

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	09/12/2019
Planning Development Manager authorisation:	TF	10/12/2019
Admin checks / despatch completed	CC	10/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	En	10/11/19

Application: 19/01544/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Brian Garrity

Address: 29 Eastern Promenade St Osyth Clacton On Sea

Development: Proposed first floor extension and solar panels.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

n/a

3. Planning History

92/00511/FUL	Demolish existing bungalow and rebuild new dwelling for domestic use	Refused	22.09.1992
02/01716/FUL	Demolition of bungalow and erection of a new building.	Refused	13.01.2003
03/01521/FUL	1 x three bedroom bungalow	Approved	27.05.2004
05/01386/FUL	Verandah to allow disabled wheelchair access from bungalow which was built above the flood line.	Approved	21.11.2005
05/01471/FUL	Underground calor gas tank for heating bungalow	Approved	13.10.2005
19/01544/FUL	Proposed first floor extension and solar panels.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

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
- HG12 Extension to or Replacement of Dwellings outside Settlement Development Boundaries
- HG14 Side Isolation
- EN3 Coastal Protection Belt

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 first floor extension to a detached bungalow located in St Osyth which also lies within the Coastal Protection Belt and Flood Zones 2 and 3.

Design and Appearance

The alterations to the detached bungalow increase the ridge height by 1.9 metres and change the form of the roof from a pitched roof to a mansard roof which will be publically visible from Eastern Promenade and from the footpath and beach which runs along the south western site boundary. The mansard roof is a dominant feature in the immediate area and although the traditional form of the detached bungalow is preferable there is a precedent in the area that allows for the acceptability of the mansard roof. The property at number 30 was extended circa. 2006 and a mansard roof was created here in order to construct a first floor.

The appearance of the property will be totally transformed in structure and in appearance by the use of new materials, namely white render at ground floor level with red roof tiles and HardiePlank on the first floor gable ends. The property will hold the same footprint as the bungalow and

although bulk has been created at first floor, its siting back from Eastern Promenade and back from the sea front footpath ensure that it will not have a significant overbearing effect on the street scene or footpath.

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 1.30 metres has been maintained between 29 Eastern Promenade and the south eastern side boundary shared with 28 Eastern Promenade. A distance of 0.92 metres to the north western side boundary shared with 30 Eastern Promenade exists which although does not meet the policy criteria does not warrant refusal given the distance of 2.42 metres from the proposal to the property of number 30.

There is no significant impact in terms of loss of light, privacy or outlook to any neighbouring properties. The balcony at the rear is enclosed on both sides which prevents direct overlooking to the neighbouring properties. The side facing windows at first floor serve an en-suite and the stairwell ensuring there will be no significant impact in terms of overlooking or loss of privacy.

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. The existing bungalow has three bedrooms and the proposal will provide four bedrooms. The garden is already undersize at approximately 91 square metres and the proposal will not change this. The private amenity space below the required minimum is acceptable in this case and does not have a significantly harmful impact.

The provision for off road car parking is not affected by the proposal.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt due to its position in an already residential area. The proposal does not increase the existing footprint of the building; the proposal creates a two storey house which is accommodated on the application site without any significant impact to the coastal views surrounding the property and open character of the local landscape.

Flood Risk

29 Eastern Promenade is located in Flood Zones 2 and 3 (high risk). A flood risk assessment has been submitted with the application. The proposed ground floor plan is the same as existing albeit including a stairway to the first floor. The first floor accommodates two bedrooms and an en-suite and a balcony which would provide refuge in the event of a flood. The Flood Risk Assessment confirms 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

St Osyth Town Council have no objection to the application.

No other 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. P02b.

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