

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	23/07/2019
Planning Development Manager authorisation:	TF	24/07/2019
Admin checks / despatch completed	AP	24/7/19

ER

Application: 19/00807/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr & Mrs Kennedy

Address: 21 Elthorne Park Clacton On Sea Essex

Development: Proposed side and rear extensions - modification to design approved under 18/01850/FUL.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

92/00400/FUL	Housing development	Approved	21.07.1992
93/00338/FUL	Proposed amendment of garden boundaries of plots 41 and 42 and change of house types - plots 45-47	Approved	10.08.1993
94/00621/FUL	Erection of garage with up and over door	Refused	19.07.1994
88/00504/FUL	Residential development 64 dwelling units	Approved	14.06.1988
18/01850/FUL	Proposed two storey side extension.	Approved	04.01.2019
19/00807/FUL	Proposed side and rear extensions - modification to design approved under 18/01850/FUL.	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
 HG9 Private Amenity Space

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for the erection of a two storey side extension with single storey front porch extension and a single storey rear extension to a house located within the settlement development boundary of Clacton on Sea.

Design and Appearance

21 Elthorne Park is located in a private mews and adjoined to the property of number 23. The host dwelling is not visible from the main road of Elthorne Park and therefore the two storey side extension, front porch extension and rear extension will not be publicly visible and will not have a significant impact on the street scene. The two storey side extension and single storey rear extension will use matching brickwork and roof tiles while the single storey element at the front will be finished in white render, creating a contrast and breaking up the use of brickwork. The design of the two storey extension and front porch has included matching pitched rooves, with the two storey element set back and slightly lower than the main house to ensure it appears subservient and does not stand out. The single storey rear extension has a mono pitched roof which sits neatly at the back of the property.

The proposal meets the requirements of good design, appearance and scale.

Impact upon Residential Amenity

Due to the position of the two storey side extension on the north eastern side and with the single storey front porch extension being a distance of 2.6 metres from the boundary shared with number

23 at the front of the properties there will be no significant impact from these elements to the neighbour at number 23 in respect of loss of light, loss of privacy or outlook.

Due to the close proximity of the single storey rear extension to the south western side boundary shared with 23 Elthorne Park the proposal has the potential to result in loss of light and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would intercept half of the rear conservatory at number 23; however in elevation the line intercepts less than half of the conservatory and it is therefore considered that the loss of light is not so significant to justify refusing planning permission on these grounds.

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. The two storey side extension is a distance of just 0.15 metres from the side boundary shared with the Clacton Coastal Academy playing field and although this does not meet the recommendation, on balance the impact of the extension would not be significantly different if there was a distance of 1 metre to the side boundary.

There will be no change to the off road parking provision at the front of the property and at least 100 square metres of private garden space remains.

Other Considerations

No letters of representation have been received.

Conclusion

In the absence of material harm resulting from the 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. 21/EPC/4, 21/EPC/3 and proposed first floor plan 1:50.

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

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO