

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	16/10/2019
Planning Development Manager authorisation:	TF	16/10/2019
Admin checks / despatch completed	CC	16/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EAR	16/10/19

Application: 19/01238/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr & Mrs Eddy

Address: 21 Fieldgate Dock Brightlingsea Colchester

Development: Proposed two storey and single storey rear extensions to form additional living space.

1. Town / Parish Council

Brightlingsea Town Council Supports application

2. Consultation Responses

Essex County Council Heritage The application is for two storey and single storey rear extensions to form additional living space.

The above concerns 21 Fieldgate Dock; the building and its curtilage adjoins the Brightlingsea Conservation Area and therefore forms part of its immediate setting.

Whilst I have no objection in principle to extending 21 Fieldgate Dock, the proposal, featuring a poorly designed blind wall, part-brick and gabled, part-weatherboarded, is considered out of keeping with new design in historic context principles; the weatherboarded element in particular, incorporating a coped parapet and located along the boundary of the plot, could be assumed to form a boundary wall were it not for the timber cladding which renders the ensemble confusing. The cladding is also not a functional or structural element of the proposal; with the structure being of modern construction, the weatherboarding is merely an ornamental/sham element, at odds with the honesty principle applied in conservation practice. The large mass of the weatherboarded, unfenestrated wall is not considered to be a positive contribution to the Conservation Area; as this element will feature prominently within views of the Conservation Area, it is considered to lower the perceived architectural quality of the designated heritage asset.

For the above, the proposed scheme is seen to cause "less than substantial" harm to the significance of a designated heritage asset and paragraph 196 of the NPPF is relevant.

3. Planning History

01/00855/OUT Proposed residential development Approved 20.09.2001

comprising 11 x 2 bedroom flats
and 8 x 2 and 3 bedroom houses

92/01309/OUT	(Oyster Tank Road, Brightlingsea) Residential development - Renewal of consent TEN/1562/89and TEN/0876/90	Withdrawn	11.10.1994
02/01831/FUL	Residential development comprising 11 two bedroom flats and 8 two and three bedroom houses.	Approved	16.01.2003
19/01238/FUL	Proposed two storey and single storey rear extensions to form additional living space.	Current	

4. Relevant Policies / Government Guidance

National Planning Practice Guidance
NPPF National Planning Policy Framework February 2019

Tendring District Local Plan 2007
QL3 Minimising and Managing Flood Risk
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
EN17 Conservation Areas
EN23 Development within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
PPL1 Development and Flood Risk
PPL8 Conservation Areas
PPL9 Listed Buildings

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

Proposal

This application seeks permission for a single storey and two storey rear extension to an end of terrace house located within the settlement development boundary of Brightlingsea. Due to the position of the property near the coast, it is also located within Flood Zones 2 and 3.

Design and Appearance

Due to the position of the proposal at the rear of the property, there will be no significant impact to the street scene as the extensions will only be visible from the private parking area accessed via Oyster Tank Road, with only the ridge visible from the south eastern side of the adjacent Sail Loft. The proposed rear ground floor and first floor extensions will use materials that match the existing property, namely red brickwork, slate roofing and weatherboarding, with painted timber windows and doors. The symmetrical design when viewed from the rear along with the use of matching materials helps the proposal assimilate with its surroundings.

The design and scale of the proposal is acceptable and 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. In this case a distance of 1.3 metres has been maintained between the first floor extension and the north western side boundary shared with 19 Fieldgate Dock. A distance of less than 1 metre has been maintained to the south eastern side boundary, however this side boundary is shared with the unlisted corrugated metal section of the Sail Loft and therefore there is no significant impact in this regard.

There is no significant impact in terms of loss of light, privacy or outlook to any neighbouring properties. The proposed single storey rear extension with windows and doors on the rear elevation only, abuts the north western side boundary where a single storey extension already exists at 19 Fieldgate Dock. A parapet wall on each side of the single storey rear extension will aid maintenance and prevent any guttering from overhanging the side shared boundaries. The two storey proposal has windows to the rear only and therefore there will be no increased risk of overlooking or loss of privacy in this respect. The separation distance of 1.3 metres between the neighbouring property of 19 Fieldgate Dock and the two storey proposal ensures that there is no significant loss of light to this neighbour.

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 property with three or more bedrooms. Following the construction of the proposal 65 square metres of private amenity space will remain. Although the standard is not met, in view of the shape of the garden it remains a usable space, along with the recently refurbished raised seating area in front of the property and the close proximity to the sea front. 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.

The proposal does not impact on the existing provision of off road car parking in the form of a single garage and driveway.

Heritage

Essex County Council Place Services were consulted as part of the application due to the position of the application site in close proximity to the 'Sail Loft', a listed building, and its siting adjacent to the Brightlingsea Conservation Area.

The main concerns highlighted in the response from Place Services was the 'poorly designed' section of the proposal adjacent to the Conservation Area on the south eastern side which incorporated a parapet wall at first floor level finished in weatherboarding. Place Services referred to the 'large mass of weatherboarded, unfenestrated wall' which *'is not considered to be a positive contribution to the Conservation Area'*.

Following discussion with the applicant an amended scheme was put forward which has overcome the concerns of Place Services in terms of the design and materials used on the proposal when considered in this sensitive location.

Flood Risk

21 Fieldgate Dock is located in Flood Zones 2 and 3 (high risk). A flood risk assessment has been submitted with the application. When the property was constructed in the early 2000's the risk of flooding was a design factor and therefore the property already benefits from being elevated by approximately 1.5 metres above the level of the highway. The garage is at a lower level and in the event of a flood the water will enter the garage first. The Flood Risk Assessment confirms that that the floor levels within the proposed development will be set no lower than existing levels and the construction of the proposal will incorporate mitigation measures. Electrical plugs and sockets will be positioned at a higher level. This is in line with Environment Agency advice.

Other Considerations

Brightlingsea Town Council supports the application.

Two other letters of support have been received.

Conclusion

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: Dwg No. P01c.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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