development:** Amendment to approved application 18/01789/FUL - To change flat roof of two storey rear extension to part tiled, part flat roof.

### 1. Town / Parish Council

Clacton Non Parished

### 2. Consultation Responses

N/A

### 3. Planning History

18/01789/FUL	Proposed two storey rear extension.	Approved	17.12.2018
19/00189/FUL	Amendment to approved application 18/01789/FUL - To change flat roof of two storey rear extension to part tiled, part flat roof.	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

Local Planning Guidance  
 Essex Design Guide  
 Essex County Council Car Parking Standards - Design and Good Practice

#### 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 east of Holland Park, inside the development boundary of Clacton on Sea. It serves a detached two storey dwelling constructed of pebble dashed render with a red brick plinth and a tiled roof. A car port is attached to the north side of the house and a detached garage building (now partially demolished) is set behind the car port beyond the rear elevation of the dwelling. A conservatory is located on the rear elevation of the dwelling. The rear garden has a patio area and is laid to lawn, with fencing and shrubs planted on the boundaries.

### **Proposal**

The application proposes an amendment to approved application 18/01789/FUL, to change the flat roof of the two storey rear extension to a crown roof - part tiled, part flat roof. The foot print of the extension will remain 4m deep and 8.735m wide. The eaves height of 5.25m will also remain the same but the crown roof design will now result in a maximum roof height of 5.7m. The extension will be constructed of render and roof tiles to match the existing dwelling.

### **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.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum of 1 metre will be sought.

### **Design**

This application seeks an amendment to approved application 18/01789/FUL to change the flat roof to a crown roof. All other aspects of the design remain the same and have been assessed under application 18/01789/FUL.

The crown roof is considered to blend acceptably with the existing hipped roof of the main dwelling. An extension at No. 19 Holland Park has a rear projection with a similar roof design resulting in a development that is not out of character with the surrounding area. The amendment will have no impact upon the street scene and the use of matching roof tiles continues to making the development acceptable in design terms.

#### Impact on Residential Amenity

The amendment to the roof design is not considered to have any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property. The 45 degree rule contained within the Essex Design Guide is measured from the eaves of the development, the height of which is unaltered from the approved plans. No other elements of the approved development have changed so this application is considered acceptable in terms of impact on neighbours.

An existing window serving the WC on the north side elevation is still proposed to be enlarged to serve the bathroom. The neighbour to the north has a first floor window, facing the application site, which is level with the enlarged window. To avoid any possible overlooking into the neighbouring property a condition has been re-imposed to ensure the enlarged window is obscure glazed and retained as such thereafter.

#### Other Considerations

Parking at the site was assessed under application 18/01789/FUL and is considered acceptable.

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: Number 163-003 Rev: B, Number 163-004 Rev: B, Number 163-006 Rev: C.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the enlarged window on the north side elevation serving the bathroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

## 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? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO