

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	16/11/2019
Planning Development Manager authorisation:	AN	18/11/19
Admin checks / despatch completed	CC	18.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	gn	18/11/19

Application: 19/00964/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr L Otte

Address: 209 London Road Clacton On Sea Essex

Development: Proposed new raised roof, including hipped gable ends, 3 no. pitched roof dormers, 2 no. side windows, single storey rear extension with 2 no. velux roof lights, fixed rear window and 1 no. pitched roof dormer and rebuild 3 no. walls (reinstating dwelling).

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

Not Applicable

3. Planning History

18/00820/FUL	Proposed new raised roofs, including hipped to gable ends, 3no. pitched roof dormers, and rear single storey extension with 2no. velux rooflights and Juliet balcony.	Approved	19.10.2018
18/02068/FUL	Proposed new raised roof, including hipped gable ends, 3 no. pitched roof dormers and single storey rear extension with 2 no. velux roof lights and juliet balcony.	Approved	
19/00147/FUL	Proposed new raised roof, including hipped gable ends, 3 no. pitched roof dormers and single storey rear extension with 2 no. velux roof lights and juliet balcony, removal and rebuild 3 no. walls (reinstating dwelling).	Approved	10.04.2019

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

HG14 Side Isolation

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any

fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to 209 London Road, Clacton which is located within the development boundary of Clacton. The site is located within a residential area comprising of mainly detached and semi-detached dwellings. To the north of the application site is a Grade II Listed Public House.

Planning permission was granted under planning reference 18/00820/FUL and 19/00147/FUL for the proposed new raised roofs, including hip to gable ends, 3 no. pitched roof dormers, and a single storey extension with 2no. velux roof lights and Juliet balcony.

When the site visit was undertaken, works had already commenced. Works have been carried out not in accordance with the approved plans. Planning enforcement are aware of this and this does not prevent consideration of the current proposal.

Proposal

The proposed raised roof, 3.no pitched roof dormers, rear extension with velux lights, 1 no. pitched roof dormer and the rebuild of 3 walls have been approved under planning reference 19/00147/FUL.

This application seeks planning permission for the introduction of two northern first floor side windows serving the master bedroom and to replace the Juliet balcony located to the rear with a fixed rear window.

Assessment

The main considerations for this application are the principle of development, design and appearance, impact upon neighbouring amenities, impact upon the setting of a listed building and parking provision.

Principle of Development

The principle of development has been established under planning application reference 19/00147/FUL.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed two windows to the northern side elevation of the dwelling will not be visible from the streetscene due to the existing vegetation and therefore it is considered that the proposal will not cause any impact upon London Road. The windows will be constructed from white UPVC which will match the approved plans under planning reference 19/00147/FUL.

The proposed replacement of the Juliet balcony with a fixed rear window will be located to the rear of the dwelling and as a result it will not cause any impact upon London Road. Due to the minor nature of the change, the proposal is considered to be acceptable in terms of design and appearance.

Impact upon neighbouring amenities

The proposed windows are to the northern side elevation of the dwelling and therefore will only be visible to the neighbouring Grade II Listed public house. However, as there is existing vegetation which runs along the neighbouring boundary as well as any views from the windows being onto the rear of the Public House car park, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

The fixed window will have views further to the rear of the neighbouring garden, this is considered to be a slight improvement to amenities as views are more likely to be away from the area's most likely to be occupied. A condition will be imposed to ensure that the window is retained as a fixed window to reduce any impact of overlooking onto neighbouring properties.

Impact upon the setting of a Listed Building

Policy EN23 of the adopted Tendring District Local Plan (2007) seeks to ensure that any proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that the proposals for new developments affecting a listed building or setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric: are explained and justified through an informed assessment and understanding of the significant of the heritage asset and its setting; and are of a scale, design and use materials and finishes that respect the listed building and its setting.

The development borders the northern boundary of the public house which is a Grade II listed building. However, due to the existing vegetation and the views will be towards the rear car park, it is considered that the proposal will not cause any harm to the neighbouring listed building.

Other considerations

Clacton is non parished.

1 letter of objection has been received which has raised the following concerns;

- Loss of privacy and overlooking from number 203 London Road. The proposed changes would create a greater loss of privacy as our rear garden would be even more overlooking. This change continues to lend the possibility of a walk on balcony being created in the future, by the way of simply changing the window to a door, which would cause a disastrous loss of privacy to us as our entire garden would be directly overlooked.

In response to the above concern, this has been addressed within the report.

- Human Rights Act in particular Protocol 1, Article 1 which that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property.

In response to the above concern, the impact upon neighbouring amenities has been addressed in the report above.

- Overshadowing and loss of light

This application relates purely for the introduction of two windows to the northern elevation and the proposed change from a Juliet balcony to a fixed rear window. It is therefore considered that the proposed changes will not cause any overshadowing or loss of light to neighbouring amenities.

- Detrimental impact upon neighbouring amenities

The above concern has been addressed within the report.

- Adverse effect on the setting of a Listed Building

The above concern has been addressed within the report.

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 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the master bedroom on the western elevation shown on Drawing No.01 Revision J, shall be fixed shut upon installation and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No.01 Revision J.

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.

Plans

This permission has been given based on the plans provided. However, it is noted that a planning application will need to be submitted for the other unauthorised works that have been undertaken that are not reflected on the plan that has been approved with this application.

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