

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	10/01/2020
Planning Development Manager authorisation:	TF	13/01/2020
Admin checks / despatch completed	SOB	13/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	13/01/2020

**Application:** 19/01756/FUL                      **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Kane

**Address:** 3 Orchard Close Clacton On Sea Essex

**Development** Proposed new flat roof dormer.

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

Clacton Non Parished

### **2. Consultation Responses**

N/A

### **3. Planning History**

02/01177/FUL	Proposed conservatory	Approved	21.08.2002
19/01756/FUL	Proposed new flat roof dormer.	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

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Site Description**

The site is located to the south of Orchard Close, at the end of the cul de sac, inside the development boundary. It serves a detached one and a half storey dwelling with a front facing gable. The dwelling is constructed of render, brick and hanging tiles, with a tile roof, and has a single storey rear projection and roof lights on the side elevations. The dwelling is joined to a detached brick built garage to the north by a high brick wall and access gate leading to the rear garden. The front of the site is laid to lawn with a paved driveway and concrete path. The rear of the site is predominantly laid to lawn with small outbuildings and has fencing and hedgerow located on the boundaries of the site.

### **Proposal**

The application proposes a flat roof dormer on the north side elevation of the dwelling to replace the existing roof light and to enlarge the first floor bathroom. The dormer will have a width of 2.6m. The dormer cheeks and face will be clad with tiles to match the existing roof.

### **Assessment**

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

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**

The proposed dormer window is considered to be of a scale and nature appropriate to the site and the surrounding area. There are examples of other front and rear dormers in the vicinity and the development is not considered to be out of character with the area. The use of tiles to match the existing roof will blend the development with the host dwelling. Due to the orientation of the property, the position of the dormer on the side elevation of the dwelling and as a result of the significant set back of the dwelling from Orchard Close the development is not considered to have any adverse impact on the street scene. The dormer is a relatively modest incident in the roof plane that is considered to be acceptable in design terms.

### **Impact on Residential Amenity**

Due to the orientation of the property the development will look out onto other neighbouring properties to the north side and rear of the site, albeit in excess of 5m from the boundary. The window to be inserted into the dormer will serve a bathroom area and is therefore likely to be

obscure glazed. To reduce any possible impact on neighbours relating to loss of privacy and overlooking a condition is imposed to ensure that the window within the dormer is obscure glazed and retained as such at all times.

The proposed dormer is not considered to have any adverse impact on neighbours relating to sunlight/daylight and any other amenities that are currently enjoyed by neighbouring property and is considered acceptable in this regard.

Other Considerations

No 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**

- 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 Number PA.002, Drawing Number PA.005, Drawing Number PA.006 and Drawing Number PA.007,

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the dormer window on the north side elevation serving the bathroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

**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>		NO
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**Are there any third parties to be informed of the decision?  
If so, please specify:**

NO