

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	02/07/19
Planning Development Manager authorisation:	GJN	02/07/19
Admin checks / despatch completed	RW	2/7/19

**Application:** 19/00598/FUL **Town / Parish:** Harwich Town Council  
**Applicant:** Mr Lee Carmichael  
**Address:** 101 Fronks Road Dovercourt Harwich  
**Development:** Proposed ground floor and first floor extension.

### **1. Town / Parish Council**

Ms Lucy Ballard  
Town Clerk  
Harwich Town Council

Harwich Town Council has no objection to this application.

### **2. Consultation Responses**

None received

### **3. Planning History**

10/00159/FUL	Erection of front porch, detached outbuilding in rear garden and vehicular access.	Approved	12.04.2010
19/00598/FUL	Proposed ground floor and first floor extension.	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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

The property is a detached early-20th Century detached dwelling having a commanding front elevation with a large projecting gabled feature containing two bay windows; it occupies a marginally higher position than its neighbour to the right. The dwelling is finished externally in self-coloured roughcast render and red brick with a plain tiled roof. The application site and its neighbour to the right are one of a unique pair within the streetscene in terms of individual design but typically properties in the immediate locale on this south side of the road are of a similar scale. The dwelling to the left of the application site is currently in a very poor state of repair, being vacant.

The property has a large hardstanding which is of a sufficient size to accommodate at least four vehicles.

### **Description of Proposal**

The application proposes single storey and first floor rear extensions. The single storey extension would be to the right-hand side of the rear and, following removal of the original bay window, would project approximately 4.3m rearwards and abutting the existing built form. The extension would have eaves in the region of 2.6m and a crown roof with an overall height around 3.5m. Externally materials would match the existing dwelling. The resultant floorspace is not labelled specifically on the plans, but is shown as an enlargement of the lounge. The first floor extension would be to the left hand side of the dwelling and would occupy/enclose the area where currently a roof-terrace

exists. Following removal of the first floor bay window the extension would project rearwards by around 2.7m and be approximately 3.5m wide. The proposed eaves would match the existing at just over 5m and it would have gabled roof with a height around 7m. Externally materials would match the existing dwelling. The resultant floorspace is not labelled specifically on the plans, but is shown as an enlargement of Bed 1.

### 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.

Given the scale, siting and design of the proposed enlargements 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'.

Due to the orientation of the existing dwelling, the enlargement proposed would 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.

### Highway Issues

Two spaces can be accommodate on the existing driveway.

### Other

The plans shown an inconsistency; the proposed west elevation shows a first-floor side facing windows, this is not depicted on the floorplan.

The adjacent neighbour has raised valid concerns regarding the siting of this window which could result in direct overlooking.

Following verbal communications with the architect, it was confirmed that a window was preferred in this location – as such the Local Planning Authority have imposed a condition that the window contains Code Level 5 (the highest level) obscure glazing and is non-opening. The decision not to ask for the window to be omitted completely is made on the grounds that the existing built form contains a first floor bay window adjacent the boundary which is likely to offer some degree of overlooking. For this reason an obscurely-glazed window would not materially increase overlooking.

**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: 457b received on 07th May 2019

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

- 3 Notwithstanding the details shown on drawing 457b received on 07th May 2019; the first floor side facing window in the west elevation shall be Code Level 5 obscure glazing and non-openable. The window shall be permanently retained as such and not be altered without the prior written approval of the Local Planning Authority.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

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