

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	13/05/19
Planning Development Manager authorisation:	AN	13/5/19
Admin checks / despatch completed	SB	14/05/19

ERC

Application: 19/00451/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr & Mrs Hutchinson
Address: 9 Boleyn Way Jaywick Clacton On Sea
Development: Proposed single storey rear and side extension (following demolition of conservatory).

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

19/00451/FUL Proposed single storey rear and side extension Current
(following demolition of conservatory).

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

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

PPL1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

This application seeks planning permission for a single storey rear and side extension to a dwelling within the development boundary of Jaywick and Flood Zone 3.

Design

The proposed extension will be sited largely to the rear, so will not have a significant impact on the street scene. The side element will be visible from the highway, but will not be too prominent due to its setback from the front of the dwelling and lower ridge height than the host dwelling. The proposal is well related to the host dwelling, and adequate private amenity space is retained to the rear of the property.

Impact on Neighbours

The proposal is sited close to both side boundaries of the property. As the extension will not be as deep as the attached neighbour's extension to the north, there will be no significant impact on this neighbour's daylight, outlook or privacy. A side facing window to the neighbour's extension will be partially obscured by the proposal - but as this window is already adjacent to a tall closed board fence, the impact will not be significant.

The 45 degree daylight/sunlight test shows there will be no significant impact on the southern neighbour with regards to daylight or outlook, and the orientation of the properties means this neighbour benefits from being to the south of the application site.

No side facing openings are proposed that will impact neighbouring privacy.

Other Considerations

The property is located within Flood Zone 3. A householder flood risk form and flood risk mitigation measures have been submitted with the application in accordance with the Environment Agency's standing advice.

No letters of representation have been received.

Conclusion

In the absence of material harm as a result of the proposed development, this 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 and Flood Risk Assessment.

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.

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