

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	20/08/2019
Planning Development Manager authorisation:	GW	21/8/19
Admin checks / despatch completed	ER	22/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XME	22/08/19

**Application:** 19/01076/HHPNOT **Town / Parish:** Clacton Non Parished  
**Applicant:** Mr T Jackson  
**Address:** 63 Holland Park Clacton On Sea Essex  
**Development:** Proposed single storey rear extension, 5m depth and 3m height.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

n/a

### 3. Planning History

19/01076/HHPNO	Proposed single storey rear extension, 5m depth and 3m height.	Current
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### 4. Relevant Policies / Government Guidance

n/a

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Overview**

A prior notification has been received by Tendring District Council in relation to the Town and Country planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A for the erection of a single storey rear extension at 63 Holland Park, Clacton on Sea. The extension will measure 5 metres in depth with a maximum height of 3 metres.

### **Representations**

One letter of objection has been received from the neighbour at 20 Vermont Close, Clacton on Sea concerned about the potential for excessive noise and dust pollution during the construction period. The neighbour also comments about an hours of work restriction.

### **Assessment**

As a result of the objection the impact of the proposed development on the amenity of all adjoining premises must be assessed, not just the amenity of those who submitted the objection. A site visit has been conducted.

The proposed single storey rear extension will measure a maximum of 5 metres in depth, 7 metres in width with a maximum height of 3 metres.

The properties of 18 and 20 Vermont Close lie to the rear of the application site and the back gardens of numbers 18 and 20 Vermont Close meet the end of the back garden of 63 Holland Park. The application site consists of a detached bungalow. The proposal will be used as an extension to the residential property. Due to the nature of the low level single storey extension there is not considered to be any significant impact in terms of overlooking to the neighbours at 18 and 20 Vermont Close. A 2 metre boundary fence divides the back gardens with mixed mature hedging and trees growing above this height to provide a further divide and screening.

The Essex Design Guide considers the distance between rear facing properties and recommends a minimum spacing of 25 metres between the rears of the properties. In this case, following the construction of the proposal a distance of 45 and 40 metres respectively is maintained. The Essex Design Guide goes on to say that "an intervening fence or other visual barrier of above eye-level height...should be incorporated to maintain an adequate level of privacy", which in this case is also in place.

Due to the single storey low level nature of the proposal and the separation distance between the properties either side of 63 Holland Park, they will not be significantly impacted by the proposal in terms of overlooking, loss of light and loss of privacy.

Due to the scale of the proposed development on a residential property that is currently occupied it is not necessary to impose conditions relating to building noise, dust pollution or hours of work during the course of the works.

The single storey rear extension is consistent with the provisions of the above mentioned Order and is classed as permitted development, subject to the conditions set out in Class A3 and A4.

## **6. Recommendation**

APPPA - HHPN - Prior Approval Is Given

## **7. Conditions**

1 Drawing: Location & Block Plan As Proposed

## **8. Informatives**

n/a

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