

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	30/04/2019
Planning Development Manager authorisation:	AN	21/5/19
Admin checks / despatch completed	ME	03/05/19

ER

Application: 19/00405/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr P Atherton

Address: 41 Spring Road Brightlingsea Colchester

Development: Alteration of rear elevation first floor window to provide enlarged window, formation of screened external roof terrace to rear side elevation and internal alteration to first floor accommodation.

1. Town / Parish Council

Brightlingsea Town Council Supports application

2. Consultation Responses

n/a

3. Planning History

79/00383/OUT	Demolition of an existing cottage and erection of 1 new dwelling	Approved	23.05.1979
79/00923/FUL	Demolition of part and erection of extn for dwelling	Approved	31.07.1979
18/30191/PREAPP	Proposed loft conversion/second storey addition to rear of property.	Refused	10.12.2018
19/00405/FUL	Alteration of rear elevation first floor window to provide enlarged window, formation of screened external roof terrace to rear side elevation and internal alteration to first floor accommodation.	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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 to replace an existing side facing window with double opening doors, a side roof terrace, enlarged rear first floor window and internal first floor alterations to a house located within the development boundary of Brightlingsea. The originally submitted application proposed the roof terrace measuring 2.5 metres in width and 3.7 metres in depth. The amended proposal has reduced the area of the proposed roof terrace. The enlargement of the rear facing first floor window is considered permitted development and does not require planning permission. The internal alterations are not considered development and therefore do not require planning permission.

Design and Appearance

The outside area proposed as the terrace will utilise part of the existing flat roof of an existing single storey extension. The area of the terrace will measure 3.6 metres in depth and 1.3 metres in width and tucks into the L shape of the existing house. The terrace will be enclosed by a timber trellis of 1.7 metres high on the side facing 43 Spring Road, with a 0.9 metre high glass balustrade facing rearwards. The enlargement of the existing window on the side elevation to create double opening doors will be largely hidden behind the timber trellis. The timber trellis will face onto the side of the house at 43 Spring Road and will only be visible from the back gardens when looking back towards number 41. The timber trellis will not be publicly visible or seen from Spring Road at the front thereby ensuring that there will be no significant harm to the street scene.

Impact upon Neighbouring Amenities

The neighbour at 37 Spring Road will not be significantly affected by the proposal due to the distance from the proposal.

The roof terrace is a distance of 1.5 metres away from the boundary with 43 Spring Road to the north west. The host dwelling currently benefits from one rear facing bedroom window and a north west facing landing window at first floor which afford views to the side and rear. Provision of a 1.7 metre timber trellis will protect direct side views into the rear garden of the neighbouring property of number 43, while the flat roof extension of number 43 will also act as a partial barrier thereby

ensuring that the degree of overlooking and loss of privacy to neighbours will not be significant enough to warrant a reason for refusal.

The balcony will be used as an extension to the rear bedroom and it is not considered that significant additional noise will be created by its use. 41 Spring Road is a residential property and is used as such.

The proposal will not affect the garden space available and will not impact the off road car parking currently available at the property.

Due to the scale of the proposed development on a residential property that is currently occupied it is not reasonable to impose conditions relating to building noise, vehicle movements and parking during or following the course of the works.

Other Considerations

Brightlingsea Town Council supports the application.

One letter of objection has been received relating to the originally submitted plans. The following concerns were raised:

1. Additional noise during the build
2. Parking arrangements and traffic during the build and when complete
3. Potential damage to parked cars and causing additional damage to the roads
4. Additional noise when entertaining at evenings and weekends
5. Views from the proposal into upstairs rear bedrooms of the house

Points 1, 2, 4 and 5 have been addressed in the report.

Point 3 is not a material planning consideration.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 J225 03 P Rev A/04.19

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

- 3 Prior to first use of the hereby approved roof terrace, the 1.7 metre high timber trellis shown on drawing number J225 03P Rev A/04.19 must be provided, maintained and retained in perpetuity.

Reason - In order to protect neighbouring amenities.

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.

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