

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	24.5.19
Planning Development Manager authorisation:	AN	30/5/19
Admin checks / despatch completed	[Signature]	31/05/19.

Application: 19/00574/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr & Mrs Sharp

SB 31/05/19

Address: 4 Brockham Close Clacton On Sea Essex

Development: Proposed one/two storey rear and single storey side extensions and alterations.

1. Town / Parish Council

No comments received

2. Consultation Responses

No comments received

3. Planning History

18/00849/FUL	Erection of outbuilding with an extension to the existing garage.	Approved	31.07.2018
19/00574/FUL	Proposed one/two storey rear and single side extensions and alterations.	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

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

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The dwelling is sited within a small spur off Ottershaw Way, comprising four detached dwellings with the wider estate having been constructed in the early to mid-1980's. The dwelling has a north-easterly facing garden and ample separation distances exist to the adjacent neighbours. The property benefits from a large outbuilding; the result of approval 18/00849/FUL.

Description of Proposal

This application seeks planning permission for the erection of a single storey side and part two/part single storey rear extension and a first floor side-facing window.

The side extension has an angular shape which infills the space adjacent the south boundary; the width at the front would be 1.25m wide, increasing in width along this boundary, ending at the rear elevation of the dwelling at a width of 4.6m. The side extension retains a 0.5m separation from the boundary along its entire depth. In the context of the streetscene the front of the extension has a parapet wall 3.3m high which masks the roof behind which falls from 3.1m down to 2.9m. The resultant space is labelled on the plans as an office/study.

The two-storey element of the rear extension is rectangular in shape, projecting from the original rear wall of the dwelling by 4.1m in a north-easterly direction and would be 4.3m wide before changing to a single-storey scale. The extension has a gabled roof with a ridge height of 6.6m with eaves of 4.9m. At the origin of the extension separation distances to the south boundary are in the

region of 5.2m, increasing to just over 7m at its furthest projection. The resultant space is labelled on the plans as a living room at ground floor and additional bedroom at first floor.

The single storey element of the rear extension is again rectangular in shape, projecting from the original rear wall of the dwelling by 4.1m to mirror the two-storey element and would be approximately 2.2 wide. Overall the extension has a flat roof with an overall height of 2.8m; inserted in the centre of the flat roof is a glazed roof lantern which extends the height by a further 0.8m. The resultant space is not labelled specifically on the floor plans, but it is assumed it is a continuation of the proposed living room.

The extension would be finished externally in brickwork with roof tiles to match those of the host building; the window and door frames would be similar in appearance to the original building.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed extension, in conjunction with the outbuilding would reduce the amenity space available to the current/future occupiers of the dwelling; notwithstanding this the Council is keen not to interfere in decisions of personal choice as to how a rear amenity space is used - whether for additional accommodation or as outdoor amenity. Although future occupiers may consider such an arrangement an unsatisfactory living environment, these cases are very limited in number and thus substantial numbers of alternatives will remain. Therefore, as the Council does not propose to include an absolute minimum garden size where extensions are proposed to dwellings erected prior to, or not in accordance with, these standards. As already indicated, other factors such as impact on neighbours, or size and scale, will provide effective limitations to prevent harm being otherwise caused. It is considered that, given the scale, siting and design of the proposed extension would not cause material harm to the character and appearance of the surrounding area.

Impact on Neighbours Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

In terms of the siting and scale of the extensions proposed, they will not result in any adverse impact on the amenities of neighbouring residents in terms of having a damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Notwithstanding this; the first floor side facing window would serve a bedroom and, being sited in the region of the 3.4m back from the front wall, has the potential to result in overlooking of the garden of the occupiers of No. 2 Brockham Close. A suitably-worded condition requiring the window to be permanently obscurely glazed and non-opening would remove any harm that could be caused.

Highway Issues

The resultant development would increase the number of bedrooms at the property from 3 to 4. The Council's adopted Vehicle Parking Standards require that the development provides two off-street spaces; these spaces can easily be achieved on the existing driveway.

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 new first floor window in the south-east flank elevation of the host dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with Level 5 obscure glass. The window shall not be altered without the prior written approval of the Local Planning Authority.

Reason - To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan QL11.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plan: 02; received 9th April 2019

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?		NO
Are there any third parties to be informed of the decision?		NO