

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	22/5/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	ER SB	24/5/19. 24/05/19.

**Application:** 19/00479/FUL **Town / Parish:** Little Oakley Parish Council  
**Applicant:** Mr and Mrs Palmer  
**Address:** Oswestry 125 Harwich Road Little Oakley  
**Development:** Proposed side extension and first floor extension above existing ground floor extension.

### 1. Town / Parish Council

**Little Oakley Parish Council** No comments received.

### 2. Consultation Responses

n/a

### 3. Planning History

06/01088/FUL	Front extension.	Approved	09.08.2006
19/00479/FUL	Proposed side extension and first floor extension above existing ground floor extension.	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

HG14 Side Isolation

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

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 side extension and first floor rear extension to a dwelling within the Development Boundary of Harwich.

### Design and Appearance

The proposed side extension will be visible from the highway. However, because of its single storey nature and its setback from the front of the dwelling it will not be overly prominent. Its height and width will be the same as the side extension it will replace, so there will be a neutral impact visually.

The proposed first floor rear extension will be largely screened from view, and will only be visible from an oblique angle between the host dwelling and neighbouring dwelling to the north. However, the proposal is well related to the host dwelling and is an appropriate size and scale for the site. The extension continues the side elevation of the host dwelling, and sufficient isolation from the side boundary is retained to satisfy Policy HG14.

Adequate private amenity space is retained to the rear of the dwelling.

### Impact on Neighbours

The proposed side extension is sited close to the boundary shared with the non-attached neighbour to the north. It is deeper than the existing side extension, but the same height and width. The 45 degree sunlight/daylight test shows there will be no significant impact on neighbouring daylight or outlook, and no side facing windows are proposed that will affect neighbouring privacy. The side extension will not impact the southern neighbour.

The proposed first floor rear extension is sited close to both side boundaries. The 45 degree test shows that there will be no significant impact on the southern attached neighbour with regards to daylight or outlook.

The 45 degree daylight/sunlight test shows that there will be some impact on the side facing window serving the northern neighbour's kitchen/dining room. The Essex Design Guide states that obstruction of light and outlook can be avoided if the extension does not result in the centre of the existing window falling within a combined plan-and-section 45° overshadowing zone. In plan the centre of the window is only just within the overshadowing zone, and in section is completely within the overshadowing zone. The window is high level, is already close to the boundary (facing the side elevation of the existing extension at the application site), and would have been intended as a secondary window to the kitchen area rather than the primary source of daylight. On balance, there will not be sufficient harm to neighbouring amenities with regards to daylight or outlook to warrant refusal of planning permission.

The proposed first floor windows will have no greater impact on either neighbour's privacy than the existing first floor windows at the rear of the property.

### Other Considerations

Little Oakley Parish Council have made no comment on the application.

One letter of objection has been received, from the northern adjacent neighbour, raising the following concerns:

- Will the ground floor side extension be on land completely owned by the applicant?

*Planning permission is sought only for development within the red line on the site/location plan. The Ownership Certificate, completed as part of the application form, confirms that all land within the red line is owned by the applicant.*

- Loss of daylight to the ground floor side facing window.

*The impact on this window has been assessed above, and sufficient harm has not been identified to warrant refusal of planning permission.*

### Conclusion

In the absence of significant 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's. 102 and 103.

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>	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	NO