

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	14/05/2019
Planning Development Manager authorisation:	AN	16/5/19
Admin checks / despatch completed	SR	17/05/19

**Application:** 19/00475/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Barry Smith

**Address:** 6 Kirkhurst Close Brightlingsea Colchester

**Development:** Variation of design to application 18/00774/FUL to re-position rear extension, a small step in connecting hall to main house, lantern skylight, change in window design and change in cladding from brick to weatherboarding.

### 1. Town / Parish Council

Brightlingsea Town Council      No comments

### 2. Consultation Responses

n/a

### 3. Planning History

15/01762/FUL	1 1/2 storey side extension and new raised roof for a loft conversion.	Approved	15.01.2016
18/00774/FUL	Proposed rear extension to connect detached garage to main dwelling, and conversion of garage.	Approved	31.10.2018
19/00475/FUL	Variation of design to application 18/00774/FUL to re-position rear extension, a small step in connecting hall to main house, lantern skylight, change in window design and change in cladding from brick to weatherboarding.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

### **Proposal**

This application seeks permission for a single storey rear extension which is a variation to the design of the application submitted and approved under reference 18/00774/FUL to an existing house located within the settlement development boundary of Brightlingsea.

### **Design and Appearance**

The single storey rear extension will replace the existing detached single garage using a majority of the footprint where it once stood. The extension will be level with the eastern side elevation of the existing house and finished with a GRP flat roof and fibre cement cladding. The position of the proposal at the rear will only be glimpsed between the properties at the end of the cul de sac. The low level design and scale of the extension is acceptable in relation to the host property and would result in no material harm to visual amenity.

There will be some alterations to existing windows and the creation of some new openings on the existing dwelling at ground floor level which will not form part of this application as they are classed as permitted development.

### **Impact upon Residential Amenity**

The proposed extension will be sited 1.1m from the boundary to the east shared with 7 Kirkhurst Close. The driveway and garage of 7 Kirkhurst Close is adjacent to the side boundary which provides a degree of separation to the proposal and therefore there will be no significant impact to this neighbour in terms of loss of light, loss of privacy or outlook. The rear boundary which wraps around the garden is adjacent to a public footpath. Due to the distance from the proposal to the western side boundary shared with 5 Kirkhurst Close there will be no significant impact to this neighbour.

Although the single garage will be removed there will be no change to the off road parking provision at the front of the property which allows for at least two cars to park off the road and meets the current car parking standards where one space measures 5.5 metres x 2.9 metres. At

least 100 square metres of private garden space remains following the construction of the proposal.

Other Considerations

Brightlingsea Town Council makes no comment on the application.

No further letters of representation have been received.

Conclusion

In the absence of 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: dwg no 0/A100PR/001 rev B and 0/A200/PR/001 ref 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 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.

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