

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	25/04/2019
Planning Development Manager authorisation:	SCE	25.04.19
Admin checks / despatch completed	LN	26/04/19

Application: 19/00360/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs J Payne

Address: 102 Church Road Brightlingsea Colchester

Development: Two storey rear extension with alterations.

1. Town / Parish Council

Brightlingsea Town Council Supports application.

2. Consultation Responses

N/A

3. Planning History

06/00880/FUL	New rear conservatory.	Approved	13.07.2006
19/00360/FUL	Two storey rear extension with alterations.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Church Road, inside the development boundary of Brightlingsea. It serves a two storey dwelling, attached to the neighbour to the south by the garage. It is constructed of red brick and pebbledash render with a slate roof. The front of the site has a gravel driveway, planting and a front boundary wall. The rear of the site is laid to lawn with a patio area and raised decking adjacent to the conservatory. Close boarded fencing is located on the boundaries.

Proposal

The application proposes a two storey rear extension measuring 3.5m wide by 3.3m deep with an eaves height of 6.2m and a ridge height of 7.7m, following the removal of part of the existing conservatory. The other part of the existing conservatory will be altered to a brick built construction with different fenestration. The footprint will be 4m square. The eaves and ridge height will remain the same as existing. The development will be constructed with brickwork, render and natural slate 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 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 development is considered to be of a scale and nature appropriate to the site and the surrounding area. The development sits on the footprint of the existing single storey development to the rear of the property, and other neighbouring properties in the vicinity, namely No. 98 Church Road and 104 Church Road, have had similar two storey extensions approved and built, setting a precedent for this form of development.

The development is considered to be a well-designed development, with matching materials. The two storey addition has a lower ridge height to the host dwelling making it appear subservient, and the rear facing gable design matches the existing rear facing gable. The site is large enough to

accommodate development of this scale and the development is set away from the side boundaries of the property by over 3.5m in both directions so will not create a cramped appearance, compliant with Policy HG14. Furthermore, the extensions are located to the rear of the property so will not be publicly visible, resulting in no impact on the street scene.

Impact on Residential Amenity

The proposed extensions are located away from the side boundaries of the adjacent neighbours. Having applied the 45 degree sunlight/daylight rule contained within the Essex Design Guide the proposed development is not considered to cause any significant loss of light to either neighbour.

The first floor extension does not include any windows at first floor level, and the new windows to be inserted at ground floor level, located only 0.6m from the boundary with the neighbour at No. 104 Church Road are high level windows that replicate those that are existing. The proposal does include the insertion of new first floor window in the existing side elevation facing onto the neighbour to the south, No. 100 Church Road. This window is proposed to serve a bathroom, but the application documents do not confirm that the window will be obscure glazed. To ensure that the privacy of occupiers of the adjacent property is protected a condition is imposed to the permission to ensure obscure glazing is used and retained thereafter.

Overall, the development is not considered to cause any significant adverse impact on the daylight, privacy and other amenities currently enjoyed by neighbouring property.

Other Considerations

Brightlingsea Town Councils supports the application.

No letters of representation have been received.

The development results in an increase in the number of bedrooms from 3 bedrooms to 4, signifying a possible intensification of parking requirements at the site. The front of the site has sufficient off road parking for 2 no. cars in line with current parking standards. There is no objection to the level of off road parking available at the site.

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: Drawing Number 1810/876-102 Revision A.

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 new window on the south 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.

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