

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	11/11/2019
Planning Development Manager authorisation:	TF	11/11/2019
Admin checks / despatch completed	CC	11/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	11/11/19

Application: 19/01389/LUPROP **Town / Parish:** Brightlingsea Town Council

Applicant: Mr & Mrs Williams

Address: 2 Tudor Close Brightlingsea Colchester

Development: Proposed single storey rear flat roof extension.

1. Town / Parish Council

Brightlingsea Town
Council

2. Consultation Responses

N/A

3. Planning History

19/01389/LUPRO Proposed single storey rear flat Current
P roof extension.

4. Relevant Policies / Government Guidance

N/A

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 2 Tudor Close, Brightlingsea. The detached dwelling is south east facing. The main property is finished in brick and render with a tiled roof.

Description of Proposal

This application seeks a Lawful Development Certificate for a Proposed Development, in this case a single storey flat roof rear extension. The extension will create a larger dining room.

A lawful use certificate is, 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes'.

The plans submitted with the application show the single storey rear extension.

Assessment

Main considerations are;

- Planning History
- General Permitted Development Order.

Planning History

Planning permission was granted in 1964 for outline permission for dwellinghouses, further applications were then submitted in phases. No conditions restrict the erection of extensions, and as such the property benefits from permitted development rights for extensions.

General Permitted Development Order

This application seeks a lawful development certificate for a single storey flat roof rear extension. The aim of this application is to establish whether or not this development would require planning permission. The certificate issued would state that the development is lawful and not at risk of being subject to enforcement action.

To establish whether the proposed development is permitted development, reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed extension falls to be considered under Schedule 2, Part 1, Class A of the order - 'the enlargement, improvement or other alteration of a dwellinghouse'.

Class A – the enlargement, improvement or other alteration of a dwelling house:-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
Not applicable.
- (b) the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the

curtilage (excluding the ground area of the original dwellinghouse);

The total area covered by the proposal will not exceed 50% of the total area.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
The height of the proposed extension will not exceed the height of the highest part of the roof of the existing dwelling.
- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
The height of the eaves of the proposed extension will not be higher than the eaves of the existing dwelling.
- (e) The enlarged part of the dwellinghouse would extend beyond a wall which
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
The proposed extension will not extend beyond a wall which fronts a highway.
- (f) The enlarged part of the dwellinghouse would have a single storey and
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
The proposed extension will not extend beyond the rear wall of the original detached dwellinghouse by more than 4 metres or exceed 4 metres in height.
- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
Not applicable
- (h) The enlarged part of the dwellinghouse would have more than one storey and would
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
The proposed extension will be single storey
- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
The rear extension is within 2 metres of a boundary, however the height of the proposed eaves is 2.6 metres.
- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
(i) exceed 4 metres in height,
(ii) have more than one storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or
The proposed extension will not extend beyond a wall forming a side elevation of the original dwellinghouse.

(k) It would consist of or include

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include the construction or provision of a veranda, balcony or raised platform or the installation, alteration or replacement of a microwave antenna, chimney, flue, or soil and vent pipe.

A.2 In the case of a dwellinghouse is on article 2(3) land development is also not permitted by Class if:-

- (a) It would consists of or include the cladding of any part of the exterior of the dwellinghouse with, artificial stone, pebble sash, render, timber, plastic or tiles;
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The application site is not situated on article 2(3) land.

A.3 Conditions:-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The extension will be finished in render to match existing.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. This definition is subject to the conditions set out therein, namely that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

8. Informatives

N/A