

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	11/11/2019
Planning Development Manager authorisation:	TF	11/11/2019
Admin checks / despatch completed	CC	13/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	JAE	13/11/19

**Application:** 19/01410/FUL

**Town / Parish:** Thorpe Le Soken Parish  
Council

**Applicant:** Sue McCann

**Address:** 16 Byng Crescent Thorpe Le Soken Clacton On Sea

**Development:** Proposed side extension to form new living accommodation.

### **1. Town / Parish Council**

n/a

### **2. Consultation Responses**

n/a

### **3. Planning History**

19/01024/FUL	Proposed side extension to form annex.	Refused	22.08.2019
19/01410/FUL	Proposed side extension to form new living accommodation.	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  
HG9 Private Amenity Space  
HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL3 Sustainable Design

Local Planning Guidance  
Essex County Council Car Parking Standards - Design and Good Practice

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 two storey side extension with a single storey element to the rear to an end of terrace house located within development boundary 2 of Thorpe Le Soken.

### Design and Appearance

The immediate area of Byng Crescent is made up of terraced houses on the eastern and western sides of the road. The houses are set back from the Crescent with gardens or parking in front of them. The side extension is set back from the front elevation by 1 metre, coupled with a lower ridge height than the existing house ensuring that it is a subservient addition and will not have a significant impact on the street scene. The proposal will use materials that match the existing dwelling, namely a painted render finish with concrete roof tiles and UPVC windows and doors.

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 0.30 metres exists from the proposal to the side boundary shared with 18 Byng Crescent. The semi-detached house of 18 Byng Crescent is immediately next to 16 Byng Crescent which is set at 40 degrees to number 16. Due to the siting of numbers 18 and 20 on a corner results in an increased spacing between the properties of numbers 16 and 18 ensuring the proposal does not create a cramped appearance and is considered acceptable in this instance.

Due to the siting of the proposal on the north eastern side elevation there will be no significant impact in terms of loss of light, privacy or outlook to any neighbouring properties. Openings for windows at ground and first floor are located at the front and rear of the proposal as per the openings on the existing dwelling with no new openings on the new side elevation ensuring there will be no increased risk of overlooking or loss of privacy in this respect.

At least 100 square metres of private amenity space remains following the construction of the proposal and at least two cars can park off the road in spaces that meet the current car parking standards.

Other Considerations

No letters of representation 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.

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