

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	16/09/2019
Planning Development Manager authorisation:	TF	18/09/2019
Admin checks / despatch completed	AP	18/9/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XNL	18/09/19

Application: 19/01033/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr Scott Taylor

Address: 3 Barbara Ville Clacton Road Weeley Heath

Development: Variation of condition 2 of approved application 15/01597/FUL to change design to roof and rear wall, add utility room and side bin store, and extend lobby area.

1. Town / Parish Council

Weeley Parish Council Weeley Parish Council has no comment to make on this application

2. Consultation Responses

n/a

3. Planning History

07/00604/FUL	Two storey extension and front porch.	Withdrawn	11.10.2007
10/01366/FUL	Erection of single storey front/side extension and part single story/part two storey rear extension.	Refused	28.01.2011
09/60211/HOUEN Q	Ground floor single storey kitchen extension at the rear of the building constructed with a pitched roof		18.06.2009
15/01597/FUL	Part single storey and part two storey rear extension.	Approved	09.12.2015
19/01033/FUL	Variation of condition 2 of approved application 15/01597/FUL to change design to roof and rear wall, add utility room and side bin store, and extend lobby area.	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
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 and single storey rear extension, a side extension to be used as a bin store and extension of the front lobby. A front porch will also be added. This application follows an already approved application for a similar proposal with reference 15/01597/FUL. The end terraced house of 3 Barbara Ville sits outside of any settlement development boundary in the village of Weeley Heath.

Design and Appearance

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy specific criteria which seeks to protect the rural character of the countryside. 3 Barbara Ville is one of many residential properties along the south west side of Clacton Road in Weeley Heath which face onto open agricultural fields to the north east. The two storey and single storey extensions are situated at the rear of the property and will only be glimpsed between properties. The side extension and the front porch are considered minor additions to the property. The proposal meets the criteria set out in HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

The proposed materials will match and will be in keeping with the existing alterations that are in progress at 3 Barbara Ville. Cedar boarding will finish the external surfaces, while plain tiles will match the existing single storey extension roof and slate will finish the two storey element.

Neighbouring properties close by have been previously extended at the rear with similar two storey and single storey rear 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 which in this case has been met.

There will be no significant impact to the neighbouring properties of 1 Laurel Cottages and 2 Barbara Ville in terms of loss of light, loss of privacy or overlooking. The proposed North West side facing first floor stairwell/landing window will be obscured glazed and secured by condition as in the previously approved planning application of 15/01597/FUL.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a three bedroomed property. The construction of the proposal would reduce the private amenity space to 75 square metres. Although the standard is not met, in view of the shape of the garden, it remains a very usable space. On balance the reduction in private amenity space below the required minimum is acceptable in this case and does not have a significantly harmful impact.

There will be no change to the existing off road parking arrangements.

Other Considerations

Weeley Parish Council has no comment to make on the application.

No further 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: Proposed First Floor Plan 1:50, Proposed Ground Floor Plan Scale 1:100 and Proposed Elevations 1:100 with first floor element annotated.

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 2015 (or any Order revoking and re-enacting that Order with or without modification), the new first floor window in the north-west side elevation shall be non-opening and 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