

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	08/07/2019
Planning Development Manager authorisation:	TF	10/07/2019
Admin checks / despatch completed	AP	10/7/19

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**Application:** 19/00728/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr & Mrs David Beattie - Pulse Builders Ltd

**Address:** 30 Stour Close Harwich Essex

**Development:** Proposed Kitchen extension.

### 1. Town / Parish Council

Harwich Town Council

Harwich Town Council has no objection to this application.

### 2. Consultation Responses

Not applicable

### 3. Planning History

01/01587/FUL	Residential development of 53 houses with associated infrastructure	Approved	31.12.2002
01/01867/FUL	Non-compliance with conditions 10, 12, 14 and 15 of consent 99/01478/OUT to allow residential development of site solely with access via Stour Close	Refused	27.03.2002
90/00900/FUL	Development of an estate road and 50 houses	Approved	11.12.1991
92/00623/FUL	(Land adjoining and to the north of Stour Close, Ramsey) The provision of an access road to permitted housing development	Refused	25.08.1992
93/00505/FUL	(Valley Road, Dovercourt) Development of an estate road and 50 houses [renewal of planning permissions TEN/951/88 and TEN/90/0900]	Approved	13.07.1993
94/00026/FUL	(Land North of Stour Close, Ramsey) Provision of access road (at variation with condition 3 of permission TEN/92/0623)	Refused	29.03.1994

94/01067/FUL	(Land North of Stour Close, Ramsey) Variation of Condition 3 of permission TEN/92/0623 (relating to provision of access road for residential development)	Approved	15.11.1994
95/00420/FUL	(Valley Road, Dovercourt) Relocation of nine dwellings to accommodate introduction of approved access road	Approved	09.06.1995
99/01478/OUT	Residential Development		17.08.2000
02/01937/FUL	Non-compliance with conditions 10, 12, 14, & 15 of consent 99/01478/OUT to allow residential development of site solely with access via Stour Close.	Refused	03.12.2002
02/02060/OUT	Residential development - variation of outline consent condition (02a) to extend time limit for application for approval of reserved matters by three years	Refused	13.02.2003
03/01085/DETAIL	Residential Development	Approved	15.10.2003
03/02461/DETAIL	Residential development	Approved	10.03.2004
19/00728/FUL	Proposed Kitchen extension.	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)

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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)**

### Application Site

The site comprises of a north facing detached dwelling known as 30 Stour Close Harwich. Sited to the rear of the house is an existing garden which has a reduction in ground levels towards the rear boundary. Also on the site is an existing garage.

### Proposal

This application seeks planning permission for a proposed rear extension 3.3m in depth and 4.1m in height.

### Assessment

#### Design and Appearance

The proposal will be sited to the rear with some parts being publicly visible from Stour Close due to the space between the application dwelling and neighbour of 32 Stour Close. Whilst there will be some views of the proposal from Stour Close the proposal will be set back from the front of the site and predominantly screened by the host dwelling which will refrain it from having any harmful impact on the appearance and character of the streetscene and existing house.

The proposed extension is of an appropriate design and size to the main house and will be finished in materials which match the host dwelling.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

#### Impact on Neighbours

The proposal will not result in a loss of residential amenities to 28 Stour close sited to the west as it will be sited 5m away from this neighbours boundary and screened by the sites existing garage.

The proposal will be visible to the neighbour to the east 32 Stour Close and will result in a loss of light and outlook to this neighbour. As a result the Sunlight/ Daylight Calculations contained within the Essex Design Guide have been applied to the plans. The 45 degree line in plan would intercept this neighbours rear kitchen window however in elevation would only just intercept the lower section of the window. It is therefore considered that the loss of light in this instance is not so significant to refuse planning permission upon.

The proposal will be visible to this neighbour and has the potential to result in a loss of outlook however the extension will be sited 1.4m from this neighbours boundary with much of it being screened by the existing boundary fence which could also be increased to 2m in height under

permitted development. It is therefore considered that the loss of outlook would not be so significant to refuse planning permission upon.

The proposal will have one ne side window which will look into this neighbours rear garden. As this window is at ground floor level and will be partially screened by the existing fence and as the host dwelling already has openings which face onto this neighbours rear garden it is considered that there would not be a significant loss of privacy to the occupiers of 32 Stour Close. A condition has been imposed to the new window restricting it to only being obscure glazed to further reduce the level of overlooking to this neighbour.

#### Other Considerations

Harwich Town Council has no objection to the proposal.  
No further letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 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: Drawing No 8, 3, 6, 2 and Block Plan 1:200.

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 2015 (or any Order revoking and re-enacting that Order with or without modification), the window to the ground floor side elevation serving the kitchen extension shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

### **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.