

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13.6.19
Planning Development Manager authorisation:	SCE	14.06.19
Admin checks / despatch completed	SB	17/06/19.

**Application:** 19/00642/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr & Mrs G Steward

**Address:** 31 Highfield Avenue Dovercourt Harwich

**Development:** Proposed two storey rear extension and loft conversion.

### 1. Town / Parish Council

Ms Lucy Ballard  
Harwich Town Council Harwich Town Council has no objection to this application.

### 2. Consultation Responses

No comments received

### 3. Planning History

06/01600/FUL	Single storey front extension.	Approved	21.11.2006
10/00405/FUL	Proposed single storey extension and alterations to existing flat roof.	Approved	10.06.2010
19/00642/FUL	Proposed two storey rear extension and loft conversion.	Current	

### 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Properties in the wider area are typically a mix of self-coloured render or pebble-dashed at first floor/red brick beneath with plain roof tiles. Some properties have quoin features and some have timber detailing in the front gables.

Highfield Avenue has a gradual incline from south to north and there is a clear difference in land levels between the application site and No. 29, which is on higher ground.

The property is a typical example of an early 20<sup>th</sup> Century detached dwelling with bay windows at both ground and first floor. The property has a unique orientation within the wider streetscene in comparison to all the other dwellings inasmuch as its bay window features are on the south east elevation – these characteristics make the property appear as if it 'fronts' on to Manor Lane; however the property is clearly accessed from the west elevation and this is an original feature. Further, the fact that the property has two pairs of bay windows gives the impression that it could be a pair of semi-detached dwellings, as is the case with Nos. 27 and 29. The floor plans prove that this has never been the case as the internal walls are of insufficient thickness to be party walls. There doesn't appear to be another property on the road that has characteristics such as these.

The property benefits from both single storey front (2006) and rear (historic) and (2010) extensions.

### Description of Proposal

The application seeks planning permission for a first floor rear extension, one front dormer and one side dormer.

The extension would be sited over the historic extension, it would be 3m deep and, at 7m wide extend the full width of the original dwelling; it would have a gabled roof with a ridge height to match existing. The extension would be finished externally in materials to match the existing dwelling. The front dormer would be sited close to the apex of the gable end, having a pitched roof to match the existing roof lines; the side dormer would have a flat roof.

### 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 height, width, design and external materials of the proposed extension would respect the character of the host dwelling and wider streetscene in general.

### 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'.

The internal layout of the adjacent neighbour at No. 29 is such that their kitchen is located at the rear right hand part of the ground floor. This kitchen is served by a rear-facing half-glazed door and a side facing window. They have a driveway in the region of 2.6m wide; at the end of the driveway is their detached garage and this garage is set back from the rear elevation of the property by around 2.5m. The effect of the siting of the existing built form is to create a 'dead' area in front of the garage. The proposed extension would introduce built form at first floor level which would infill the gap between the front of the garage and the rear wall of the application site.

It was evidenced during the site visit that the homeowners utilise the space outside their dining area (closer to the north boundary) not the area adjacent their kitchen. It is acknowledged that an objection has been received in regards to the loss of light into their kitchen and the rear of the house in general. In assessing whether materially-damaging harm would result from the proposal the following considerations exist:- kitchen are not typically deemed to be habitable rooms, their kitchen has two sources of daylight, the extension is not due south of their amenity area, the existing dwelling will already cause some obstruction of the direct sun. These factors co-exist to

conclude that the extension would not significantly (materially) damage the privacy, daylight or other amenities of occupiers of nearby properties.

### Highway Issues

The resultant development adds another two bedrooms at the property. Essex County Parking Standards state that for a dwelling of two or more bedrooms, two parking spaces shall be provided at measurements of 5.5m x 2.9m or 7m x 3m if a garage is used as a space. Although not identified on the Block Plan (drawing no. 1903.3/0) there is ample space on the hardstanding forward of the building line; in addition to this space the property benefits from a secondary parking provision, accessed by travelling around 34m eastwards along Manor Lane. The secondary parking comprises space for at least four vehicles and a further double 'tandem' garage exists also.

An objection has been received in regards to the impact of the construction process on the public footpath. Manor Lane is a Public Footpath and, in order to protect the users of the footpath a suitably-worded condition will be attached to the permission which will prohibit plant, machinery, vehicles or materials from being stored anywhere other than within the curtilage of the application site.

## **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 plans:- 1903.3/0 (Block Plan), 1903.3/3A (Floor Plans) and 1903.3/5a (elevations) received 23<sup>rd</sup> April 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 first floor window shall be inserted in the north elevation of the extension 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.

- 4 The first floor window in the south flank elevation (dressing room) of the proposed extension 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.

- 5 The public's rights and ease of passage over the public footpath (Manor Lane) shall be maintained free and unobstructed at all times; as such - no plant, machinery, vehicles or materials shall be stored anywhere other than within the curtilage of the application site.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**8. Informatives**

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?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>