

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	23/09/2019
Planning Development Manager authorisation:	TF	24/09/2019
Admin checks / despatch completed	<del>ER</del> ER	<del>23/09/2019</del> 24/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	24/09/2019.

**Application:** 19/01138/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** L Lester & Todd Baker

**Address:** 9 Longfields St Osyth Clacton On Sea

**Development:** Proposed single storey rear extension, and extension and conversion of existing garage to form annex.

**1. Town / Parish Council**

St Osyth Parish Council      No Comments Received

**2. Consultation Responses**

Not applicable

**3. Planning History**

03/00811/FUL	Garage conversion with new pitch roof and side extension to form garage	Approved	17.06.2003
08/00789/FUL	Single storey front extension.	Approved	10.07.2008
19/01138/FUL	Proposed single storey rear extension, and extension and conversion of existing garage to form annex.	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  
 TR1A Development Affecting Highways  
 TR7 Vehicle Parking at New Development

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

Local Planning Guidance

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 application site comprises of a west facing two storey semi detached dwelling. The dwelling is set back from the highway with an open frontage and adjacent garage. Sited to the rear is an existing conservatory and adequately sized rear garden

### **Proposal**

This application seeks planning permission for the conversion of the existing garage to form an annex and the erection of a single storey rear extension.

### **Assessment**

#### **Design and appearance**

The area comprises of predominantly two storey semi-detached dwellings with side and rear elevations constructed from brick and front elevations varying in render and boarding in a variety of colours.

The proposal will be sited to the side and rear and therefore publicly visible. The proposal is of a single storey design which will not over dominate the existing house and will be set back sufficiently from the front boundary which will prevent it from appearing as a harmful feature within the streetscene.

The proposal is of a size and design which is appropriate to the main dwelling and will be finished in brick which will match parts of the main house. Whilst the house is predominantly rendered it is considered the use of brickwork in the extension to match parts of the existing house is considered appropriate.

Saved Policy HG9 of the Adopted Local Plan 2007 states that where a dwelling comprises of 3 or more bedrooms that a private amenity space of 100m<sup>2</sup> should be retained. The current private amenity space to the rear measures 63m<sup>2</sup> which does not currently meet these standards. Upon completion of the proposal the private amenity space will reduce to 48m<sup>2</sup>. As the existing dwelling already had a private amenity space under the requirements of saved policy HG9 and as 48m<sup>2</sup> still represents a usable area It is considered that the failure to comply with saved policy HG9 would not be so significant to reduce planning permission in this instance.

As a result of the aforementioned reasons it is considered that the proposal would not result in a detrimental harmful impact to the appearance and character of the existing dwelling and area.

#### Impact on Neighbour

The proposal will be sited along the southern boundary shared with the neighbouring property to the south which is a two storey semi-detached dwelling with garage sited along its boundary. This neighbour is positioned 2.4m away from the neighbouring boundary. The proposal will be visible to this neighbour however as a result of partial screening by way of the existing garage sited along the boundary and this neighbours distance to the boundary of the site any views will be minimal. The proposal would therefore not result in a harmful impact to the residential amenities of this neighbour.

The proposal will be visible to the adjoining neighbour to the north as it will be constructed along the boundary.

There are no windows positioned along the side elevation facing this northern elevation which will result in a loss of privacy to this neighbour.

The proposal will result in a loss of light to this neighbour and therefore the sunlight/ daylight calculations have been applied to the proposal. The 45 degree line in plan would encompass the neighbours window however in elevation would only intercept the lower section of this window. The loss of light is therefore not so significant as to warrant a reason to refuse the application on. The proposal will be visible to this neighbour to the north due to its close proximity to the neighbouring boundary. The proposal will be a single storey design with a low eaves height of 2.5m and will be predominantly screened by the existing boundary fence. The loss of outlook in this case is therefore considered not so significant as to warrant refusal of the application.

Furthermore, it is also noted that whilst the proposal will have an impact on this neighbour to the north which has been justified above this neighbour has also received planning permission for the erection of a single storey rear extension under planning permission number 17/01362/FUL. Should the neighbouring occupants decide to pursue their planning approval both enlargements would be the same depth and the proposal would not result in any material harm to this neighbour.

#### Highway Safety

The Essex County Council Parking Standards state that where a property comprises of two or more bedrooms that two parking spaces should be retained measuring 5.5m by 2.9m per space. Whilst the proposal will result in the loss of parking to the site due to the loss of the garage the house is sufficiently set back from the highway with a large space to the front which will provide sufficient room for the parking of at least two vehicles in line with the aforementioned standards. The proposal will therefore not result in a harmful impact in terms of highway safety.

#### Other Considerations

St Osyth Parish Council have not commented on the application  
No further letters of representation have been received

#### Conclusion

In the absence of any material harm resulting from the proposed development the application is recommended for approval.

## 6. Recommendation

**7. Conditions / Reasons for Refusal**

- 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: P01.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 9 Longfields, St Osyth, Clacton On Sea, Essex, CO16 8QN

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling.

**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.