

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	17/12/2019
Planning Development Manager authorisation:	TF	18/12/19
Admin checks / despatch completed	CC	18/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RL	18/12/19

**Application:** 19/01611/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs D Matthews

**Address:** 68 Kestrel Way Clacton On Sea Essex

**Development:** Proposed alterations and additions.

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

n/a

### **2. Consultation Responses**

n/a

### **3. Planning History**

19/01611/FUL Proposed alterations and additions. 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application seeks permission for a side extension which will join the front of the garage with the existing garage proposed for additional living accommodation to a semi-detached house located within the development boundary of Clacton on Sea.

### Design and Appearance

The proposal will be publicly visible from the street scene, however it will not feature as prominent due to its single storey flat roof nature and its position set back from the adjacent neighbouring extension at number 70 which protrudes a further 1.9 metres to the front. The proposal fills the space created by the new extension at 70 Kestrel Way, the front of the garage and the side of the house. The extension will be finished in matching brick and UPVC fenestration with a flat roof which will help it to assimilate with the existing dwelling and the immediate area.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

### Impact upon Neighbouring Amenities

There will be no significant impact to the immediate neighbours due to the position of the proposal. The proposal will not have a significant impact in terms of overlooking, loss of privacy or loss of light due to its position between existing buildings.

The proposal increases the number of bedrooms in the property to three which consequently requires provision of 100 square metres of private amenity space. The proposal does not alter the space currently available as private amenity space although this only measures 93.5 square metres and therefore fails the criteria of Policy HG9. Although the standard is not met, in view of the shape of the garden, it remains a very usable space. On balance the private amenity space below the required minimum is acceptable in this case and does not have a significantly harmful impact.

The existing single garage does not meet the required standard as per the Essex County Council Parking Standards where the internal dimensions of a single garage should measure 7 metres x 3 metres, therefore the conversion of the garage will not have a significant impact on the off road parking provision. Following construction of the extension two spaces which meet the minimum parking standards where one space measures 5.5 metres x 2.9 metres remain at the property.

### 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: Drawing No. 1.

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