

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	16/10/2019
Planning Development Manager authorisation:	TF	17/10/2019
Admin checks / despatch completed	CC	17/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	17/10/19

Application: 19/01015/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mrs Abbigail Murphy

Address: 27 Cotswold Road Clacton On Sea Essex

Development: Proposed tree deck with swings and slide.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

04/00581/OUT	Erection of 2 bedroom house in garden of no. 27 Cotswold Road	Approved	18.05.2004
04/01651/DETAIL	Erection of 2 bedroom house plus attic room.	Refused	15.10.2004
05/00589/FUL	New 3 bed dwelling (outline approval 04/00581/OUT)	Approved	26.05.2005
19/01015/FUL	Proposed tree deck with swings and slide.	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 retrospective planning permission for a tree deck with swings and slide in the rear garden of a terraced house located within the settlement development boundary of Clacton on Sea. The original proposal has been amended during the course of the planning application to include enclosure of the tree deck to form a raised tree house in the interests of neighbouring amenities.

Design and Appearance

The current structure is located at the north eastern end of the rear garden which backs onto an industrial site but in a location where the back gardens of the houses in Berkeley Road are in close proximity. The current position of the tree deck encompasses the trunk of the existing mature Willow tree and the overhang of the Willow branches provides some screening and obscurity of the deck. The enclosure of the tree deck with timber and a shallow sloping roof, finished in a 'Harvest Gold' colour will ensure that the tree house appears as a wooden garden building which would not look out of place in this location. The height of the tree house is higher than a traditional garden building however, given its minimal floor area and low level design of the sloping roof there will be no significant impact in terms of visual amenity. The tree house would not be visible from either Cotswold Road or Berkeley Road ensuring that there would be no significant impact on the street scene.

Impact upon Residential Amenity

The design of the tree house, due to its height and risk of overlooking and loss of privacy to neighbouring properties is important. The tree house is enclosed with timber cladding on the north west side facing the rear gardens of Berkeley Road, to the north east facing the industrial site to the rear and to the south east facing the rear gardens of Cotswold Road. There are no openings on these three sides. The elevation facing the house, the south western elevation has openings that allow for access from the ladder going into the tree house and for exit down the slide. The sloping roof has an obscure roof light to allow light into the enclosed tree house. The openings at the front of the tree house could result in a degree of overlooking to neighbouring gardens, however not to a level which can be considered unacceptable. It is considered that the proposal has no significant impact in terms of overlooking, loss of privacy or outlook.

Other Considerations

No representations 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 carried out in accordance with the following approved plans: Floor Plan and Front Elevation shown on Amendment 1 - 26/09/2019 and Elevations shown on Amendment 2 - 07/10/2019.

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

- 2 The enclosure of the hereby approved tree deck with swings and slide shown on drawings of the Floor Plan and Front Elevation on Amendment 1 - 26/09/2019 and Elevations shown on Amendment 2 must be provided within 3 months of the date of this decision, maintained and retained in perpetuity.

Reason - In order to protect neighbouring amenities.

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