

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	02/09/2019
Planning Development Manager authorisation:	GN	3/9/19
Admin checks / despatch completed	ER	4/9/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SS	04/09/19

**Application:** 19/01051/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr & Mrs Sharp

**Address:** 4 Brockham Close Clacton On Sea Essex

**Development:** Resubmission of application 19/00574/FUL (Extension and Alteration) to amend window configuration on previously approved plans under 19/00574/FUL.

**1. Town / Parish Council**

Clacton non Parished

**2. Consultation Responses**

Not applicable

**3. Planning History**

18/00849/FUL	Erection of outbuilding with an extension to the existing garage.	Approved	31.07.2018
19/00574/FUL	Proposed one/two storey rear and single storey side extensions and alterations.	Approved	31.05.2019
19/01051/FUL	Resubmission of application 19/00574/FUL (Extension and Alteration) to amend window configuration on previously approved plans under 19/00574/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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG9 Private Amenity Space

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

SPL3 Sustainable Design

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 dwelling is sited within a small spur off Ottershaw Way, comprising four detached dwellings with the wider estate having been constructed in the early to mid-1980's. The dwelling has a north-easterly facing garden and ample separation distances exist to the adjacent neighbours. The property benefits from a large outbuilding; the result of approval 18/00849/FUL.

### **Proposal**

This application is a resubmission of an earlier approved scheme under planning reference 19/00574/FUL.

Resubmission of application 19/00574/FUL (Extension and Alteration) to amend window configuration on previously approved plans under 19/00574/FUL.

### **Background**

The decision notice on the earlier scheme contained a condition which stated that the first floor side window should be obscure glazed and non-opening with the exception of an opening top light that is a minimum of 1.7m above the finished floor level.

This application seeks to alter the approved plans to change the configuration of this window to remove this restriction imposed by this condition.

### **Assessment**

#### **Design and Appearance**

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National

Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed extension, in conjunction with the outbuilding would reduce the amenity space available to the current/future occupiers of the dwelling; notwithstanding this the Council is keen not to interfere in decisions of personal choice as to how a rear amenity space is used - whether for additional accommodation or as outdoor amenity. Although future occupiers may consider such an arrangement an unsatisfactory living environment, these cases are very limited in number and thus substantial numbers of alternatives will remain. Therefore, as the Council does not propose to include an absolute minimum garden size where extensions are proposed to dwellings erected prior to, or not in accordance with, these standards. As already indicated, other factors such as impact on neighbours, or size and scale, will provide effective limitations to prevent harm being otherwise caused. It is considered that, given the scale, siting and design of the proposed extension would not cause material harm to the character and appearance of the surrounding area.

The alterations to the window would be minor and would not result in a harmful impact to the overall character and appearance of the dwelling or area.

#### Impact on Neighbours Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

In terms of the siting and scale of the extensions proposed, they will not result in any adverse impact on the amenities of neighbouring residents in terms of having a damaging impact on the daylight or outlook of occupiers of nearby properties.

Sited to the south of the site is 2 Brockham Close which is a two storey detached property similar in appearance to the host dwelling. There are currently no side windows at first floor which overlook into this neighbouring dwelling private amenity space. The alterations to the first floor side window will result in clear views being achieved of the neighbouring properties garden resulting in a significant loss of privacy to this neighbour. The resubmission of this application to seek the removal of condition 02 of planning permission 19/00574/FUL is therefore considered to not be appropriate and would fail the aforementioned policies.

#### Highway Issues

The resultant development would increase the number of bedrooms at the property from 3 to 4. The Council's adopted Vehicle Parking Standards require that the development provides two off-street spaces; these spaces can easily be achieved on the existing driveway.

#### Other Considerations

Clacton is non parished and therefore no comments are required.  
No letters of representation have been received.

#### Conclusion

The proposed development would result in a significant loss of privacy to the neighbouring property and would be contrary to the aforementioned national and local policies.

## **6. Recommendation**

## **7. Reason for Refusal**

- 1 The National Planning Policy Framework states planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL11 states development will only be permitted where it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Draft Policy SPL3 states that buildings and structures should be designed and orientated to ensure adequate daylight, outlook and privacy is retained for future and existing residents.

To the South of the site is 2 Brockham Close, the alterations to the window will be located on the gable end at first floor level which will look directly over the rear amenity space of this neighbouring dwelling. There are currently no side windows at first floor which overlook this neighbouring site and the alterations to the window will only be sited 4m from the neighbouring boundary which would exacerbate the harm to the neighbouring privacy. In this respect the development has a significant detrimental impact upon the neighbour's privacy levels contrary to the aims and aspirations of the above-mentioned national and local planning policies.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.