

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	26/09/2019
Planning Development Manager authorisation:	TF	26/09/2019
Admin checks / despatch completed	SB	27/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	GJ	27/9/19

**Application:** 19/01120/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs S Chisnall

**Address:** 296 Holland Road Clacton On Sea Essex

**Development** Proposed alterations and additions to house and vehicular crossing.

### 1. Town / Parish Council

Clacton Non Parished

### 2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is for no. 296 to extend the existing vehicle crossing to the property and the proposal will retain adequate room and provision for off street parking, for the existing dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following measures:

1. The revised vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the drop kerb access at its junction with the highway shall not exceed 4.5 metres (5 low kerbs) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/ verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

Note: Based on the current vehicle crossing criteria the maximum length of low kerbs you may have is 5 low kerbs for a single crossing which is 4.5 metres. The standard width is 4 low kerbs which is 3.6 metres.

2. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1

4. All off street car parking shall be in precise accord with the details contained within the current Parking Standards.  
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.  
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the work, the road footways/paths, covers, gratings, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority."

Informative 2: Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

### 3. Planning History

03/02092/TPO	Removal of Conifer tree (TPO 97/5)	Refused	12.12.2003
19/01120/FUL	Proposed alterations and additions to house and vehicular crossing.	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  
HG14 Side Isolation  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development

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 south of Holland Road, inside the development boundary of Clacton on Sea. It serves a detached two storey dwelling constructed of brick and render with a tile roof. The site has a large frontage to allow for parking of at least 2 no. cars; it also includes a low front rockery/boundary wall adjacent to the highway. The rear of the site has a detached garage, accessed via the east side of the dwelling. The large rear garden is predominantly laid to lawn with close boarded fencing on the boundaries.

### **Proposal**

The application proposes a two storey rear extension with associated alterations and the inclusion of a new vehicular crossing. The proposed hipped roof extension will measure 5.7m deep by 7.6m wide, with an eaves height of 6.4m and ridge height of 9m. It will be constructed of brick, render and roof tiles to match the existing dwelling.

### **Assessment**

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

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.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents.

Policy TR1a states that proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. Policy TR7 states that the adopted car parking standards will be applied.

### Design

The proposed extension is considered to be of a scale and nature appropriate to the site and the surrounding area. Whilst the extension is a relatively large addition, the site has an extensive rear garden and is considered large enough to accommodate the development without it appearing cramped within the plot. The eaves and ridge height will match the main dwelling, and the use of matching materials and a matching string course between the brick and render are all factors that will allow the development to blend acceptably with the host dwelling.

There will be some views of the extension from the road due to the separation between the host dwelling and neighbouring properties. Notwithstanding this, the good design and location of development to the rear of the dwelling result in a development that will not have an adverse impact upon the street scene.

### Impact on Residential Amenity

The proposed extension will be located over 2.5m from the neighbour to the west and 4.5m from the neighbour to the east, with the detached garage also abutting the eastern boundary.

The east side elevation does not propose any windows at first floor level facing No. 298 Holland Road. The first floor rear opening is served by a Juliet balcony that will not allow any area of stepping out that would cause concern regarding loss of privacy or overlooking. The west side elevation proposes 2 no. windows at first floor to serve the master bedroom. These are shown to be top hung fan light windows with the lower section fixed shut. However, to safeguard against direct overlooking into the neighbours rear garden a condition is imposed to ensure that the window furthest right on the west side elevation is obscure glazed and retained as such. Subject to compliance with this condition the development is not considered to cause any adverse impact on the privacy currently enjoyed by neighbouring property.

The 45 degree sunlight/daylight rule contained within the Essex Design Guide has been applied to this development. Due to the distance of the extension from the boundaries and as the rear gardens of the application site and neighbours are south facing the development is not considered to result in any significant loss of light that would warrant the refusal of planning permission.

Overall, the development is not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

### Highway Safety

Essex County Council Highways have been consulted on the application and have confirmed that in relation to extending the existing vehicle crossing to the property the proposal will retain adequate room and provision for off street parking. Therefore, the impact of the proposal is considered acceptable to the Highway Authority subject to conditions relating to the width of the access, no surface water discharge, no unbound materials within 6m and parking in accordance

with Parking Standards. The development is not considered to have any adverse impact on highway safety and is considered acceptable in this regard.

#### 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. 2.

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 first floor window on the west side elevation closest to the new rear wall of the extension shall be 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.

- 4 The revised vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the drop kerb access at its junction with the highway shall not exceed 4.5 metres (5 low kerbs) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 5 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

## 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.

### Highways Informatives

Informative 1: In relation to condition 4 above, based on the current vehicle crossing criteria the maximum length of low kerbs you may have is 5 low kerbs for a single crossing which is 4.5 metres. The standard width is 4 low kerbs which is 3.6 metres.

Informative 2: On the completion of the work, the road footways/paths, covers, gratings, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

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