

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	04.6.19
Planning Development Manager authorisation:	AN	6/6/19
Admin checks / despatch completed	XNE	07/06/19.

**Application:** 19/00616/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs L Mitchell

**Address:** 105 Hereford Road Holland On Sea Clacton On Sea

**Development:** Proposed side extension including front dormer with glazed Juliet Balcony, relocation of entrance door & integral garage, 3no. velux rooflights & removal of chimney stack.

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### 1. Town / Parish Council

None received

### 2. Consultation Responses

None received

### 3. Planning History

19/00616/FUL	Proposed side extension including front dormer with glazed Juliet Balcony, relocation of entrance door & integral garage, 3no. velux rooflights & removal of chimney stack.	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

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 property is the right hand of a pair of mid/late 20<sup>th</sup> semi-detached chalet bungalows. The pairing is one of a kind in the immediate vicinity – remaining properties on the road are all detached bungalows. The property has a north-facing garden and, being the last dwelling in the road, the layout is such that the rear boundaries of 31 to 37 Brighton are perpendicular to the east side of the application site's side/rear garden. The east flank wall has two first floor side-facing windows that serve a bedroom and bathroom. The plot is tapered, being marginally wider at the front. A number of the properties at the east end of Holland Road overlook a public open space and car park which benefits from a number established trees; there is a verdant and open character to this part of the road.

Externally the dwellings have an exposed brick/stonework plinth, the remaining walls are painted render with a plain-tiled roof. As originally constructed the pairing have a forward-facing flat-roofed dormer siting astride the boundary. The application site has added a further appropriately designed flat-roofed dormer historically.

### **Description of Proposal**

The application seeks planning permission for a two-storey side extension with integral garage at ground floor and a dormer in the roofspace which would provide a third bedroom. The description of the development has not changed since the initial submission; notwithstanding this minor changes have been made to the external appearance. The extension runs the full depth of the existing dwelling at just over 7.6m; it has a stepped layout at ground floor being 4.4m (single storey height) at its widest and then narrowing to 3.5m (two-storey parts). The first floor would be the same depth but internally the useable floorspace would be less due to internal roof slopes. The ridge of the extension would be 6m and stepped down by around 0.4m from the main ridge; where the side extension is the ridge would be 4.4m. Externally the walls would be finished in brickwork to match the plinth of the existing dwelling and the main roof would have plain roof tiles. The dormer would have a felt flat roof and cedar-clad cheeks.

### 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 attach 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 plans initially submitted on 16<sup>th</sup> April were invalid inasmuch as indicating an additional floorspace (wardrobe area) at first floor which was not depicted on the floor plans. The implications of this were that the one element of the development would have been contrary to the requirement of Policy HG12 (side isolation). The drawings were corrected by removing this element; thereby ensuring that all aspects of the two-storey side extension were a minimum of 1.0m from the boundary with 31 Brighton Road.

The height, width, design and external materials of the proposed extension would respect the character of the host dwelling

### 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'.

One neighbour objected to the proposal; the objection was on the grounds of the side-facing balcony causing a loss of privacy. Little weight can be attributed to this objection for the following two reasons:-

- The proposed balcony is on the front elevation and not the side.
- The resulting flank elevation has no windows proposed; whereas the existing development has two windows; this would result in a betterment.

The extension would be sited on the opposing side of the dwelling to the attached neighbour at No. 103. The extension would be sited one metre away from the shared boundary and to the west of the rear gardens of adjacent neighbours at Nos. 31 and 33 Brighton Road who have gardens in the

region of 13m long (No. 31 has a garage at the rear of their garden). There is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours from the proposed extensions due to its scale, siting and design. Planning permission would be required to insert first-floor side facing windows; notwithstanding this a suitably-worded condition would be attached to any permission to ensure no windows can be inserted in the future.

#### Highway Issues

The resultant development adds an additional bedroom at the property. Essex County Parking Standards state that for a dwelling of two or more bedrooms, two parking spaces shall be provided. The proposed garage is substandard in regards to the 7m x 3m minimum for a viable space within a garage; however the required off-street parking spaces can easily be achieved on the driveway forward of the front elevation.

### **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, Revision D, received 21<sup>st</sup> May 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no window shall be inserted in the east elevations of the first floor except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

### **8. Informatives**

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO