

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	08/08/2019
Planning Development Manager authorisation:	TF	08/08/2019
Admin checks / despatch completed	<i>ene</i>	09/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>SB</i>	09/08/19

Application: 19/00835/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs Kinch

Address: 19 Madeira Road Holland On Sea Clacton On Sea

Development: Proposed single storey rear extension (following demolition of existing extension).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

19/00835/FUL Proposed single storey rear extension (following demolition of existing 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
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Site Description

The application site is located to the north of Madeira Road, inside the development boundary of Holland on Sea. It serves a semi detached two storey dwelling, constructed of coloured render with a tile roof, with an existing flat roof projection to the rear of the dwelling. The front of the site is hard surfaced with fencing on the front boundary and sufficient parking for at least 2 no. cars. The front and rear of the site is divided by a 1.8m close boarded fence and gate. The rear of the site is laid to lawn with hardstanding included to the side/rear of the dwelling, outbuildings and fencing on the boundaries.

Proposal

The application proposes a single storey L-shaped extension across the rear of the property, following demolition of the existing kitchen extension. The proposed extension will measure 7.7m wide (extending 1.8m beyond the side elevation). It will be 3.6m deep adjacent to the attached neighbour to the east, and 5.9m deep facing onto the western boundary. The extension will have a flat roof with maximum height of 3.3m. It will be constructed of render to match the existing dwelling.

Assessment

The main considerations of this application are the design and the impact on residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Design

The proposed rear extension is considered to be of a scale and nature appropriate to the site and is considered to be an acceptable design appropriate to the locality. The extension will be partially visible from the road due to its projection beyond the side elevation, but it will be mostly obscured by the fence and gate that divides the front and rear of the plot. The use of matching facing materials will blend the development with the host dwelling and make it appear acceptable when viewed on from the street scene.

Sufficient private amenity space and parking will be retained for the occupiers of the property.

Impact on Residential Amenity

The proposed extension is located 0.1m from the boundary shared with the attached neighbour to the east. This neighbour has a conservatory extension projecting from the rear elevation of their

property, which projects a similar distance to the proposed extension. The extension will be located 1.3m from the boundary shared with the neighbour to the west.

Through amendment to the application the shape of the extension has been amended from rectangular to L-shaped, resulting in the depth of the extension on the eastern boundary being reduced from 4.6m to 3.6m, but increased on the western boundary from 4.87m to 5.93m. The amendment has reduced the impact of the development on the attached neighbour to the east, known as No. 21 Madeira Road, and the 1.3m distance from the neighbour's boundary to the west along with the modest flat roof design of 3.3m in height, is considered to make the development acceptable in terms of this neighbour too.

Further to this, the 45 degree sunlight/daylight rule contained within the Essex Design Guide has been applied to the amended plans. There is not considered to be a significant loss of light to either neighbour that would warrant the refusal of planning permission. This is further justified by the orientation of the properties, which have north facing rear gardens.

The extension does not propose any windows to either side elevation, and overall is not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

Other Considerations

No letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any 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 plan: Drawing No. 01 Revision B.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO