

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	21.6.19
Planning Development Manager authorisation:	SCE	21.6.19
Admin checks / despatch completed	XNE	21/06/19.

ER

Application: 19/00663/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs Harman

Address: 125 Tower Street Brightlingsea Essex

Development: Proposed single storey and first floor rear extensions, including 3 No. Velux rooflights (following demolition of rear extension), replace existing front bay window with window.

1. Town / Parish Council

Brightlingsea Town Council The caravan must stay on their land. Brightlingsea Town Council has concerns over removal of bay window, with street scene.

2. Consultation Responses

No comments received

3. Planning History

19/00663/FUL Proposed single storey and first floor rear extensions, including 3 No. Velux rooflights (following demolition of rear extension), replace existing front bay window with window. 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 late 19th Century semi-detached dwellings; the pairing belongs to a small group of four villas which all shared the same external characteristics. Development in the local is very mixed in terms of external characteristics; though the scale of dwellings remains fairly consistent. Variations in regards to external materials exist within the four pairs of villas – the application site is part rendered/part red brick, one other is entirely rendered and all others bar one are entirely red brick. It is likely that originally these villas all had bay windows with attractive corbels above the inset front door and very small front gardens with traditional low-key front walls/railings enclosing these areas.

Of the eight dwellings only three have their original bay windows; some have been removed completely (nos. 115 and 117), one has been enlarged (No. 119) and others have been subject to minor changes to the roof. Most of the properties have undergone extending remodelling/additions including hip-to gable roof alterations and dormer windows.

Properties in the range between Nos. 103 to 125 all have large west-facing rear gardens; a Public Right of Way exists which runs along the south-west boundary of the application site, across the rear boundaries of No. 125 to 103 and along the north west side boundary of No. 103.

The application site and its attached neighbour share a rear gable; the rearmost 25m of the circa 45m garden length at No. 123 has been encompassed in to the garden area of the application site.

Features such as a large outbuilding on their rear boundary and established dense planting exist on south-east boundary. The neighbour at 127 Tower Street is separated from the application by way of an unmade road in the region of 5m wide in addition to a further couple of metres within the sites' own curtilage.

Description of Proposal

The application seeks planning permission for development which would replace the existing ground floor outrigger with an enlargement which would, for all intents, square off the rear elevation with floorspace that would not exceed the depth of the original projection. As initially submitted the description included reference to siting a caravan for the duration of the works.

The Town and Country Planning (General Permitted Development) (England) Order 2015; Schedule 2, Part 4, Class A (Temporary Buildings & Structures) permits moveable structures required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. Providing that the caravan is removed when the works are complete; siting a caravan in the garden for the duration of the works does not require planning permission; for this reason it has been omitted from the description.

Overall the dimensions of the ground floor would be in the region of 5.5m wide by 8.5m deep; it would have a mono-pitched roof which attached to the new first floor addition. Internally the enlarged space would house a new kitchen, dining room and utility area.

The existing first floor outrigger would be increased in only its depth to fall in line with the rearmost wall of the ground floor and would be in the region of 2.7m wide by 4.2m deep; it would have a dual-pitched roof and the enlarged space would be an additional bedroom. The ridge of the dual pitched roof would be 1.6m higher than the ridge of the ground floor gable; the 1.6m comprises a 0.7m flank wall with a roof which pitches away from the boundary. In regards to potential impact on the amenities of the neighbouring property this design is preferable to introducing a flank wall of 2.4m which would be required for a mono-pitched roof design.

Externally the additions would be rendered and have slate-roofs to match the existing.

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.

Little weight can be attributed to an objection on the grounds of loss of the bay window feature due to the variations to the streetscene which have already taken place.

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'.

Due to the orientation of the application site existing built form and features there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

The resultant development would increase the number of bedrooms at the property from 2 to 3. The Council's adopted Vehicle Parking Standards require that the development provides two off-street spaces; these spaces can easily be achieved on the shared unmade road where parking is commonplace.

Other

Concerns relating to building works, structural integrity and risk of subsidence are all civil matters – the legislation which covers these matters is not within the scope of the Planning Authority.

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. The perceived negative effect on the value of properties is not a material consideration.

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 C, received 21st May 2019.

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

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.

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

This will affect; plant growth, general enjoyment of the garden, the amount of standing water down the side of the house and the value of the house for resale.

Any standing water alongside the house and the longer period for it to dry out could lead to us having problems with damp. We are also concerned about the rear wall of our first storey which would now have little to no sunlight in the day, this could also be an area for damp. Given the amount of damp we have suffered previously this is a big issue for us.

The 1st floor extension on the roof shows an apex roof with potential rainfall on to our ground floor roof. Again, we would want assurance that this will not mean extra rainfall in to our roof and into our guttering.

Should the build go ahead we will be hiring a party wall surveyor and as the proposer will solely receive all the benefits from the work the costs will be passed on