

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	29/05/2019
Planning Development Manager authorisation:	SCE	30.05.19
Admin checks / despatch completed	ER	30/05/19

aw

Application: 19/00561/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mrs Bulger

Address: 1 Nightingale Way Clacton On Sea Essex

Development: Proposed single storey side extension to form an annexe (following demolition of garage).

1. Town / Parish Council

N/A

2. Consultation Responses

Tree & Landscape Officer There is a small decorative conifer and an even smaller flowering Cherry situated on the application site. Neither merits retention nor protection by means of a tree preservation order.

There is little scope for or benefit to be gained by new soft landscaping.

3. Planning History

19/00561/FUL	Proposed single storey side extension to form an annexe (following demolition of garage).	Current
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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

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is located to the north of Nightingale Way, on a corner plot, inside the development boundary of Clacton. It serves a detached bungalow constructed of brick and a tiled roof, with a detached garage located to the side. The front and side of the site is laid with block paving for parking and the rear garden is laid to lawn with a small decked area.

Proposal

This application seeks planning permission for the erection of a single storey side extension to form an annexe, following the demolition of the existing garage. The proposal will measure a maximum depth of 8.7m, 4.9m wide and will have a pitched roof with a maximum height of 4.5m. It will be constructed of brick and tile for the roof to match the host dwelling.

Assessment

The main considerations of this application are the design, parking and the impact upon residential amenity.

Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Design and Appearance

The proposed side extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling. As the proposal will be sited to the side of the host dwelling it will be visible from Nightingale Way and Nightingale Close. The enlargement will be set back from the front of the house by 7.2m, from the highway of Nightingale Way by a minimum of 5.8m and from the highway of Nightingale Way by 8.9m which will reduce its prominence on the streetscene.

Due to the proposal being set back on the site together with use of materials which match the host dwelling it is considered that the proposal would not appear as a harmful feature to the character or appearance of the dwelling and area. It is also important to note that there is an existing garage that is positioned in the proposals location.

The proposed development is therefore considered to be in keeping with the host dwelling and is acceptable in design terms.

Impact on Residential Amenity

The side extension is a distance of 0.8 metres to 1 Nightingale Close. It is important to note there is an existing flat roofed garage that currently shares the boundary with 1 Nightingale Close and therefore the proposal will not have any significant greater impact than this existing garage. The proposal is for a single storey pitched roof extension however due to its orientation it is considered that there will be no significant loss of light, as the sun rises in the east and sets in the west. Or privacy to 1 Nightingale Close as there is currently a garage positioned of a closer proximity.

The east of 1 Nightingale Way shares the boundary with 9, 11 and 15 Burrs Road. There is sufficient distance between these properties and the proposed extension therefore there will be no impact.

Highway Safety

Whilst the proposal will encroach upon existing parking arrangements at the site there is sufficient space for the parking of two vehicles in line with the Essex County Council Parking Standards.

Other Considerations

Clacton is non parished and therefore no comments are required.

No letters of objection have been received.

The Tree and Landscape Officer has been consulted and confirmed that the small decorative conifer and the small flowering cherry do not merit retention or protection by a Tree Preservation Order and therefore would be little benefit for any new soft landscaping.

Conclusion

In the absence of material harm resulting from the proposed 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 plan: 01 Rev C.

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.

Please note that the annexe may only be occupied as ancillary accommodation to the main dwelling, known as 1 Nightingale Way, Clacton On Sea, Essex, CO15 4LJ. Any separate residential use would require planning permission.

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