

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	04/10/2019
Planning Development Manager authorisation:	TF	07/10/2019
Admin checks / despatch completed	SB	07/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	7/10/19

**Application:** 19/01206/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs C Wright

**Address:** 4A Holland Park Clacton On Sea Essex

**Development:** Proposed side extension over existing garage.

### 1. Town / Parish Council

N/A

### 2. Consultation Responses

Tree & Landscape Officer On the northern boundary of the application site there are two Oak trees that are afforded formal legal protection by a Tendring District Council Tree Preservation Order.

In order to show that the development proposal can be implemented without causing harm to the protected trees the applicant has submitted a tree report and survey. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations

In normal circumstance the tree report would not be considered sufficient or accurate as it is dated 2012 and therefore out of date. It was originally submitted to the Council with an earlier planning applicant relating to the construction of a dwelling within the curtilage of 4 Holland Park. (4A Holland Park)

However, since the construction of 4A Holland Park the condition of one of the trees has deteriorated to a point where it is no longer viable. Taking this into account and as the plan provided shows the root protection areas of the trees the information provided is considered sufficient to show that the retained trees will not be adversely affected by the development proposal.

As the development proposal relates to a first floor extension over an existing part of the dwelling there will be no need to secure new soft landscaping of the site.



### 3. Planning History

07/01388/FUL	Proposed dwelling.	Approved	23.10.2007
10/01211/FUL	Proposed dwelling (Extension of time on previously approved 07/01388/FUL).	Approved	14.12.2010
19/01206/FUL	Proposed side extension over existing garage.	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

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 (including Site Description and Proposal)**

### Application site

The application site is located within the development boundary of Clacton on Sea. It serves a detached two storey dwelling constructed of brick and render with a tiled roof. The front of the site is gravel for parking with a garage to one side. The rear has a decked area but is mainly laid to lawn with close boarding fencing on the boundaries.

### Proposal

This application seeks planning permission for a first floor side extension over the existing garage. The first storey side extension proposal will measure a maximum depth of 7m, 4.2m wide, and will have a mansard roof with a maximum height of 6.6m from ground floor level matching the existing host dwellings ridge height.

The proposed materials throughout the development will consist of render, with a tiled roof.

### Assessment

The main considerations of this application are the design and the impact upon residential amenity.

### Policy Considerations

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.

### Design and Appearance

The proposal is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling. The proposal will be visible from Holland Park. Although the development will be publicly visible it will not have any impact upon the street scene as the host dwelling is set back from the highway by 11m, and the character of the street scene is varied and therefore the proposal will not impact surrounding area.

The design of the development overall is considered to be acceptable.

### Impact on Residential Amenity

The first storey side extension will not be viewable by 6 Holland Park as the host dwelling will screen the extension. The proposal will result in a loss of light and outlook to the neighbouring dwelling of 4 Holland Park which has a door and window to the side. However, the existing garage already impacts this and there is a secondary window and door to the rear which will not be affected by the proposal. Therefore, it is considered that the loss of light in this instance is not so significant to refuse planning permission upon.

### Impact to Protected Trees

The Tendring District Council Tree and Landscaping officer have been consulted as there are two protected trees to the rear of the site. He has noted that the tree report submitted is out of date, however as one of the protected trees is now deteriorated to a point where it is no longer viable, and that the root protection areas shown on the plan, it has been shown that the proposal would



not affect the protected trees. Due to the proposal being a first floor extension over an existing part of the dwelling there will be no need for any further details to be submitted regarding soft landscaping. Therefore, the Tree Officer has no objection to this application.

Other Considerations

No letters of representation were 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 / 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: Drawing numbers PLOO, PLO1, PLO2 and 2941-D.

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

**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.

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