

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	22/07/2019
Planning Development Manager authorisation:	TF	24/07/2019
Admin checks / despatch completed	AP	24/7/19

ER

Application: 19/00800/FUL **Town / Parish:** Brightlingsea Town Council
Applicant: Mr and Mrs J Payne
Address: 102 Church Road Brightlingsea Colchester
Development: Two storey rear extension with alterations (amendment to previously approved application 19/00360/FUL).

1. Town / Parish Council

Brightlingsea Town Council No objection to the application

2. Consultation Responses

n/a

3. Planning History

06/00880/FUL	New rear conservatory.	Approved	13.07.2006
19/00360/FUL	Two storey rear extension with alterations.	Approved	26.04.2019
19/00800/FUL	Two storey rear extension with alterations (amendment to previously approved application 19/00360/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
HG14 Side Isolation

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

This application seeks permission for the erection of a two storey rear extension with alterations to the existing conservatory to create a dining/garden room to a house located within the settlement development boundary of Brightlingsea.

Design and Appearance

The proposal sited at the rear of the property will be barely visible between the neighbouring properties as you pass along Church Road owing to the spacing of the houses along this part of Church Road with garages situated at the side ensuring there will be no significant impact to the street scene. The existing conservatory structure will be removed leaving the brick plinth which will be built upon with matching red brick to create a garden room. A gable window and bifold doors to the rear will allow light to flood in. A high level window will be situated on the north facing elevation along with two roof lights on the single storey northern roof slope which will be finished with slate to match the main house. The two storey element of the proposal will be finished in smooth render above a brick plinth with a matching slate roof. The uneven eaves height of the two storey extension ties in with the existing dwelling; the southern eaves height matches that of the south side of the existing house while the northern eaves height matches that of the northern side of the existing house. Although the uneven eaves heights when studied closely look somewhat at odds it is clear that the position of the extension at the rear and the consideration taken to match the existing house along with other factors including neighbours amenity outweigh the design aspect in this case.

Neighbouring properties in the vicinity have been previously extended at the rear, namely 98 and 104 Church Road with similar two storey extensions approved and built, setting a precedent for this form of development.

The design and scale of the extensions would result in no material harm to visual amenity.

Impact upon Residential Amenity

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. In this case there is a distance of at least 3 metres to the southern side boundary shared with 100 Church Road and a distance of 4 metres has been maintained between the northern side boundary shared with 104 Church Road.

There will be no significant impact to the neighbouring properties of 100 and 104 Church Road in terms of loss of light, loss of privacy or overlooking due to the position of the proposal in relation to the neighbouring properties. The new side facing bathroom window will be obscured glazed and secured by condition. The two roof lights on the single storey north facing garden room replace the clear glazing of the existing conservatory roof causing no increased impact of overlooking.

The proposed development increases the footprint of the existing single storey rear additions by 5.40 square metres ensuring any encroachment on the private amenity space is kept to a minimum. At least 300 square metres of private amenity space will remain following the construction of the proposal which is considered more than adequate and the existing off road parking arrangements will not be affected.

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 number 1810/876-102 Revision C.

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), the new window on the south side elevation serving the bathroom 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.

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