

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/05/2019
Planning Development Manager authorisation:	SCE	10.05.19
Admin checks / despatch completed	<i>ER</i>	10/05/19. <i>ER</i>

**Application:** 19/00489/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Goodey

**Address:** 75 Gainsford Gardens Clacton On Sea Essex

**Development:** Proposed white PVCu framed conservatory at the rear of the property.

### 1. Town / Parish Council

Clacton non Parished

### 2. Consultation Responses

Not applicable

### 3. Planning History

14/00931/FUL	Demolition of existing leisure facilities and construction of new leisure facilities including playing pitch, club house, changing facilities and car parking. Residential development of 65 no. bungalows.	Approved	20.07.2015
19/00489/FUL	Proposed white PVCu framed conservatory at the rear of the property.	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

#### 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

### Proposal

This application seeks permission for the erection of a rear conservatory to a semi-detached bungalow within the settlement boundary of Clacton on Sea.

### Assessment

#### Design

The proposal will be predominantly to the rear with much of it being screened by the host dwelling however as a result of the open space between the existing house and neighbour to the north elements of the proposal will be publicly visible.

As the proposal will be single storey in design and set back from the front of the site it would not appear as a prominent or harmful feature to the appearance or character of the existing dwelling or streetscene.

The proposal is of a size and design appropriate to the existing dwelling.

The proposed conservatory will have a brick plinth which will match the brickwork used in the host dwelling. The introduction of large glazing panels will differ from the host dwelling however with the proposal being predominantly screened by the host dwelling and having very little impact to the streetscene the use of these materials would not have a harmful impact to the overall appearance of the dwelling and area.

Saved Policy HG9 states that dwellings with 2 or more bedrooms should retain 75m<sup>2</sup> of private amenity space. As a result of the proposal the private amenity space at the site will be under this required amount. However the area left will be 64.5m<sup>2</sup> which still represents a usable area of amenity space as it will only be 10.5m<sup>2</sup> under policy HG9's requirement. It is therefore considered that the reduction in private amenity space in this instance is not so significant to refuse planning permission upon.

#### Impact on Neighbours

The proposal will be visible to the property to the south "77 Gainsford Gardens" however will be sited 3.5m away from the boundary and predominantly screened by the boundary fence which would prevent it from resulting in a loss of outlook or light to this neighbour.

The proposal will have large glazed panels which reach to the eaves of the proposal measuring 2.3m in height and a pitched roof. As the proposal will be sited 3.5m from the neighbouring boundary with "77 Gainsford Gardens" and as the existing fencing will screen much of the

development it is considered that the level of privacy lost in this instance would not result in such a significant impact to refuse planning permission upon.

The proposal will be visible to the neighbour to the north however as it will be 4.5m from this neighbour and predominantly screened by the existing boundary fencing would not result in a loss of residential amenities to this neighbour.

#### Other Considerations

Clacton is non parished and therefore no comments are required.  
No letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed 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: Proposed Plans and Elevations (Page 2 of 2) and Block Plan 1:500.

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.