

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	05/12/2019
Planning Development Manager authorisation:	TF	09/12/2019
Admin checks / despatch completed	CC	10/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	10/12/19.

**Application:** 19/01526/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr and Mrs Wood

**Address:** 25 Fryatt Avenue Dovercourt Harwich

**Development:** Proposed single storey rear extension.

### 1. Town / Parish Council

Harwich Town Council

No objection to this application.

### 2. Consultation Responses

N/A

### 3. Planning History

19/01526/FUL	Proposed single storey rear extension.	Current
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### 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

QL12 Planning Obligations

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Application site**

The application site is located to the south of Fryatt Avenue inside the development boundary of Harwich. It serves a two storey dwelling constructed of brick with a tiled roof. The front of the site is laid to lawn with concrete path to the front door and to the rear of the site. The rear garden is currently laid to lawn with a decked area and the boundary lines are demarcated by close boarded fencing.

### **Proposal**

This application seeks planning permission for a single storey rear extension. The proposal will measure a maximum depth of 3.9m, 6.9m wide and will have a flat roof with a maximum height of 2.8m. It will be constructed of brick to one side to match the existing dwelling and render on the other sides with a flat roof.

### **Assessment**

The main considerations of this application are the design and impact upon residential amenity.

### **Policy Considerations**

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3

of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### Design and Appearance

The proposed rear extension is considered to be of a scale and nature appropriate to the site and the surrounding area. Whilst the proposal will include materials that differ from the host dwelling, this in itself is not harmful and will clearly distinguish the extension from the main property. The development not be visible from Fryatt Avenue, therefore there is no impact to the street scene.

The proposed development is therefore considered to be in keeping with the host dwelling and is acceptable in design terms.

### Impact on Residential Amenity

The rear extension would be 0.2m from the shared boundary line with the neighbouring property 23 Fryatt Avenue, and will be 1.7m to the shared boundary line with 27 Fryatt Avenue. As the proposal is for a single storey flat roof extension, there will be no significant loss of outlook or undue overlooking to the neighbouring properties

Due to the distance to 23 Fryatt Avenue it was necessary to apply the sunlight calculations specified within the Essex Design Guide to the proposal. The 45 degree line in elevation would strike through the lower part of the neighbouring dwellings patio doors and in plan would cover said patio doors, therefore not failing the test. Due to the distance and due to an existing outbuilding to the east side there will be no impact the 27 Fryatt Avenue.

It is therefore considered that the loss of light in this instance is not so significant to refuse planning permission upon.

### Other Considerations

Harwich Town Council had no objection to the application.  
No further letters of representation have been received.

### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

## **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 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing no. WFA-01 Rev B scanned on 03/12/2019.

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.

<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