

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	24/04/2019
Planning Development Manager authorisation:	AN	25/4/19
Admin checks / despatch completed	EB	26/04/19.

Application: 19/00281/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr and Mrs Wing
Address: 11 Second Avenue Clacton On Sea Essex
Development: Proposed single storey side extension, following demolition of conservatory.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

19/00281/FUL Proposed single storey side extension, following demolition of conservatory. 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application seeks permission for the erection of a single storey side extension to a bungalow located within the development boundary of Clacton on Sea.

Design and Appearance

The side extension will utilise space on the northern side of the existing bungalow. A small section of sloping roof finished in tiles will front the extension and create a continuous line from the existing dwelling to ensure a seamless join when viewing from Second Avenue. Timber garage doors will face the existing driveway and allow access to the newly created storage area. Behind the section of sloping roof lies a flat roof with two roof lanterns which will be hidden from the street view. The use of matching materials will be used throughout the extension to help ensure that there will be no significant impact to the character of the existing dwelling or the immediate area.

Impact upon Residential Amenity

Due to the proposed side extension being sited on the northern side of the bungalow there will be no significant impact to the neighbours to the south at 9 Second Avenue in terms of loss of light, privacy or overlooking.

The side extension proposal will be built up to the northern boundary shared with 13 Second Avenue. The flat roof at its highest point is 3.15 metres sloping down to its lowest point at 3 metres. Due to its close proximity to this neighbour the proposal has the potential to result in a loss of light and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would intercept the window serving the study/day living area on the side elevation of 13 Second Avenue and in elevation it would intercept just over half of the window serving the study/day living area on the side elevation of 13 Second Avenue. Although it is considered that there would be some loss of light to this room, the fall-back position should also be taken into account in this case. Under permitted development rights the applicant is able to build a side extension up to the boundary which has a flat roof height of 2.785 metres and a parapet wall of 3.359 metres high, which is 0.209 metres higher than the proposed side extension resulting in a more harmful outcome. On balance, it is considered that the proposal would not have an impact significantly greater than that of an extension allowable under permitted development rights.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 75 square metres of private amenity space for a property with two bedrooms. Following construction of the proposal over 150 square metres of private amenity space will remain which is considered more than adequate.

The off road parking provision will not be affected by the proposal ensuring there will be enough space in front of the bungalow for two cars to park off the road that meets the current parking standards where one space measures 2.9 metres x 5.5 metres.

Other Considerations

Two letters of objection have been received which raise the following concerns:

1. Daylight and sunlight blocked
2. Brick wall close and imposing
3. Concern when footings dug there could be damage to neighbouring property
4. Overhanging guttering

The first two points have been addressed in the report. Points 3 and 4 are not material planning considerations and the applicant is likely to be required to give notice to the neighbours of their intentions under the Party Wall etc. Act 1996.

Conclusion

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: Drawing no. 01 Revision B.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

You may be required to give notice to your neighbours of your intentions under the Party Wall etc. Act 1996. Further information can be found on the government website. <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>

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

